

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 94/2001
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet. OA-94/2001Pg. 1to 2
2. Judgment/Order dtd. 14/09/2001Pg. 1to 2 Dismissal
3. Judgment & Order dtd.Received from H.C/Supreme Court
4. O.A. 94/2001Pg. 1to 22
5. E.P/M.P.NilPg.to
6. R.A/C.P.NilPg.to
7. W.S. Submitted by the Respondent Pg. 1to 6
8. Rejoinder.Pg.to
9. Reply.Pg.to
10. Any other Papers.Pg.to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendement Reply by Respondents.
15. Amendement Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWHATI BENCH ::::: GUWAHATI

ORDER SHEET
Original APPLICATION NO 94 OF 2001

Applicant (s) Panchanan Saikia Jem

Respondent(s) U.O.I Jem

Advocate for Applicant(s) G.K. Bhattacharyya, G.N. Das, N. Devi

Advocate for Respondent(s) C.A.S.

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form of a writ of Habeas Corpus.</p> <p>SG 422528</p> <p>Dated 1.3.2001</p> <p>By Registrar</p> <p>2/3/01</p>	5.3.01	<p>Present: Hon'ble Mr. Justice D.N. Choudhury, Vice-Chairman.</p> <p>Heard learned counsel for the applicant.</p> <p>Application is admitted. Call for records. Issue notice on the respondents. Returnable by 4 weeks. List on 2.4.01 for orders.</p> <p>Pendency of this application shall not stand on the way of the respondents to consider the case of the applicant.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>Four weeks time allowed to the respondents to file their written statement. List for orders on 1.5.01.</p> <p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p> <p>List on 1.6.2001 to enable the respondents to file written statement.</p> <p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p>

12.3.2001

Service of Notice
issued to the concerned
parties vide D. No. 947-951 2.4.2001
Dt. 14.3.01.

lm

No written statement
has been filed.

nkm
1.5.2001

By
30.4.01

1.6.01

List the case on 5-7-2001 for order ^{learned} on the prayer of the counsel for the respondents.

In the meantime the interim order shall continue.


Vice-Chairman

bb

04.07.01

Written statement has been filed. The applicant may file rejoinder, if any, within 2 weeks.

List on 17-07-2001 for order.


Member


Vice-Chairman

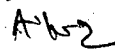
mb

17.7.01

Written statement has been filed. The case is ready as regards pleading. The case may now be listed for hearing. The applicant may file rejoinder within two weeks from today.


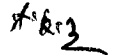
List on 30-8-2001 for hearing.

By Order


17.7.

30.8. There is no division bench today. The case is adjourned to

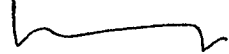
14.9.2001.


14.9.2001

30.8.

14.9.01

Heard learned counsel for the parties. The application is dismissed as not maintainable. No order as to costs.


Member

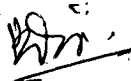

Vice-Chairman

27.9.2001

Copy of the judgment has been sent to the office for study. The same is to be appraised as well as to the L/Advocate for the respondents.


8.6.2001

W/s has been submitted by the respondents.




Order dated 1/6/01 communicated to the parties counsel. vide memo 2109 to 2110 dated 15/6/01
by mb.

Written statement has been filed.


4.7.01

No rejoinder has been filed.


13.9.01

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. 94 of 2001 . . of . .

14.9.2001
DATE OF DECISION

Sri Panchanan Sainia & 4 Ors.

APPLICANT(S)

Mr. G.K.Bhattacharyya.

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

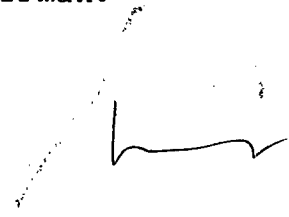
THE HON'BLE MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE MR. K.K.SHARMA, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

5.

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 94 of 2001.

Date of order : This the 14th day of September, 2001.

Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.

Hon'ble Mr. K.K.Sharma, Member (A).

Shri Panchanan Saikia,
Son of Shri Dambarudhar Saikia
Hazarpar, Tezpur Town,
P.O. Tezpur,
District - Sonitpur (Assam) & 4 Ors.

...Applicants

By Advocate Mr. G.K.Bhattacharyya.

-versus-

1. Union of India
(Represented by the Cabinet Secretary,
Department of Cabinet Affairs, Bikaner House,
Shajahan Road, New Delhi).
2. Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi.
3. Director, SSB,
Block-V (East)
R.K.Puram, New Delhi-110066.
4. Divisional Organiser, SSB,
North Assam Division,
Debendra Nagar,
Tezpur, District - Sonitpur,
(Assam).
5. Commandant,
Group Centre, SSB
Debendra Nagar,
P.O. Khalihamari
District-Sonitpur (Assam).

...Respondents

By Advocate Mr. A. Deb Roy, Senior C.G.S.C.

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

The applicants who are among the candidates selected for the post of Constable on the basis of a selection. These applicants were accordingly notified to report at the Headquarter for filling up of Police Verification Form and other formalities along with original certificates vide Memo dated 7.3.2000. Due to delay in appointment the applicants submitted an appeal on 30.12.2000

for their appointment. Failing to get appropriate remedy the applicants moved this Tribunal for a direction upon the respondents for consideration of their appointment against the vacant post.


2. The respondents filed its written statement. In the written statement the respondents neither stated anything as to the vacancy position nor cited any reason as to why they were not appointed save and except that the appointments were stopped due to instruction received from the Headquarter dated 21.12.2000. The full text of instructions are reproduced hereunder :


"For all D.Os/GCs and DIG Jammu/s/Bari/K/Sain and Khm (.) Reg Direct REctt. in Combatised cadres (.) All units to hold rectt. test against vacancies and complete required formalities but offer of apptt. may not rpt not be issued till further orders (.) This issues with approval of the Director, SSB (.) Ensure compliance(.)"

3. Mr. A. Deb Roy, learned Sr. C.G.S.C. raised an objection as to the maintainability of this application by the Tribunal and submitted that this appointment pertains to combatised group and the applicants ~~were~~ selected for appointment in a combatised cadre, therefore comes within the meaning of Armed Forces. Therefore, Tribunal has no jurisdiction.

4. In view of the objection raised by the learned Sr. C.G.S.C. as to the jurisdiction we are not inclined to ^{entertain the application} decide the matter on merit. Accordingly the application is dismissed as not maintainable. It will be open to the applicants to take appropriate remedy as per law.

There shall, however be no order as to cost.


(K.K.SHARMA)
Member (A)


(D.N.CHOWDHURY)
Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::::GUWAHATI

BENCH::GUWAHATI.

(An application under Section 19 of the Administrative
Tribunals Act,1985).

O. A. NO. 94 /2001.

Shri Panchanan Saikia & Ors.

....Applicants.

-Vs-

Union of India and others.

...Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars.</u>	<u>Page No.</u>
1.	Application ...	1 to 12
2.	Verification ...	13
3.	Annexure-I ...	14
4.	Annexure-II ...	15
5.	Annexure-III ...	16
6.	Annexure-IV ...	17
7.	Annexure-V ...	18
8.	Annexure-Vi ...	20

Filed by:-


(Advocate)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI

BENCH:::GUWAHATI.

(An application under section 19 of the Administrative Tribunals Act,1985).

Filed by
the Petitioner
Shri Panchanan Saikia
through
Xieima Devi
Advocate
2.3.2001

O.A.NO. _____/2001.

1. Shri Panchanan Saikia
son of Shri Dambarudhar Saikia
Hazrapar
Tezpur Town
P.O. Tezpur
Dist:-sonitpur (Assam).
2. Shri Pranab Nath
Son of Shri Guna Kanta Nath
Napam Bagapani
P.O. Jahamari
P.S. Thelamara
Dist:-Sonitpur (Assam).
3. Shri Bikash Borah
son of Shri Deba Dhar Borah
Sapara Chuburi
Dipota
P.O. Tezpur
Dist:-Sonitpur (Assam).
4. Shri Lila Kanta Nath
son of Late Prabhat Chandra Nath
Jengar Chuburi
Pithakhowa
Tezpur
District :-Sonitpur (Assam).

contd.....

2.

5. Shri Hridayjyoti Borah
son of Shri Mohan Borah
Dewrigaon
P.O. solal Sonari
P.S. sootea
Dist:-Sonitpur(Assam).

...Applicants.

-Versus-

1. Union of India
(Represented by the cabinet
Secretary, Department of Cabinet
Affairs, Bikaner House, Shahjahan
Road, New Delhi).
2. Secretary to the Govt. of India,
Ministry of Home Affairs, New Delhi.
3. Director, SSB,
Block-V (East)
R.K. Puram
New Delhi -110066 .
4. Divisional Organiser, SSB,
North Assam Division,
Debendra Nagar
Tezpur
Dist:-Sonitpur(Assam).
5. Commandant
Group Centre, SSB
Debendra Nagar
P.O. Khalihamari
Dist:-Sonitpur(Assam) .

... Respondents.

contd...

Butcher

1 : PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :-

1) Illegal and arbitrary action on the part of the Commandant , Group Centre, SSB, Debendra Nagar, Tezpur (Respondent No.5) in appointing 34 candidates as CT/GD (Constable) out of a select list of 47 candidates on "pick and choose" basis to the exclusion of the applicants although their names were on the said select list prepared by the Recruitment Board .

2) Circular dated 22.12.2000 issued by the Director, SSB, R.K. Puram, New Delhi (Respondent No.3) on the basis of which the Respondent No.5 was quoted to have declined to appoint the applicants although some of the candidates who figured below the applicants in the select list prepared by the Recruitment Board . (copy of the said circular is not available with the applicant and as such its copy could not be annexed).

2 : JURISDICTION OF THE TRIBUNAL:-

The applicants declare that the subject-matter of the orders is within the jurisdiction of this Tribunal .

3 : LIMITATION:-

The applicants further declare that the application is within the limitation prescribed under section 21 of the Administrative Tribunals Act, 1985.

contd...

2/10/02

4 : FACTS OF THE CASE :-

1) That the applicants were duly selected by the Recruitment Board for appointment as CT/GD (Constable) under the Respondent No. 5 although 47 candidates including the applicants were empanelled and included in the select list, only 34 candidates from the select list were appointed on 'pick and choose' basis illegally and arbitrarily ignoring the cases of the applicants. The applicants have a common interest in praying for the same relief and as such they are filing a single application as the relief, if granted to one of them will be equally applicable to all of them. The applicants crave leave of this Hon'ble Tribunal to allow them to file a single application as provided in Rule 4(5)(a) of the Central Administrative Tribunals (Procedure) Rules, 1987.

2) That the applicants are permanent residents in the areas around Tezpur Town in the district of Sonitpur. They are all educated unemployed youths coming from poor families. During the prevailing unemployment situation, the applicants opted for a career by joining the Special Service Bureau (S.S.B. in short) as CT/GD (Constable).

3) That, as directed, all the applicants appeared in an interview conducted by the duly constituted Recruitment Board held at Group Centre, H.Q., SSB, Debendra nagar, Tezpur for the post of CT/GD from 14.2.2000 to 16.2.2000. The performance of

contd...

Ranker

120
5.

the applicants in the interview was very good and all of them were selected and empanelled for appointment as CT/GD (Constable). The Respondent No.5, by his OM No. GCD/Estt-99(2)/2000/2400 dated 07.03.2000, intimated Shri Panchanan Saikia (Applicant No.1) that he had been selected by the Recruitment Board and his name had been empanelled for appointment as CT/GD. The applicant was further directed to report at Group Centre H.Q., Debendra Nagar immediately for filling up of Police Verification form and meeting other formalities .

Copy of the said O.M. dated 07.03.2000 is annexed herewith and marked as Annexure-I.

4) That S/Shri Pranab Nath, Bikash Borah and Lila Kanta Nath, applicant No. 2,3 and 4 respectively, also received similar intimations from the Respondent No.5 vide OM No. GCD/Estt-99(2)/2000/2402 dated 07.03.2000, OM No. GCD/Estt-99(2)/2000/2408 dated 07.03.2000 and OM No. GCD/Estt-99(2)/2000/2399 dated 07.03.2000 respectively whereby they were informed that they were selected by the Recruitment Board and their names were empanelled for appointment as CT/GD. They were also further directed to report to Group Centre H.Q. for taking necessary action, namely Police Verification etc.

The applicant No.5, Shri Hridayjyoti Borah also received similar intimation from the Respondent No.5 vide his O.M. of even number dated 07.03.2000 but he had misplaced the copy .

Copies of the said memoranda are annexed herewith and marked as Annexure-II, III and IV respectively.

contd...

Baikar

6.

5) That, as directed , all the applicants appeared in the Group Centre H.Q. at Debendra nagar on 13.03.2000 and filled up Police verification form and completed other formalities relating to their appointment as CT/GD .

6) That, thereafter, Special messengers deputed by the Respondent No.5 met the applicants on 21.12.2000 and 22.12.2000 asked them to report to Group Centre at Debendra Nagar on 26.12.2000 with beddings and Ration money for joining the S.S.B. as CT/GD .

7) That all the applicants, as directed, went to the Group Centre, S.S.B., at Debendra Nagar on 26.12.2000 with beddings and Ration Money .The applicants were initially not allowed to enter into the premises of the Group Centre for which all of them were stranded on the Road infront of the Group Centre. After about 5 hours, they were allowed to enter into the premises when one Officer of the S.S.B. came out and told them that they would not be appointed on the basis of a circular dated 22.12.2000 issued by the Director, S.S.B., R.K. Puram, New Delhi (Respondent No.3) .

8) That, the applicants beg to state and submit that the Divisional Organiser, S.S.B., North Assam Division, Debendra Nagar, had accorded his approval for appointment of the applicants by his O.M. dated 15.12.2000 addressed to the Respondent No.5. But inspite of such approval, the Respondent No.5 declined to appoint the applicants

contd...

Laibor

in terms of Circular dated 22.12.2000 giving retrospective effect as the selection of the applicants was finalised and most of the candidates appointed before receipt of the circular dated 22.12.2000 .

(Applicants do not have a copy of the said OM dated 15.12.2000 and as such it could not be annexed).

9) That, the applicants were legitimately expecting that their cases would consider by the competent authority for appointment as CT/GD, specially when some of the candidates who were placed lower than the applicants in the select list were appointed . Being aggrieved, they on 28.12.2000 sent a telegram to the Respondent No.4 and 5 explaining the situation and praying for intervention in the matter.

10) That, on 30.12.2000, the applicants submitted a joint representation/appeal to the Respondent No.4 fully explaining the facts and circumstances of the case and praying for due consideration for their appointment . It would be pertinent to mention here that the Recruitment Board finally selected and impanelled 47 candidates for appointment as CT/GD out of which ~~28~~ 34 candidates had already been appointed to the exclusion of 13 candidates including the applicants, who figured in the select list . It would be pertinent to mention here that, out of 34 candidates already appointed , some of the candidates figured in the select list at

contd...

Saikh

lower positions than the applicants and as such the applicants have been deprived of their right of equal treatment to be so appointed .

A copy of the said representation dated 30.12.2000 is annexed herewith and marked as Annexure-V.

11) That, surprisingly, the respondent-authority did not send any intimation to the applicant and as such the applicants, with reference to their telegram dated 28.12.2000 and representation dated 30.12.2000, submitted another detailed representation on 30.1.2001 to the Respondent No.4 . It was specifically pointed out at para 4 of the representation that during October/November ,2000 14 vacancies occurred and Respondent No.4 was kind enough to approve the appointment of the applicants in terms of OM No. 15.12.2000 addressed to the Respondent No. 5 . The applicants have not received any intimation as to the fate of ^{their} ~~this~~/representations submitted to Respondent No.4 and 5 till date. It would be relevant to point out that the Respondent No.5 appointed all the 34 candidates of the select list in September,2000 itself and the Respondent No.4, by his OM dated 15.12.2000, conveyed his approval to the Commandant (Respondent No.5) for appointing the applicants against 14 vacancies which occurred in October/November,2000 but the action of the Respondent No.5 in declining to appoint the applicants is illegal and arbitrary on the plea of a circular received much later.

contd...

Deakin

Copy of the said representation dated 30.1.2001
is annexed herewith and marked as Annexure-VI.

12) That, being aggrieved, the applicants have now
approached this Hon'ble Tribunal praying for relief.

5 : GROUND FOR RELIEF WITH LEGAL PROVISIONS:-

I) For that the action of the Respondent No.5 in
appointing candidates from the select list prepared by the
Recruitment Board on "Pick and choose" basis is extremely
arbitrary, illegal and unfair and as such it is a fit case
where this Hon'ble Tribunal will exercise jurisdiction and
grant relief otherwise due to them.

II) For that the action of the authorities in not
appointing the applicants has resulted in serious discrimination
offending the equality provisions contained in
Article 14 and 16 and as such the action of the authority
is bad in law and liable to be set aside.

III) For that the action of the Respondent No.5 in
not appointing the applicants even after approval accorded
by the Divisional Organiser (Respondent No.4) for appointing
the applicants against earmarked vacancies is illegal and
arbitrary and as such the action of the Respondent No.5 is
bad in law and liable to be set aside.

IV) For that the action of the Respondent No.5 in
appointing some of the selected candidates who were placed
at lower positions in the select list than the applicants
is based on extraneous considerations and as such the
action of the authority is bad in law and liable to be set
aside.

contd...

Exhibit

V) For that, in any view of the matter, the action of the respondents in denying appointment to the applicants which is otherwise due to them is bad in law and liable to be set aside.

6 : DETAILS OF REMEDIES EXHAUSTED :-

The applicants have submitted representations in this regard but the respondent authorities have not communicated their decision till date.

7 : MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :-

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8 : RELIEF SOUGHT :-

It is, therefore, prayed that your Lordships would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the applicants have been discriminated

contd...

Dr. K. S. Narayan

against in the matter of their appointment as Constables (CT/GD) and after perusing the causes shown, if any, and hearing the parties, direct that the cases of the applicants be considered for appointment as CT/GD, as approved by the Divisional Organiser, SSB, Tezpur (Respondent No.4) against the earmarked vacancies inasmuch as they have been illegally and arbitrarily discriminated against and/or pass any other order/orders as your Lordships may deem fit and proper.

And for this act of kindness, the applicants, as in duty bound, shall ever pray .

9 : INTERIM ORDER, IF ANY, PRAYED FOR:

It is further prayed that your Lordships would also be pleased to direct the respondents to refrain from filing up the remaining posts of CT/GD in the SSB at Tezpur under administrative Control of the Respondent No.5 till this application is finally heard and disposed of. The applicants would ~~afterxxxxxx~~ suffer irreparable loss and injury if such a direction is not issued by way of interim measure.

contd...

Laikin

10 : Does not arise. The application will be presented personally by the advocate of the applicants.

11 : PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION FEE :-

L.P.O. NO. 422528 dated 1.3.2001
issued by the G.P.O. payable at Guwahati is enclosed.

12 : LIST OF ENCLOSURES:-

As stated in the Index .

contd....

Laitha

VERIFICATION

I, Shri Panchanan Saikia, Son of Shri Dambarudhar Saikia, aged about 25 Years, resident of Hazarapar, Tezpur Town, District: Sonitpur, do, hereby, verify that the contents in paragraph No: 1, 2, 5 to 9, 11 & 12 are true to my personal knowledge and those in paragraphs

3, 4 & 10 are believed to be true on legal advice and I have not suppressed any material fact.

I, being one of the applicants of the aforesaid case have been authorised by other applicants to sign this verification on behalf of all the applicants.

Place : Guwahati.

Date : 02-03-2001

Shri Panchanan Saikia
Signature of the applicant

(14)

No. GCD/Estt-99(2)/2000/ 2400 ANNEXURE-
Directorate General of Security
Office of the Commandant
Group Centre, SSB, Debendranagar
P.O. Khalihamari, Pin-784026
Dist: Sonitpur (Assam)
Dated the 07 March 2000

MEMORANDUM

You have been provisionally selected by the Recruitment Board held at GC HQ Debendranagar for the post of CT/GD wef. 14.2.2000 to 16.2.2000 and your name has been kept in pannel list but appointment will be subject to resultant vacancy of CT/GD.

You are hereby requested to report at GC HQ Debendranagar immediately for filling up of Police Verification form and other formalities. You should also bring original certificates alongwith 2 recent pass-port size photographs duly attested by a Gazetted Officer.

[Signature]
COMMANDANT

To Shri Panchanan Sarma
S/O Sh. Dambasudhan Sarma
Vill: Hazarapur
PS: Tezpur
Dist: Sonitpur (Assam)

Attested
[Signature]
Advocate

(15)

ANNEXURE - II

No. GCD/Estt-99(2)/2000/ 2402
Directorate General of Security
Office of the Commandant
Group Centre, SSB, Debendranagar
F.O. Khalihamari, Pin-784026
Dist: Sonitpur (Assam)

Dated the 07 March 2000

MEMORANDUM

You have been provisionally selected by the Recruitment Board held at GC HQ Debendranagar for the post of CT/GD wef. 14.2.2000 to 16.2.2000 and your name has been kept in pannel list but appointment will be subject to resultant vacancy of CT/GD.

You are hereby requested to report at GC HQ Debendranagar immediately for filling up of Police Verification form and other formalities. You should also bring original certificates alongwith 2 recent pass-port size photographs duly attested by a Gazetted Officer.

[Signature]
COMMANDANT 1/3

To
Shri Pannab NAIK
S/O Sh. Guna Kanta NAIK
Vill: Napam Bogapani
PS : Tahamari
PS : Thelamara
Dist: Somitpur (Assam)

*Attested
By
Advocate*

ANNEXURE - III

(16)
No. GCL/EST-3 (2)/2000 /
Directorate General of Security
Office of the Commandant
Special Centre, S.W. Debandranagar
P.O. Khalihara, Dist. Sonit
Dist: Sonit (Assam)

Dated the 11 March 2000

MEMORANDUM

You have been provisionally selected by the Recruitment Board held at GC HQ Debandranagar for the post of CT/GC for 4.2.2000 to 16.12.2000 and your name has been kept in penmen list but appointment will be subject to resultant vacancy of CT/GC.

You are hereby requested to report at GC HQ Debandranagar immediately for filling up of Police Verification form and other formalities. You should also bring original certificates alongwith 2 recent passport size photographs duly attested by a Gazetted Officer.

S. S. Sanyal
COMMANDANT

To

Shri Bikash Verah
S/O Ch. Debi Chai Verah
Vill: Chapara, Mubham
PO : M. P. S.
PS : T. S. P.
Dist: Sonit (Assam)

*Attested
Debi
Adroenti*

No. GCD/Estt-99(2)/2000/ 303 24
 Directorate General of Security
 Office of the Commandant
 Group Centre, SSB, Debendranagar
 P.O.: Khalihamari, Pin-784026
 Dist: Sonitpur (Assam)


MEMORANDUM

Dated the 07 March 2000

You have been provisionally selected by the Recruitment Board held at GC HQ Debendranagar for the post of CT/GD wef. 14.2.2000 to 16.2.2000 and your name has been kept in pannel list but appointment will be subject to resultant vacancy of CT/GD.

You are hereby requested to report at GC HQ Debendranagar immediately for filling up of Police Verification form and other formalities. You should also bring original certificates alongwith 2 recent pass-port size photographs duly attested by a Gazetted Officer.

To,

Shri Lita Kanta NAIKS/O Late Prabhat Ch NAIKVill: Jengaz ChiburiPO: PitkakhowaPS: TezpurDist: Sonitpur (Assam)

 COMMANDANT

Attested
 Deel
 Advocate

(18)

ANNEXURE-V: 28/12/2000

To

Divisional ,Organiser

S S B

TEZPUR

Date - 30/12/2000

In the matter of :

An appeal to consider our appointment
under your establishment as GD Constal

Respected Sir,

We the under signed have the Honour to
submit the following few lines for your kind consideration
and favourable action ;

That we the petitioners are hails from a
down trodden family and after obtaining degree also failed
to get any employment for which we joined in the Training
at Halflong Organised by you for recruitment and came out
Success in the training.

That therefore we were called for Interview
14 Feb to 16 Feb 2000 at Debendra Nagar and accordingly all
of us appeared in the Interview and got selected.
accordingly a selection list was also prepared where our
names have been included for appointment and out of 47,
selected list 34 have already been approved braking even
the serial list of selection, which is very much illegal,
but we did not raise any objection as our cases were also
due to be considered for appointment.

That meanwhile on 22nd Dec. by a Special
messenger, we were directed to immediately report in the
Commandant Office at Debendra Nagar, with Bag & Baggage
and with ration money to which we complied.

(contd... 2)

Filed
28/12/2000
Advocate

That on reporting at Commandant Office on 26th Dec, and after 5 hours we were told that our appointment have been cancelled. We were shocked and surprised for such action and being puzzled we intimated your Honour Telegraphically for urgent action in the matter but as nothing has been done, hence this appeal.

That with great hope we reported in the office for onward action but such disappointed Verbal order has completely frustrated our hopes.

We therefore appeal you most fervently to consider our appointment in parity with others from the above referred selection list.

AND

For this act of your kindness we shall be grateful to you.

With high regards,

Yours faithfully,
Sri Prasenjit Nath

- 1) PRANAB NATH. Prasenjit Nath
- 2) DEEPAK BASUMATARY
- 3) LILA KANTA NATH. Lila Kant Nath
- 4) KUKIL HAZARIKA
- 5) RANJIT MASHAHARY
- 6) BIKASH BORAH. Bikash Borah
- 7) UMESH BHUYAN
- 8) PANCHANAN SAIKIA. Panchanan Saikia
- 9) BIKASH DUTTA. Bikash Dutta
- 10) RAJIN DUTTA
- 11) DIGANTA DAS
- 12) HRIDAY JYOTI BORAH. Hriday Jyoti Borah

Attested
Advocate

Dated the 30th January, 2001:

To:

The Divisional Officer,

S.S.B.,

TEZPUR.

Subject: Appointment of CT/GD and selection

by the Recruitment Board at GC HQ

Debandranagar during February, 2000.Reference: Telegram dated 29-12-2000 followed by
joint representation in this respect
submitted to you on 30-12-2000.

Sir,

Most respectfully it is submitted -

1. That the Selection Board for recruitment to the post of CT/GD held from 14-2-2000 to 16-2-2000 at GC Debandranagar selected a panel of 47 persons for the purpose of appointment.
2. That accordingly the Commandant by his Memorandum dated 7-3-2000 addressed to the undersigned selected persons asking them to report to GC HQR Debandranagar for police verification and other formalities.
3. That after police verification and completion of formalities, the Commandant appointed all but the undersigned selected persons during the month of September, 2000 itself. The 13 selected persons i.e. the undersigned could not be appointed with others and their names in the panel for continued for appointment against further vacancies as might be caused in future.
4. That during October/November, 2000 14 vacancies occurred and you were kind enough to approve appointment of undersigned by conveying the approval to the Commandant on 15-12-2000.

*Attended
S.S.B.
Advocate*

-2-

5. That the undersigned were called through special messenger to report at the office of the Commandant Office, Debendranagar with bags and baggage and ration money and accordingly on 26-12-2000 the undersigned reported at the Commandant Office.

6. That most unfortunately after awaiting for about 5 hours, the undersigned were informed that their selection was cancelled.

7. That having been thus informed, the undersigned came back and the telegram and joint representation were sent to you for kind consideration.

8. That it is now informed that it was because of a circular dated 22-12-2000 that the Commandant had decided to cancel the selection already held and showed his inability to appoint the undersigned.

9. That the undersigned are duly selected incumbents of the vacant posts that were available from October/November, 2000 and could have been appointed by the Commandant as per approval of your benign office communicated on 15-12-2000 either before the coming into effect of circular dated 22-12-2000 which to our knowledge cannot be made applicable in the case of selections already held.

10. That Sir, grave injustice has been done to us by giving us hopes of appointment for which we lost time on training keeping ourselves prepared for the career at L.S.B. Our age for entry into government service has crossed in the meanwhile. We have been denied the public employment by pick and choose by discriminating against us by the Commandant who did not make appointments in the first instance in accordance with seniority as per the merit list of selection. RBHBN

11. That Sir, there is a clear case of breach of fundamental guarantees of citizens under Articles 16/21 of the Constitution of India which requires your immediate consideration.

29, therefore, most humbly pray and request you to be kind enough to enquire into the matter and upon sympathetic consideration of our case, make appropriate orders for our absorbing us in service in terms of the selection held as before-stated by relaxing age-bar if so required and do justice to us, and as any fruitfull reply has been received till the late from yours and one copy of the list of candidates, which they are write their name and address by their own handwriting also attached herewith.

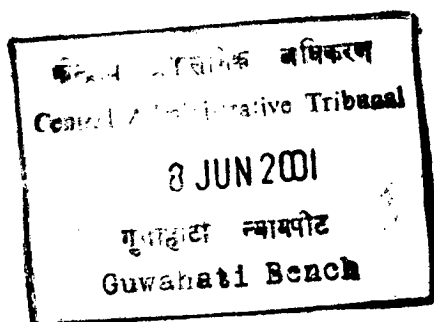
Yours faithfully,
[Signature]

ENCLD:- One list.

Yours faithfully,
Dunstan Shaw Burke

Representation on behalf of the following Candidates (P.O.:- Rezpur, Dist. Sonitpur, Assam) :-

- (1) Sri Munchanan Baihiq
- (2) Munchan Math
- (3) Sri Lila Kanta Nath
- (4) Sri Bipak Baramdang
- (5) Sri. Bikash. Bora
- (6) Sri Pradya Jyoti Bora
- (7) Kukul Hissanka
- (8) Bikash Dutta
- (9) Rajar Dutta
- (10) Uday Bhaugan
- (11) Kuntal Mishra



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 94 OF 2001

Shri P. Saikia

- Vs -

Union of India & Others

- And -

In the matter of :

Written Statement submitted by the
respondents.

The humble respondents beg to submit the
written statement as follows :-

1. That with regard to para 1.1, the respondents beg to state that the allegations are denied. In fact 48 candidates were selected by the recruitment Board held at GC-Debendranagar w.e.f. 14.2.2000 to 16.2.2000 to fill up clear and resultant vacancies that were due to occur upto 31.12.2000. Accordingly offer of appointment were issued to the selected candidates in order of merit and not by "pick and choose" basis as has been alleged. Out of such candidates who were issued offer of appointment one candidate was rejected at the time of final medical examination which is done before joining the service. All these candidates were issued offer of appointment serially on the basis of their merit. The cases of the applicants were also under consideration and they were called at the Group Centre office also. But at that stage the

the recruitment process was stopped by the SSB Directorate vide their Signal No. 14435-36 dated 21.12.2000. As such these candidates could not be recruited.

2. That with regard to para 1.2 , the respondents beg to state that the allegations are denied as no candidate below the applicants in the merit list were recruited.

3. That with regard to para 2, the respondents beg to state that the selection was made for recruitment of Constables in combatised cadre vide Directorate, SSB, New Delhi signal No. 14435-36 dated 21.12.2000. Hence the Hon'ble Tribunal does not have jurisdiction in the case.

Copy of signal dated 21.12.2000 is annexed
hereto and marked as Annexure - R₁ .

It is pertinent to mention here that the combatised cadre under Directorate, SSB, is governed by the CRPF Act, 1957, which is an Armed Force.

4. That with regard to para 3, the respondents beg to offer no comments.

6. That with regard to para 4.1, the respondents beg to state that as regards 48 candidates who were selected by the recruitment board held at GC Hqrs Debendra Nagar w.e.f. 14.02.2000 to 16.02.2000. 13 candidates were against clear vacancies and 35 candidates were selected against resultant vacancies which were expected to occur owing to retirement/promotion of GC personnel during 2000. From this panel of

35 candidates, 21 candidates were issued a offer of appointment as and when vacancies arised strictly on the basis of merit list prepared by recruitment board, Remaining 13 candidates who were on panel against resultant vacancies upto 31.12.2000 could not be appointed due to ban on recruitment as circulated vide SSB Directorate signal No. 14435-36 dated 21.12.2000 conveyed vide Divisional Hqr endorsement No. 64/Bn/2000/12430-31 dated 26.12.2000.

7. That with regard to para 4.2, the respondents beg to offer no comments.

8. That with regard to para 4.3, the respondents beg to state that the applicants appeared in the interview and were empenalled is admitted. Their process of recruitment was in progress as corroborated by the submissions made by the applicants themselves. But it had to be stopped midway due to instructions received from higher Hqrs vide signal No. 14435-36 dated 21.12.2000 (Annexure - R₁ O.

9. That with regard to para 4.4 and 4.5 the respondents beg to state the para are admitted.

10. That with regard to para 4.6, the respondents beg to offer no comments.

11. That with regard to para 4.7 the respondents beg to state that the contents of the para are admitted to the appri extent that the applicants were called on 26.12.2000 for issuing offer of appointment. But a circular was received from SSB Directorate vide their signal No. 14435-36 dated

dated 21.12.2000 conveyed vide Div. Hq. endorsement No. 64/BN/2000/12430-31 dated 26.12.2000 not to appoint any CF (GD) till further orders. As such the candidates were apprised about the circular and could not be appointed.

12. That with regard to para 4.8 the respondents beg to state that on receipt of approval from Div. Hqr vide their Memo No. 69/Bn/2000/12128-29 dated 15.12.2000. all the selected empenalled candidates were called to report GC Hqr. Debendranagar by 26.12.2000 for appointment. But in the meantime a circular was received from SSB Directorate vide Sig. No. 14435-36 dated 21.12.2000 instructing not to issue offer of appointment and as such the candidates could not be appointed and they were apprised about it.

13. That with regard to para 4.9, the respondents beg to state that the allegations are denied. No, candidates below the applicants in the merit list were recruited.

14. That with regard to para 4.10, the respondents beg to state that the allegations are denied that no candidates below the applicants in the merit list were recruited.

15. That with regard to para 4.11, the respondents beg to state that ~~xxxx~~ SSB Directorate issued instructions not to issue offer of appointment to any candidate but only to select such candidates untill further orders, the applicants were also not issued offer of appointment. The representations etc. submitted by the applicants were after 26.12.2000 and necessary reply was submitted to D.O. North Assam Division vide this office letter No. GCD/Estt-99/Vol-XIV/2001/2242 dated 23.2.01.

V E R I F I C A T I O N

I, Shri T.N. SHANOO , Dy. Inspector General,
Tezpur, being authorised do hereby solemnly affirm and
declare that the statements made in this written statement
~~xxx~~ are true to my knowledge and information and I have not
suppressed any material fact.

And I sign this verification on this th day
of April, 2001.

Declarant.

VERIFICATION

I, T.N.Shanoo being authorised to hereby solemnly affirm and declare that the statements made in this written statement are true to my knowledge and information and I have not suppressed any material fact.

And I sign this verification on this 22nd day of May
4 April, 2001.

DECLARANT

Dy. Inspector General

N. A. Division : S. S. D.

TORQUE.