

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

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

ORDER SHEET

Original APPLICATION NO. 301 OF 2001

APPLICANT (S) Biswajit Sarma

RESPONDENT (S) U. O. I. form

ADVOCATE FOR APPLICANT(S) Dr. (Mrs.) M. Pathak, Mr. D. Bora

ADVOCATE FOR RESPONDENT(S) Case

Notes of the Registry	dated	Order of the Tribunal
<p>The application is in form of a Petition for Regularisation of service of the applicant for Rs 50/- deposited vide IPO/BO No 66292448 Dated 14.5.2001</p> <p><i>Dy. Registrar</i></p> <p><i>mb</i></p> <p><i>7.9.01</i></p> <p><i>mb</i></p> <p><i>9.10.01</i></p> <p><i>mb</i></p> <p><i>22.11.01</i></p> <p><i>mb</i></p> <p><i>8.10.01</i></p>	<p>7.8.01</p> <p>7.9.01</p> <p>9.10.01</p> <p>22.11.01</p>	<p>The application is admitted. Call for the records. Returnable by 3 weeks. Pendency should not be a bar for the respondents for considering the case of the applicant for regularise.</p> <p><i>Member</i></p> <p><i>Vice-Chairman</i></p> <p>Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents, seeks 4 weeks time to file written statement.</p> <p>List on 9/10/01 for order.</p> <p><i>Member</i></p> <p>List on 22/11/01 to enable the respondents to file written statement.</p> <p><i>Member</i></p> <p><i>Vice-Chairman</i></p> <p>List the case on 19.12.2001 enabling the respondents to file written statement.</p> <p><i>Member</i></p> <p><i>Vice-Chairman</i></p>

Requisites Received. Notice preferred and sent to DB for giving the Respondent No. 1 to 3 by Regd A/D vide DINo 3092153192 dtd 23/8/01

Respondent No 1 received by Mr. A. Deb Roy

21/8/01

No written statement has been filed.

✓
No written statement 19.12.01
has been filed.

21.11.01

List on 21.1.2002 to enable the
respondents to file written statement.

IC (Sharma)
Member

[Signature]
Vice-Chairman

mb

21.1.02

Written statement has been filed. It
has been stated by Sri D. Boruah, learned
counsel for the applicant that he is yet to
receipt the copy of the written statement.
The respondents are order to serve the
copy of the written statement in course of
the day.

The matter may now be posted for
hearing. The applicant may file rejoinder,
if any, within 2 weeks from today.

List on 26.2.2002 for hearing.

IC (Sharma)
Member

[Signature]
Vice-Chairman

mb

26.2.02

Dr. (Mrs.) M. Pathak, learned counsel
for the applicant submitted that in view of
the subsequent event of the matter she would
like to file an amendment application.
Accordingly, the case is adjourned for that
purpose.

List on 5.3.2002 for order. In the
meantime, the applicant may take necessary
steps.

IC (Sharma)
Member

[Signature]
Vice-Chairman

mb

5.3.02

List on 22.3.2002 for order.

IC (Sharma)
Member

[Signature]
Vice-Chairman

mb

31.12.2001

W/S submitted
by the Respondents.

[Signature]

W/S has been filed.

21.1.02

21.3.2002

An amendment
petition has been filed
by the applicant.

[Signature]

③

3

O.A. No. 301/2001

Notes of the Registry	Date	Order of the Tribunal
<p>The case is ready for hearing.</p> <p><u>26.4.02.</u></p>	<p>22.3.02</p> <p>mb</p>	<p>Consolidated amendmend applica tion is filed. The Respondents also filed written statement. Pleadings are complete. List the matter for hearing on 29.4.2002. The respond- ents may file additional written statement on the consolidated application within three weeks from today.</p> <p>List on 29.4.2002 for hearing</p> <p><i>K. U. Sharma</i> <i>[Signature]</i> Member Vice-Chairman</p>
	<p>29.4.02</p> <p>mb</p>	<p>List on 17/5/2002 as prayed by the learned counsel for the parties.</p> <p><i>K. U. Sharma</i> <i>[Signature]</i> Member Vice-Chairman</p>
<p><u>17.5.02</u></p>	<p>17.5.02</p> <p>mb</p>	<p>Prayer has been made for adjournment of the case on behalf of Mr. A.Thakur, learned Advocate representing the Respondents. Also heard Dr. (Mrs.) M.Pathak, learned counsel for the Applicant. Consider- ing the facts of the case, the matter is adjourned and fixed at 22.5.2002 for hearing. The Resp- dents are directed to produce the connected records mentioned in Annexure - F & P and the SAI, recruitment Rule at the time of hearing.</p> <p>List on 22.5.2002 for hearing.</p>

22.5.02

List again on 7.6.2002 for hearing.

Member

Vice-Chairman

pg

7.6.02

List the case on 28.6.2002 for hearing.

Pendency of this application shall not, however, stand on the way of the respondents in resolving the dispute.

Member

Vice-Chairman

bb

28.6.02

List again on 5.8.2002 for hearing and to enable the parties to obtain necessary instruction on the matter.

Member

Vice-Chairman

pg

5.8.2002

List the case on 19.8.2002 again for hearing.

Member

Vice-Chairman

bb

19.8.02

Prayer has been made by Miss U.Da learned counsel appearing on behalf of Dr.(Mrs.) M.Pathak, learned counsel for the applicant for adjournment of the case on personal ground. The case is adjourned accordingly. List the matter again on 12.9.2002 for hearing.

Member

Vice-Chairman

mb

12.9.2002. Dr. Pathak has been heard and did not sit today. The case is adjourned to 9/10/2002.

28.6.02

Comit's reply on behalf of the Respondent No. 1 & 2 has been submitted.

[Signature]

3.10.2002 List it again on 7.10.2002 for hearing.

Member

Vice-Chairman

nkm

7.10 Heard Dr. M. Pathak, learned Counsel for the appellant & Mr. A. Thakur, learned Counsel for the respondents (SAI).
Hearing concluded.
Judgment reserved.
M/s
A.A. Jais
7/10.

9.11.02

Judgment delivered in open Court.

Kept in separate sheets. Application is dismissed. No costs.

K. L. Sharma
Member

[Signature]
Vice-Chairman

lm

12.11.2002

Copy of the Judgment has been sent to the Dy. Sec. for info. The rule to the applicant as well as to the R. G. S. C. for the Respondents.

KS

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~XXX~~.No.301.of 2001....~~XX~~

DATE OF DECISION. 8.11.02.

Shri Biswajit Sarma APPLICANT(S)

Dr.M.Pathak & Mr.D.Barua. ADVOCATE FOR THE APPLICANT(S)

VERSUS

Union of India & Others. RESPONDENT(S)

Mr.A.Deb Roy,Sr.C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE MR K. K. SHARMA, ADMINISTRATIVE MEMBER..

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 :

Judgment delivered by Hon'ble Administrative Member.

10/11/02

4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.301 of 2001.

Date of Order : This the 8th Day of November, 2002.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.
THE HON'BLE MR K. K. SHARMA, ADMINISTRATIVE MEMBER.

Shri Biswajit Sarma
S/o Late Hemendra Nath Sarma
Junior Engineer
O/o the Sports Authority of India
Guwahati Regional Sub-Centre
New Field Sports Complex
Md. Shah Road
Paltan Bazar, Guwahati-781 008. . . . Applicant.

By Advocate Dr.M.Pathak & Mr.D.Barua.

- Versus -

1. Union of India
Through the Director General
Sports Authority of India
J.N.Stadium, New Delhi-110003.
2. The Assistant Director (Pers)
Sports Authority of India
N.N.Stadium, New Delhi- 110 003.
3. The Director I/C
Sports Authority of India
Guwahati Regional Sub-Centre
New Field Sports Complex
Md.Shah Road, Paltan Bazar
Guwahati - 781 008. . . . Respondents.

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

O R D E R

K.K.SHARMA (ADMN.) MEMBER :

In this application the applicant has challenged the order of termination issued under letter No.SAI/SC/OFF/ORD/2000-01/855 dated 6.7.2000 and letter No.SAI/SC/OFF-ORD/2001-02/4201/4213 dated 18.2.2002.

1. The applicant was appointed as Jr. Engineer in Sports Authority of India, Guwahati w.e.f. 15.5.99 for a period of 89 days on a consolidated salary of Rs.3000/- p.m. Thereafter the service of the applicant

Contd./2

16/11/2002

was extended for further period of 89 days by letter dated 8.9.99. The applicant's name was sponsored by Employment Exchange and the applicant was called for interview on 7.1.2000. The applicant was found suitable by the Interview Board and was appointed as Jr. Engineer by letter dated 11.1.2000. The appointment letter mentioned that the appointment was on probation of two years, but was likely to continue indefinitely. The applicant submitted joining report on 17.1.2000. On 6.7.2000 the applicant received the following order terminating his services w.e.f.30.6.2000 :

" As per Corporate Office letter no.SAI/PERS/2307/91 dated 19.6.2000 the regular appointment of Sri Biswajit Sarma, Jr.Engineer and Sri Ashok Basumatary, LDC is hereby terminated w.e.f.30th June, 2000 as there is a ban of appointment on regular basis, by the Govt. of India."

However, on 7.7.2000 the applicant was again offered the post of Jr.Engineer on purely temporary basis. It was mentioned in the letter that "No claim will be entertained in case of non-absorption on permanent basis." The applicant's service was continued for another period of six months by order dated 2.1.2001. The applicant made representations dated 24.1.2001, 8.2.2001, 19.4.2001 and 30.4.2001 for regularisation of his service. The Director I/C., S.A.I., Guwahati also recommended the applicant's case. The applicant's claim is that he has been appointed against a regular post and has undergone due process of selection and only after being found suitable by the Selection Committee

1c11Sharma

he was appointed to the post of Jr. Engineer. He had a legitimate expectation that he would be regularised in due course. The respondents in stead of regularising the service of the applicant issued the impugned order No.SAI/SC/OFF-ORD/2001-02/4201/4213 dated 18.2.2002 terminating the services of the applicant with immediate effect. By the same order the applicant was also directed to complete the allotted pending works. In the order dated 18.2.2002 it was also informed to the authority in Delhi that in absence of an Engineer, the day to day and ongoing projects at SAI, Guwahati would be effected. The said order was passed on the day when the applicant was sick and could not attend office and was hospitalised. On recovery from his illness, when the applicant went to resume his duty on 7.3.2002, the respondent No.3 issued an order intimating that his service had been terminated and that he should complete the pending works and hand over the files, papers and documents on 7.3.2002 itself to Jr.Stenographer. It is stated that the termination order is illegal and arbitrary. In the circumstances, the applicant has filed this application challenging the order of termination from service. It is stated that the applicant had been serving continuously for more than two years, out of which more than one year is on regular basis. The applicant's case was recommended for regularisation against the sanctioned vacant post. The respondents deliberately resorted to adhoc appointment

K. Ushah

whereas the sanctioned post was lying vacant. The applicant being in unequal bargaining capacity with the employer failed to accept any offer of appointment even if it was illegal or oppressive. The ban against filling up of existing vacancy is not absolute bar in appointment. The ban can be lifted with the approval of Ministry of Finance, Deptt of Expenditure.

2. The respondents have filed two written statements, one by the Director I/C., SAI, Guwahati and another by Assistant Director, SAI, New Delhi on behalf of the respondent Nos.1 & 2. Mr.A.Deb Roy, learned Sr.C.G.S.C. appeared on behalf of the respondents. In the written statement filed on behalf of the respondent Nos.1 & 2 it is stated that respondent No.3 has filed the written statement without the approval of respondent No.1 and as such respondent No.1 is not bound ^{by any} of the averments made by the respondent no.3. It is stated that SAI is an autonomous body registered as a society under the Registration of Societies Act, 1860 and has its own Service Bye-Laws and conditions of service regulations including Recruitment Rules. The post of Jr. Engineer is a centralised cadre and the Director General is the appropriate appointing authority for the post of Jr. Engineer, a Group B post. There are 11 sanctioned posts of Jr. Engineer for the entire SAI, against which 11 regular and permanent Jr. Engineer are already appointed. The post of Jr. Engineer is to be filled up by transfer of one of the

excess Jr. Engineers working at the Headquarters of respondent No.1 at New Delhi and therefore, the post of Jr. Engineer at Guwahati cannot be filled up by regular appointment of any outsider nor any direct recruitment can be made in excess of the required sanctioned strength for SAI. The Director General is the appointing authority for the Jr. Engineers and the Director I/C, Guwahati was not the competent authority. The power of appointment of the lowest posts is vested only upto the Regional Directors and the then Dy. Director holding the current charge of Director of Guwahati Centre, Shri R.N.Bordoloi was not the competent authority to appoint a Jr. Engineer on consolidated salary or on the regular scale nor was competent to conduct any interviews for appointment on his own. Thus the appointment letter dated 10.6.99 (Annexure-A) was invalid, illegal, without jurisdiction or competence. Shri R.N.Bordoloi has, since, left his service, no action against him is possible now. Similarly, the letter dated 15.12.99 (Annexure-C) calling the applicant for interview as well as the offer of appointment dated 11.1.2000 (Annexure-D) are illegal and invalid. The applicant has no claim for regularisation, or regular appointment under respondent No.1 or for continuation even on adhoc basis ^{as} /there is no vacancy of Jr. Engineer. The applicant does not acquire any vested right on the basis of incompetent, invalid, illegal appointment. It is stated that the

applicant will be free to apply for the post of Jr. Engineer when a vacancy arises subject to the condition of eligibility in accordance with the Recruitment Rules.

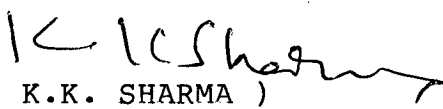
3. We have heard Dr.M.Pathak, learned counsel for the applicant and also Mr.A.Deb Roy, learned Sr..C.G.S.C. for the respondents. We have gone through the documents filed in the O.A. as well as the records filed on behalf of the respondents. The SAI is an autonomous body having its own rules and regulations. The relevant rules in case of appointment of Jr. Engineer is the Sport Authority of India (Engineering Gr. 'A' & 'B') Staff Recruitment Rules, 1992. It is seen from the Rules that the post of Jr. Engineer is a Group 'B' post. the appointment is through Selection Process by a Board consisting of Director (Personnel), Director (Infrastructure), one Director to be nominated by Secretary and one representative of SC/ST. Obviously the applicant was not selected through the regular selection process as per the rules. The appointment of the applicant had been made at local level by the Director I/C, Guwahati. As per Corporate Office letter No.SAI/PERS/2307/91 dated 19.6.2000, the regular appointment of the applicant alongwith another was cancelled and their services including that of the applicant were terminated vide order dated 6.7.2000. By the order dated 7.7.2000 passed by the Director I/C, SAI, the applicant was offered with the appointment as Jr. Engineer for a period of six months with effect from 3.7.2000 and conditions prescribed therein. One of the


conditions was that "No claim will be entertained in case of non-absorption on permanent basis". The applicant accepted the offer of appointment in terms of the letter dated 7.7.2000. The service of the applicant was extended for another six months with effect from 2.1.2001 vide order dated 2.1.2001. The other conditions remained the same as was contained in the letter dated 7.7.2000. No further extension of appointment of the applicant was discernible. In view of the acceptance of the offer of appointment by the applicant in terms of letter dated 7.7.2000 the applicant is stopped from assailing the order of termination dated 6.7.2000. Similarly the subsequent order of termination dated 18.2.2002 also cannot be faulted.

4. When the rules are prescribed any appointment made without following the rules is illegal. The applicant was not selected through the regular process of selection and from the materials before us it is difficult to accept the claim of the applicant that he is entitled to regularisation of his appointment. The applicant's selection was not made as per the recruitment rules. In view of the facts and circumstances of the case the action of the respondents in not regularising the services of the applicant cannot be faulted.

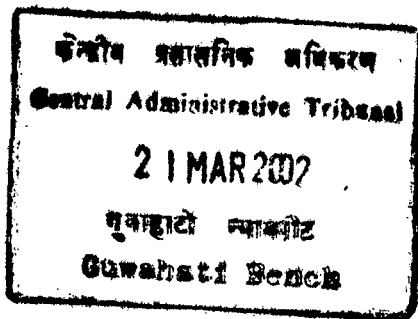
K. Usharma

Subject to ther observation made above, the application is dismissed. There shall, however, be no order as to costs.


(K.K. SHARMA)
ADMINISTRATIVE MEMBER


(D.N. CHOWDHURY)
VICE CHAIRMAN

bb



Filed by the
petitioner

Through:

Dilip Baruah

Advocate

21-3-2002

(CONSOLIDATED AMENDED APPLICATION)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

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

Original Application No. 301/2001

BETWEEN

Shri Biswajit Sarma

Son of late Hemandra Nath Sarma,

Junior Engineer,

Office of the Sports Authority of India,

Guwahati Regional Sub-Centre

New Field Sports Complex,

Md. Shah Road,

Paltan Bazar, Guwahati-781 008.

..... Applicant.

-AND-

1. Union of India,

Through the Director General,

Sports Authority of India,

J.N. Stadium, New Delhi-110003.

2. The Assistant Director (Pers)

Sports Authority of India,

N.N. Stadium,

New Delhi - 110003.

Biswajit Sarma

3. The Director I/C,
Sports Authority of India,
Guwahati Regional Sub-Centre,
New Field Sports Complex
Md. Shah Road, Paltan Bazar,
Guwahati- 781 008.

..... Respondents.

DETAILS OF THE APPLICATION :

1. Particulars of orders against which this application
is made :

This application is made against the impugned order issued under letter No. SAI/SC/OFF-ORD/2000-01/855 dated 6.7.2000 whereby the regular appointment of the applicant which was issued under letter No. SAI/SC/Appt, Ord/99-2000/565(A) dated 11.1.2000 is terminated w.e.f. 30.6.2000 and the order of termination issued vide office order No.24/2002 communicated through the impugned letter No. SAI/SC/OFF-ORD/2001-02/4201/4213 dated 18.2.2002 thereby terminating the services of the applicant with immediate effect and also subsequent office orders No. 36/2002 and No.39/2002 issued vide letter No. SAI/SC/OFF-ORD/2001-02/4306 dated 7.3.2002 and No. SAI/SC/OFF-ORD/2001-02/4355 dated 7.2.02 respectively.

2. Jurisdiction of the Tribunal .

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

Disjunct Same

3. Limitation :

The applicant further declares that the application is within the period of limitation prescribed under Section 21 of the Central Administrative Tribunal Act, 1985.

4. Facts of the Case :

The facts of the case in brief are given below :

4.1 That the applicant is a Citizen of India and as such he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India.

4.2 That your applicant was appointed as Junior Engineer on temporary basis w.e.f. 15.5.99 for a period of 89 days on a consolidated salary of Rs. 3000/- P.M. vide memo no. SAI/SC/OFF-ORD/99-2000/759 dated 10.6.99. Thereafter, the services of the applicant was extended as Jr. Engineer for another 89 days w.e.f. 8.9.99 vide Memo No. SAI/SC/OFF-ORD/99-2000/4510 dated 8.9.99. The respondents with a view to make regular appointment in the said post of regular vacancy which was held by this applicant on temporary basis, called for sponsoring names of eligible candidates from the employment exchange. The Employment Exchange sponsored the name of the applicant alongwith others. The applicant was also called for interview ~~for~~ to be held on 7.1.2000 at 11AM in the SAI Regional Sub-Centre, Guwahati . The call letter was issued vide letter No. SAI/SC/Int. JE/99-2000/5383 dated 15.12.99. The applicant in pursuance of the demand and sponsorship of the local Employment Exchange, called for the said interview and accordingly appeared before

Pravinjit Sarma

-4-

the interview Board for a written test cum interview on 7.1.2000. The applicant was found suitable for the post and he was declared selected by the Selection Board for the said post of Junior Engineer and offered the appointment by the Respondent No.3 vide letter No. SAI/SC/Appt.-ORD/99-2000/5656(A) dated 11.1.2000 against the "sanctioned Posts" in the pay scale of Rs. 4500-125-7000. In the said appointment it was stated that the "appointment is on probation of two years, but is likely to continue indefinitely". It is also stated that the appointing authority reserves the right to terminate the services of the applicant forthwith by one month notice on either side without assigning any reasons. The applicant immediately on receipt of the offer of appointment accepted the same and after completion of all required formalities submitted the joining report on 17.1.2000 as Junior Engineer, Sports Authority of India, Regional Sub-Centre, Guwahati. In pursuance of his joining Report the applicant was allowed to work with effect from 17.1.2000 on regular basis against a permanent post. Surprisingly, on 6.7.2000, after seven months of his sincere services on regular basis, the applicant was served upon the impugned letter bearing No. SAI/SC/OFF-ORD/2000-01/858 dated 6.7.2000 issued by the Director I/C, Sports Authority of India, Guwahati, whereby the regular appointment of the applicant alongwith one Shri Ashoke Basumatary, LDC were terminated w.e.f. 30.6.2000 because of the ban order of appointment on regular basis by the Government of India. This order was issued on the basis of the corporate office letter No. SAI/PERS/2307/91 dated 19.6.2002.

Prinrajit Sarma

The applicant was highly shocked after receiving the said impugned letter dated 7 6.7.2000. However, on the next day on 7.7.2000 the respondent No.3 had issued an appointment letter thereby offering the post of Junior Engineer on purely temporary basis under the following terms and conditions that "(i) the offer of appointment is for a period of 6(six) months on w.e.f. 3.7.2000; (ii) You will be paid Basic + D.A. or the Junior Engineer Scale and (iii) No claim will be entertained in a case of non absorption on permanent basis". Therefore, there cannot be any reason to terminate the services of the applicant appointed on regular basis vide letter dated 6.7.2000. Thereafter, again the services of the applicant were extended for another 6(six) months w.e.f. 2.1.2001 vide memo No. SAI/SC/OFF-ORD/2000-2001/4202 dated 2.1.2001 and the applicant is still working as Junior Engineer on temporary basis, though the services of the applicant are continued since 8.9.99 without any break and he had been holding a sanctioned post, ^{Vide NO SAI/Pers/2807/91 dt.3.1.96} Under the circumstances, the impugned action of the respondents has violated the principles of natural justice and is illegal and arbitrary. As such the same is liable to be set aside and quashed.

Binnjit Samra

The copy of the appointment letter dated 10.6.99, 8.9.99, interview call letter dated 15.12.99 appointment letter 11.1.2000, joint^{ly} report dated 17.1.2000, impugned order dated 6.7.2000. Subsequent appointment letter dated 7.7.2000 and extension of ^{post sanction letter dt.3.1.96} services order letter dated 2.1.2001 are annexed hereto and marked as Annexure - A, B, C, D, E, F, G, H and ^I ~~H~~ respectively.

4.3 That the applicant had made a representation dated 24.1.2001 addressed to the respondents no.1 which was forwarded to him by Respondent No.3 on 25.1.2001 thereby requesting to regularise the services of the applicant considering the volume of work. But the respondent No.1 did not give any reply of the same. Again on 8.2.2001, the applicant submitted another representation to regularise his services at a pay scale of Rs. 4500-125-7000/-. But the respondents did not response to the said representations. Again on 19.4.2001 the applicant submitted a representation for regularisation of his services. The said representation was forwarded to respondent no.1 by respondent no.3. The respondent No.1 is maintaining silence this time also. On 30.4.2001 the applicant again submitted a representation to Respondent No.1, which was forwarded by Respondent No.3 on the same day, thereby requesting to consider the case of the applicant on the ground that he is working against a sanctioned post and is entrusted with important responsibilities works. The said post was sanctioned vide letter No. SAI/PERS/2307/91 dated 3.1.96 by the respondent No.2.

Copies of the forwarding letter dated 25.2.2001 for representation dated 24.1.2001, representation dated 8.2.2001, both forwarding letter and representation dated 19.4.2001, and both forwarding and representation dated 30.4.2001 are annexed as Annexure - I, J, K, L, M, N and O respectively.

Biswajit Samra

4.4 That the respondent with a view to fill up the vacant post of Junior Engineer, made a request to the local Employment Exchange for sponsoring a list of suitable candidate. The Employment Exchange accordingly sponsored a list of candidates on the basis of which written test and interview were held for proper selection of candidate for the post of Junior Engineer. The name of the applicant was sponsored and on the basis of that the respondents had issued calling letter for interview. The applicant had duly appeared before the Selection Board and was selected after observing all necessary formalities on the basis of his performance in selection process. The applicant was accordingly appointed against a regular available vacancy of Junior Engineer under the respondents. Therefore, the impugned order of termination of his regular appointment is violative of principles of natural justice and the same has been issued without issuing any prior notice. As such the same is liable to be set aside and quashed. Rather the impugned termination order dated 6.7.2000 can not operate in law with retrospective effect.

4.5 That it is submitted that the applicant has undergone all the process of selection as required under the law and after being found suitable by the Selection Committee he was declared selected for the post of Junior Engineer. As such he is under the legitimate expectation that he will be regularised in the post of Junior Engineer. But the impugned order of termination from regular post of Junior Engineer has been passed in total violation of doctrine of legitimate expectation and provisions estoppel as such impugned order is liable to be set aside and

Biswajit Saha

quashed.

4.5A. That respondents instead of taking steps to regularise the services of the applicant has issued another order vide office order No. 24/2002 which has been communicated vide letter No. SAI/SC/OFF-ORD/2001-02/4201/4213 dated 18.2.2002. By this impugned order dated 18.2.2002 the respondents have terminated the service of the applicant with immediate effect. Although, the termination order has been ~~xxx~~ given immediate effect, on the other hand, the respondent have directed this applicant to complete the pending works immediately and also to hand over the charge thereafter. The copy of the said order has also been endorsed to the higher authority. The respondent No.3, under whose signature the impugned order dated 18.2.2002 has been issued has also categorically stated in the said impugned order that in absence of an Engineer, the day to day and also the ongoing projects would be affected. The respondent No.3 also sought advice ~~as~~ so that the ongoing and projects are not affected. From this it is very much indicative that the services of the applicant is indispensable and his services might be retained as suggested/demanded all along. The applicant also submits that going by the language and terms of the said order dated 18.2.2002, it is clearly understandable that the order of termination of services of the applicant is yet to be given effect to as he is yet to complete to the pending works and also to hand over the charges.

In the connection, the applicant also states that the applicant all on a sudden full sick on 18.2.2002 after attending his duty and he could not attend his duties on 19.2.2002 as he

Biswajit Samra

was suffering from fever and headache. when the applicant went to the hospital, some messenger came from the office to hand over a letter but in absence of the applicant, the same could not be delivered to him. the attending doctor advised the applicant for rest for 2 week and accordingly, the applicant submitted his leave application on medical ground on 19.2.2002 . while availing medical leave at home , the applicant has received the said impugned order dated 18.2.2002. As the order dated 18.2.2002 has been served, the applicant was yet to resume his duty and to complete the pending works. While the applicant, on his recovery from ailment and on the basis of fitness certificate issued by the attending doctors, went to his office to resume his duties on 7.3.2002, the respondent no.3 instead of allowing him to work, asked the applicant not to work. But the applicant continued to work after submitting his joining report. The respondent no.3 in contravention of his earlier letter dated 18.2.2002 has again issued the office order No ~~36/2002~~ 36/2002, vide letter no SAI/SC/OFF-ORD/2001-02/4306 dated 7.3.2002. The applicant received the said order dated 7.3.02 at 12.30 p.m. and he made an endorsement over the office copy of the said order and indicated that the order dated 7.3.2002 can not operate in view of the stay order dated 5.3.2002 passed by the Hon'ble Tribunal in M.P. NO. 44/2002 (OA NO. 301/2002) and he continued to work and discharged his official duties as usual. Then again in 8.3.2002, the respondent no.3 has issued another office order No. 39/2002 vide letter No SAI/SC/OFF-ORD/2001-02/4355 dated 7.2.2002 (the date appears to be incorrect). By the said order, the respondent no.3 again directed ~~to~~ to hand over the all files etc. to a Junior Stenographer. By this office order No. 39/2002, the respondent no.3 cancelled the office order No. 36/2002. As the office order No 36/2002

Beiswajit Same

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(9A)

was cancelled and the interim stay order passed in M.P. NO. 44/2002 was in operation, the respondent no.3 has sought advice from the respondent no. 1 and 2 and also from the C.G.S.C of the Hon'ble Tribunal. So far as the applicant know, there is no advice either from the respondent no 1 and 2 or from the C.G.S.C uptill now and the applicant is rendering his duties as usual in his day to day job in the office of the respondent no. 3. Those Office Order No. 36/2002 and 39/2002 are out and out illegal, arbitrary and directly violative to the provisions of Section 19(4) of the CAT Act, 1985 and contumacious in nature and for which the respondent no.3 is liable to ~~xxx~~ contempt of Court.

The copies of order dated 18.2.2002,
medical advice slip dated 19.2.2002
and the medical leave application dated
19.2.2002, Office Order No 36/2002 and
39/2002 are annexed as Annexure - ~~XX~~

P, Q, R, S and T respectively.

4.6 That, your applicant begs to state that the ban on appointment as stated by the respondents are not true. Because the respondent have continued to appoint the persons in different categories of posts from time to time. On 22-28/01, in Employment News one such Advertisement was given for the post of the Principal in karovatom.

A copy of the said Advertisement dated
22-28/9/2001 is annexed as Annexure- U .

4.7 That, Your applicant begs to state that he has no othe alternative but to approach this Hon'ble Tribunal for such arbitrary and illegal action of the respondents. It is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant. The action of the respondents is also violative of the Provisions of Articles 14, 16 and 21 of the Constitution of India.

Biswajit Swain

4.8 That, this application is made bonafide and for the cause of justice.

5. Grounds for relief with legal provisions.

5.1 For that the impugned order dated 6.7.2000 has been passed after seven months of services of the applicant on regular basis and 1 year 26 days of temporary services in the sports Authority of India, Regional Sub-Centre, Guwahati, as such the impugned order is void ab-initio. The applicant is serving continuously for the last more than 2 years against an existing vacant post being duly selected through a regular process of selection.

5.2 For that the applicant joined in Sports Authority of India as Junior Engineer on temporary basis on 10.6.99 and subsequently his services was regularised by following all the procedures and formalities, as such the impugned order is highly illegal, arbitrary and the same can not sustain in the eye of law.

5.3 For that the offer of appointment has already been effected and the applicant served for 7(seven) months on regular basis, as such the impugned order has been issued on 6.7.2000 is bad in law.

5.4 For that the impugned order has been issued in total violation of principles of natural justice and also in violation of doctrine of legitimate expectation and promissory estoppel and provisions of Article 14, 16 and 21 of the Constitution of India.

Prasanna Kumar

5.5 For that the respondents No.3 had clearly and categorically recommended for regularisation of the services of the applicant against the sanctioned vacant post and the representations made by the applicant are also not responded by the respondents acting malafide.

5.6 For that the respondents have wilfully and deliberately resorted to adhocisen in appointment while the post is vacant and sanctioned one and more particularly at the top of all while the applicant was duly selected by the selection process/authority for regular appointment after the names were sponsored by the Employment Exchange and appointed on regular basis.

5.7 That the clause-I of the appointment letter dated 11.01.2000 (Annexure-D) is void and ~~app~~ opposed to public policy more particularly when the appointment is permanent/regular against existing sanctioned post. The applicant being unequal in bargaining capacity with the employer, had to accept any offer of appointment even if it was illegal or appressive.

5.8 That the termination order dated 6.7.2002 (an Annexure-F) cannot sustain in law and the same is violative of the terms of the appointment letter itself and the same ~~is~~ issued without any notice as required. Moreover, the ban order as alleged is not an absolute bar in appointment. The O.M. issued by the Ministry of Finance, Deptt. of Expenditure, Govt. of India, vide No. 7(3)/E.Coord/99 dated 5.8.99 has made it clear that the vacant post could be filled up with the approval

Binnayit Singh

of Ministry of Finance, (Deptt. of Expenditure). Hence the cancellation/termination of regular appointment without any notice and without taking approval from the Ministry of Finance is illegal. The grounds of termination due Ban on appointment is baseless due to the fact that the respondents while resorting to such ground of Ban order on appointment/recruitment in one hand, have ~~was~~ *resorted* to way out to appoint personnels in the Deptt. by publishing advertisement in news paper on 22/28.9.2001 which is discreminatory so far the grounds shown in order dated 18.2.2002.

5.9 That the order of termination dated 18.2.2002 is had in law as the same is issued illegally and arbitrarily and while the series of representation submitted by the applicant are still pending without disposal.

5.10 For that the subsequent office order No. 36/2002 and 39/2002 are out and out illegal and contusuacious and the same can not operate in law as the entire subject matter was being sub judicial before this Hon'ble Tribunal

6. Details of Remedies Exhausted.

The applicant declare that he has no other alternative or efficacious remedy except by way of filing this application before this Hon'ble Tribunal.

Perisurajit Sarma

7. Matters previously filed, which is still pending before this Tribunal.

The applicant further declares that he had earlier filed an application (O.A. No. 301/2001) in the same matter which is still pending before your honour. During the pendency of the said application, the respondents have terminated his services with effect for 18.2.2002. Against termination order dated 18.2.2002, this applicant has filed Misc. Petition being numbered 43/2002 and 44/2002 thereby praying for amendment of the original petition No. 301/2002 and to stay the operation of the termination order dated 18.2.2002 respectively. This Hon'ble Tribunal is pleased to pass an order thereby allowing the amendment of the original application No. 301/2002 and also to continue, The services of the applicant. Hence, this amended application other than is filed before this Hon'ble Tribunal, other than the above facts the subject matter in this application is not pending or subjudiced before any Court, Tribunal or authority.

8. Reliefs sought for :

In view of the facts and circumstances stated above in paragraph 4 of this application and the grounds, the applicant prays for the following reliefs :

- 8.1 That the impugned order issued under letter Nos. SAI/SC/OFF-ORD/2000-01/858 dated 6.7.2000 and SAI/SC/OFF-ORD/2001-02/4201/4213 dated 18.02.2002 be set aside and quashed as illegal, arbitrary.

Priswajt Samy,

8.1 A. That the clause-I of the impugned appointment letter dated 11.1.2000 (Annexure-D) to the extent that " the appointment is liable to terminate of one months's notice on either side without reasons being assigned" be set aside and quashed as the same is opposed to public policy and void in service contract particularly when the appointment is made on permanent/regular basis against existing vacant post.

8.1B. That the order of termination dated 6.7.2000 is arbitrary and most illegal as the same has been issued in violation of the clause-I of the appointment letter dated 11.1.2000 and in violation of rules of natural justice hence the same is liable to be set aside and quashed as the same are also violative of legitimate expectation and promissory estoppel.

8.1 C. That the order of termination dated 18.2.2002 and at the same time to order to complete the pending works before handing over the charge is vague, uncertain and self contradictory and illegal and the same is liable to be ^g quashed and set aside. The subsequent office order No. 36/2002 and 39/2002 be declared as contumacious and in operative as the same are issued in violation of law and stay order.

8.1 D. That the order of termination dated 6.7.2000 with retrospective effect and without notice and on the ground of ban on appointment is baseless and hence the said order is liable to be set aside and quashed.

8.2 That the respondents be directed to allow the applicant to continue in service on regular basis instead of temporary

Biswajit Samanta

basis as per regular appointment made under letter No. SAI/
SC/Appt. Ord/99-2000/5656(A) dated 11.1.2000.

8.3 Costs of the application.

8.4 Any other relief or reliefs to which the applicant
is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim Order Prayed for :

In the interim order, the applicant prays that as
he is continuously working as Junior Engineer in the Guwahati
Regional Sub-Centre ~~xxxx~~ and still working, he may be allowed
to continue and direction may be issued to the respondents not
to oust the applicant pending disposal of this original appli-
cation and stay the operation of the order dated 18.2.2002 and
office order No.36/2002 and 39/2002.

10. This application has been filed through advocate.

11. Particulars of the I.P.O.

i. I.P.O. No.

ii. Date of Issue :

iii. Issued from :

iv. Payable at :

Given in the - OR No-301/2001

12. List of enclosures.

As stated in the Index.

Verification.....

Biswajit Barua

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

I, Shri Biswajit Sharma, son of late Harendra-Nath Sarma, aged about 29 years, working in the office of the Sports Authority of India, Guwahati Regional Sub-Centre, Md. Shah Road, Paltan Bazar, Guwahati-781008, do hereby verify that the statements made in paragraphs 2, 3, 4.8, 4.9 are true to my knowledge, those made in paragraphs 1, 4, 4.1 to 4.7 being matter of records are true to my information derived therefrom and legal advice and I have not suppressed any material fact.

And I sign this verification on this 21~~st~~ day of March, 2002.

Biswajit Sharma
Signature.

टेलिक्स नं० : 31-66513

Telex No. : 31-66513

तार : "एस. ए. आई." दिल्ली

(GRAMS : S.A.I. Delhi)

Fax : 0091-011-4620971

जवाहरलाल नेहरू स्टेडियम
Jawaharlal Nehru Stadium

नई दिल्ली - 110 003

New Delhi - 110 003

No. 13(232)/2001/Legal SPORTS AUTHORITY OF INDIA

दिनांक

Date: 02.8.02

FAL

To,

Sh. S. Basumatary,
Asstt. Director,
North East Regional Sub-Centre,
New Field Sports Complex,
Md. Shah Road, Paltan Bazar,
Guwahati-781008.

Subject: In respect of the OA No. 301/2001-filed by
Sri Biswajit Sarma against SAI.

Sir,

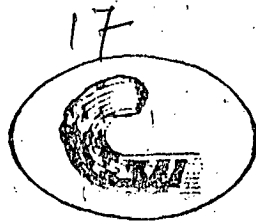
Please refer to your letter No. SAI/SC/CAT/2002-02/868 dt. 17.7.02 on the subject mentioned above. The matter has been discussed with LA. He has advised that our Advocate should take the stand as per the written statement and as such there is no question of any amicable settlement. However, as per the para 8 of the reply. "The applicant is free to apply for the post of a junior engineer under the Sports Authority of India as and when a vacancy arises subject to the condition that he is eligible in accordance with the Recruitment Rules prescribed for the same."

Yours faithfully,

(SUNITA BHARAL)
ASSTT. DIRECTOR (LEGAL)

S.K.
Pl. speak
2/8

(12)



ANNEXURE - A

Guwahati Regional Sub Centre
New Field Sports Complex
Md. Shah Road.
Paltan Bazar,
Guwahati 781 008

भारतीय खेल प्राधिकरण

SPORTS AUTHORITY OF INDIA

Ref No SAI/SC/Off-Ord/99-2000 / 759

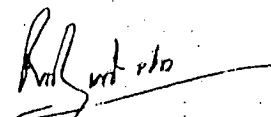
Date: 10.6.99.

OFFICE ORDER 135 / 99.

Shri Biswajit Sharma, is hereby appointed as Jr. Engineer on temporary basis w.e.f. 15.06.99 for a period of 89 days only. He will be paid a consolidated salary of Rs. 3000/- P.M.

He will perform his duties as Jr. Engineer and other official duties as entrusted to him.

Shri Biswajit Sharma.
Hatigaon,
Guwahati.


(R.N. BORDOLOI)
DIRECTOR I/C

Copy to:

1. Jr. Account Officer, SAI, Guwahati - for information.
2. AD, STC, Guwahati - for information.
3. Office Order file.
4. D.L.# file.

(R.N. BORDOLOI)
DIRECTOR I/C

Amended
D. 21.3.2002

17 18

ANNEXURE - B

SPORTS AUTHORITY OF INDIA
REGIONAL SUB CENTRE, GUWAHATI

Ref : SAI/SC/OFF-ORD/99-2000 / 4510

Dated : 8.9.99.

OFFICE ORDER NO _____/99.

The Extension of Service in respect of Shri Biswajit Sarma, Jr. Engineer (Temporary) is hereby granted by the competent Authority for another 89 (eighty nine) days w.e.f. 8.9.99. All other terms and conditions will remain same.

[Signature]
(R. N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

Shri Biswajit Sarma,
Jr. Engineer (Temporary)
SAI, Guwahati.

Copy to :

1. Senior Accountant, SAI, Guwahati.- for information.
2. Office order file.
3. DWL file.

(R. N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

[Handwritten signature]
21.3.2001

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(H)

ANNEXURE - c

36

**SPORTS AUTHORITY OF INDIA,
REGIONAL SUB CENTRE, GUWAHATI.**

Ref. No. SAI/SC/Int. J.E. 99-2000/ 383

Dated 15-12-99.

To

Sri Binodjit Sharma,
c/o: Mrs. Boma Devi,
Directorate of Municipal Admin.
Jengrabani, Guwahati-6.

Sub.: Interplex for the Post of Jr. Engineer.

Local Employment Exchange has sponsored your name for the interview for the post of Junior Engineer of this Centre. You are requested to appear a written test -cum interview as per details given below.

- a) Date : 7-1-2000.
b) Time : 11-00 AM.
c) Venue : SAI, Regional Sub Centre,
Falten Bazar, Guwahati-8.

You will have to produce the relevant certificates etc. in original at the time of interview.

Witness
D. Bora
21-3-2000

(R.N. Borah)
h
(R.N. BORAH)
DIRECTOR I/C, SAI,
GUWAHATI.

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ANNEXURE-D

Guwahati Regional Sub Centre
New Field Sports Complex
Md. Shah Road,
Paltan Bazar,
Guwahati-781 008

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भारतीय खेल प्राधिकरण

SPORTS AUTHORITY OF INDIA

Ref No. SAI/SC/Appt.Ord./99-2000 / 566(A)

Date. 11.01.2000.

To,

Sri/Ms. Biswajit Sharma

C/o: Mrs. Prema Devi,

Directorate of Municipal Administration,

Hengrabari, Guwahati -6.

Subject :- Offer of appointment for the post of Jr. Engineer
- in the Sports Authority of India,
at Regional Sub Centre, Guwahati.

You are hereby offered an appointment in the Sports Authority of India at Regional Sub Centre, Ghy. under the following terms & conditions.

1. This appointment is on probation of two years, but is likely to continue indefinitely. The appointment is liable to terminate of one month's notice on either side without reasons being assigned.
2. The scale of pay of the post is Rs. 4500-125- 7000/-. Your initial pay will be fixed in this scale in accordance with the normal rules and you will also be eligible for usual allowances under the rules and orders in force from time to time.
3. Your appointment will be subject to your being found medically fit for appointment to the grade of Jr. Engineer. and arrangement for your medical examination will be made soon after the receipt of your willingness. This offer is liable to be cancelled if you are not found medically fit.
4. In accordance with orders in force in regard to recruitment to service under the Govt. of India, no candidate who has more than one spouse living is eligible for appointment. This order of appointment is therefore conditions upon you satisfying the recruitment mentioned above and also to your furnishing to this

21

(17)

ANNEXURE - E

30

Dated :- 17-01-2000.

To

The Director i/o,
Sports Authority of India,
Regional Sub Centre,
New Field, Sports Complex,
Md. Shah Road, Guwahati-8.

Sub.:- Joining Report.

Ref. :- Appointment Order Letter No of reference No. SAI/SC/Appt.-Ord/
5686 dated 11-01-2000.

Sir,

I acknowledge my sincere thanks and gratitude for
offering me the post of Jr. Engineer in Sports Authority of India,
Regional Sub Centre, Guwahati.

I have joined the office on 17-01-2000 at 9-30 AM.

With regards.

Yours faithfully,

Biswas

(SH. BISWAJIT SARMA)
Jr. Engineer,
SAI, Regional Sub Centre,
Guwahati.

21-3-2002
21-3-2002

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Guwahati Regional Sub Centre
New Field Sports Complex
Md. Shah Road,
Paltan Bazar,
Guwahati-781 008

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भारतीय खेल प्राधिकरण

SPORTS AUTHORITY OF INDIA

Ref. No.

(2)

Date.

authority a declaration as in the annexure of this letter alongwith your reply.

5. You will not be entitled to any travelling allownaces for joining the appointment.

6. You will be governed by such rules and regulations as may be formed/ amended from time to time by Governing Body of SAI.

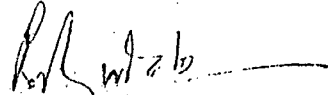
Your Headquarter will be Guwahati. Your services can be transferred to any place in India as may be considered necessary. You will carry out such duties as may be assigned to you.

7. In case you are Scheduled Caste/ Scheduled Tribe candidate, you should furnish the præscribed caste certificate from the Competent Authority at the time of reporting for duty in this authority.

8. You are requested to produce the following documents at the time of contacting the undersigned.

- Attestation Form in duplicate (forms enclosed).
- Character Certificate duly countersigned by a First Class Magistrate.
- Declaration as required under Para 4 above.
- Caste Certificates, attested copies of date of birth/ education/ professions/ achievements.

You are requested to join this office by 17.01.2000.


(R.N. BORDOLOI)
DIRECTOR I/C.

Copy to :-

- The Asstt. Director (Pers.), SAI, J.N. Stadium, New Delhi-3 - for information.
- Jr. Accounts Officer, SAI, NE Regional Sub Centre, Guwahati - for information.
- Personal file. 4) Guard file for record.

21-3-2000
D.M.

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(18)

ANNEXURE-F

40

SPORTS AUTHORITY OF INDIA
REGIONAL SUB CENTRE, GUWAHATI

Ref: SAI/SC/OFF-ORD/2000-01/855

Date: 06/07/2000

OFFICE ORDER NO: 74/2000

As per Corporate Office letter no. SAI/PERS/2307/91 dated 19/06/2000 the regular appointment of Sri Biswajit Sarma, Jr. Engineer and Sri Ashok Basumatary, LDC is hereby terminated w.e.f. 30th June'2000 as there is a ban order of appointment on regular basis, by the Govt. of India.

- 1) Sh. Biswajit Sarma,
Jr. Engineer,
- 2) Sh. Ashok Basumatary,
LDC.

(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

Copy to:

- 1) Sh. S.K. Parasar, Asstt. Director (Pers.), SAI, J.N. Stadium, New Delhi - 3 - for information. This has reference to your letter no. SAI/PERS/2307/91 dated 19/06/2000.
- 2) JAO, SAI, Guwahati - for information.
- 3) Office order file.
- 4) Personal File.

(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

(19) 24

ANNEXURE - 6

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SPORTS AUTHORITY OF INDIA
REGIONAL SUB CENTRE, GUWAHATI

Ref: SAI/SC/Aspt.Ord/2000-01/ 703

Date: 07/07/2000

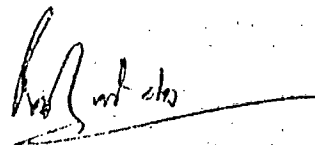
To,

Sri Biswajit Sarma,
S/O: Mrs. Prema Devi,
Directorate of Municipal Administration,
Hengabari, Guwahati-6

Sub: Offer of appointment as Jr. Engineer.

You are hereby offered the post of Jr. Engineer on purely temporary basis under the following terms and conditions.

- 1) The offer of appointment is for a period of 6(six) months only, w.e.f 3rd July'2000.
- 2) You will be paid Basic + D.A. of the Jr. Engineer Scale.
- 3) No claim will be entertained in a case of non-absorption on permanent basis.



(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

Copy to:

- 1) Sri S.K. Parasar, Asstt. Director(Pers.), SAI, J.N. Stadium, New Delhi - for information. This has reference to your letter no. SAI/PERS/2307/91 dated 19/06/2000.
- 2) JAO, SAI, Guwahati - for information.
- 3) Personal file.
- 4) Guard file.

(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

SAI/SC/Aspt.Ord/2000-01/703
21-3-2002

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ANNEXURE - 14

North East Regional Sub centre
New Field Sports Complex
Md. Shah Road, Paltan Bazar
Guwahati-781008

भारतीय खेल प्राधिकरण

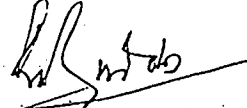
SPORTS AUTHORITY OF INDIA

Ref: SAI/SC/OFF-ORD/2000-2001 / 4202

Date: 02/01/2001.

OFFICE ORDER NO. 52 /2001.

The service in respect of Sri Biswajit Sarma, Jr. Engineer is hereby extended for another 6 (six) months w.e.f. 02/01/2001. All other terms & conditions will be remained same.


(R.N. BORDOLOI)
DIRECTOR I/C.

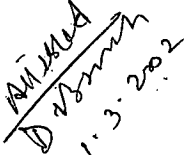
Sri Biswajit Sarma,
Jr. Engineer,
SAI, Guwahati.

Copy to:-

- 1) Jr. Accounts Officer- for information.
- 2) Office Order file.
- 3) DWL file.

2/7/01 Nch

(R.N. BORDOLOI)
DIRECTOR I/C.


21.3.2002



No. 036/SAI/7909

भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

File No. 31-00513
File No. 31-00513

Office Address: SAI, Delhi

No. SAI/Perd/2807/96

जवाहरलाल नेहरू स्टेडियम
Jawaharlal Nehru Stadium

New Delhi-110 003

Date: 3.1.1996

The Dy. Director (incharge)
Sports Authority of India
New Field Sports Complex
M.G. Road,
Falcon Bazar,
Guwahati-78.

Subject: Creation of the posts for Sub Centre Guwahati

I am directed to refer to your letter dated 2.11.95 on the above subject and to state that the following posts have been created for Sub Centre Guwahati:-

S.No.	Name of the post & pay scale	No. of post	Remarks
1.	Jr. Engineer (Rs. 1400-2300)	1	
2.	Sr. Accountant (Rs. 1400-2300)	1	
3.	Upper Division Clerk (Rs. 1200-2040)	1	WPC
4.	Stenographer (Rs. 1200-2040)	1	filled by transfer from SPDA Shilong.
5.	Jr. Accountant (Rs. 1200-2040)	1	
6.	Lower Division Clerk (Rs. 950-1500)	2	filled
7.	Electrician-cum-pump Operator (Rs. 950-1500)	1	filled
8.	Groundman (Rs. 750-940)	1	filled
9.	Attendant (Rs. 750-940)	2	filled
10.	Safai-karamchari (Rs. 750-940)	2	filled
11.	Doctor (part time basis)	1	filled

2/

भारतीय खेल प्राधिकरण को हिम प्रमो गैले हार पर आयुक्त प्रमाणित, 1991 के अनुसूची 00 की के अन्तर्गत माफ़ी की पुष्टि।
Donation to S.A.I. are exempt from I-Tax under Sec. 80G of the I-Tax Act, 1961

the persons who are already working on adhoc/consual basis be adjusted against the above post and the recruitment of persons may be done in accordance with provision provided in recruitment rules and with the approval of Regional Director, Netaji Subhas Eastern Centre, Calcutta. The Security arrangement to be on agency basis as per the guidelines issued by the Government from time to time.

This has the approval of Director General, Sports Authority of India.

Yours faithfully,

(S.S. ROY)
DY. DIRECTOR (PERS)

Copy to :- The Regional Director
Sports Authority of India
Netaji Subhas Eastern Centre
Calcutta. - For information.

21/3/2022



Guwahati Regional Sub Centre
New Field Sports Complex
Md. Shah Road,
Paltan Bazar,
Guwahati-781 008

भारतीय खेल प्राधिकरण

ANNEXURE - I

SPORTS AUTHORITY OF INDIA

Ref No. SAI/SC/Estb./2000-2001 / 3528

Date. 25/01/2001.

To,

The Director General,
Sports Authority of India,
J.N. Stadium,
New Delhi- 110003.

Subject:- Regularisation of service in respect of
Sri Biswajit Sarma, Jr. Engineer, SAI, Guwahati.

Sir,

I am forwarding herewith an application in original of reference BS/2000-01/24/01, dated 24.01.2001 submitted by Sri Biswajit Sarma, Jr. Engineer, SAI, N.E., Regional Sub Centre, Guwahati for favour of your kind perusal and necessary action. The contents of the letter furnished by him are true. Depending on the volume of work, his services can be regulated at a Pay Scale of Rs.4500- 125-7000/- and other permissible allowances as per Govt. of India rules.

Your kind approval is solicited.

With regards,

Yours faithfully,

(R.N. BORDOLOI)
DIRECTOR I/C.

Encl : As stated.

Valued
21-3-2002

01/24/01

22

29

24-01-01

46

ANNEXURE - J

The Director General,
Sports Authority of India,
J.N.Stadium,
New Delhi-3.

(Through the Director-in-charge, S.A.I. N.E.Regional
Sub-Centre, Guwahati-8)

Sub : Regularisation of service in respect of Sri Biswajit Sarma
Jr. Engineer, Sports Authority of India, N.E. Regional
Sub-Centre, Guwahati-8).

Sir,

Most respectfully, I would like to lay before you the following few lines for favour of your kind information and necessary action please.

1) That Sir, I was appointed as Jr.Engineer at SAI,N.E.Regional Sub-Centre, Guwahati on temporary basis on 15-06-99 for a period of 89 days only which was further extended for another 89 days continuously upto 16-01-2000.

2) That Sir, I was appeared for a written test-cum-interview on 7-1-2000 for the post of Jr.Engineer of SAI, N.E.Regional Sub-Centre,Guwahati.I came out as successful candidate for that post and was subsequently appointed as Jr. Engineer from 17/01/2000 at a pay scale of Rs. 4500-125-7000 and other permissible allowances as per Govt. of India rules.(appointment letter enclosed).

3) That Sir, surprisingly my regular appointment was terminated w.e.f. 30/06/2000 (Vide letter No.SAI/SC/OFF-ORD/2000-01/585 dated 06-07-2000) on the grounds stating that there was a ban of appointment on regular basis by the Govt. of India. Subsequently I was again appointed as Jr.Engineer on temporary basis w.e.f. 03/07/2000 without any pay scale, but only with basic pay and D.A. of the Jr. Engineer scale.(copies enclosed).

Attended
21-3-2002

Contd..... 2

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ANNEXURE - K

**SPORTS AUTHORITY OF INDIA,
REGIONAL SUB CENTRE, GUWAHATI.**

No.BS/2000-01/24/01/08/02/4045-46

Dated : 8th Feb^y 2001.

To

The Director General,
Sports Authority of India,
J.H. Stadium,
New Delhi-110003.

Sub. : Regularisation of service in respect of Shri Biswajit Sarma,
Jr. Engineer, SAI Guwahati.

Sir,

I would like to inform you that a letter of refer BS/2000-01/24-10 dated 24-01-2001 was sent to you which was forwarded by Director 1/SAI, Regional Sub Centre, Guwahati vide letter reference SAI/SC/Estb/2000-01/3828 dated 25-01-2001 on regularisation of my services.

That Sir, I was appointed as Jr. Engineer in SAI, N.E. Regional Sub Centre, Guwahati on 7-1-2000 at a pay scale of Rs.4500-125-7000 and other permissible allowances but surprisingly my regular appointment was terminated on 30-6-2000, but was again appointed as Jr. Engineer on temporary basis without any pay scale, but only with basic pay and D.A. of the Jr. Engineer scale (fixed pay).

I am entrusted with the responsibilities of all civil and other infrastructural works in this centre. The volume of work is no less than the other employees in this office, and hence mentally upset for not offering me the right salary package, despite of giving best results and maximum satisfaction to the Director -in-charge.

That Sir, on the above circumstances, it is my humble prayer to regularise my services permanently at a pay scale of Rs.4500-125-7000 and other permissible allowances as per Govt. of India rules on the ground that I am the only Engineer in SAI, N.E. Regional Sub Centre, Guwahati and is entrusted with all civil and infrastructural works under this organisation. It may also be mentioned that the post of Jr. Engineer in SAI, N.E. Regional Sub Centre, Guwahati was sanctioned five years ago.

Your favourable response and approval is solicited at the earliest.

With regards,

Yours faithfully,

Biswajit Sarma

(BISHAJIT SARMA)
Jr. Engineer.

SAI/SC/Estb/2000-01/3828
21.3.2002

(23) 31

(2)

4) That Sir, I am presently working as Jr. Engineer at Sports Authority of India, N.E. Regional Sub-Centre, Guwahati on a remuneration package of basic pay and D.A. only and is deprived from other allowances which were enjoyed by other employees.

5) That Sir, I am entrusted with the following responsibilities in this office.

i) Preparation of preliminary and final estimates, drafting of tender papers, opening of tenders.

ii) and preparation of comparative statement for all Civil works upto Rs. 3.00 lakhs for various S.A.I. Centres under the jurisdiction of S.A.I. N.E. Regional Sub-Centre, Guwahati.

iii) Supervision and measurement of works

iv) Preparation of Contractor's bill.

v) Other official duties entrusted to me such as supervision of security system, purchase of precise mechanical and electrical equipments/machines etc.

vi) all other dealings related to Civil works (deposit works with CPWD/NBCC).

6) That Sir, I am the only Engineer in SAI, N.E. Regional Sub-Centre, Guwahati performing my duties sincerely and dedicately tried my best to give maximum satisfaction to the Director-in-charge of this organisation, but is mentally upset for not offering me the right salary package, despite of giving best results.

7) That Sir, on the above circumstances, it is my humble prayer to regularise my services permanently at a pay scale of Rs. 4500-125-7000 and other permissible allowances as per Govt. of India rules on the grounds that I am the only Engineer in S.A.I. NE Regional Sub-Centre, Guwahati and is entrusted with all Civil

Cont..... 3

Amended
21.3.2002

(24) 32

(3)

works under this organisation. It may also be mentioned that the post of Jr. Engineer in S.A.I. NE Regional Sub-Centre, Guwahati was sanctioned five years ago.

Your kind approval is solicited.

With regards,

Yours faithfully,

Biswajit Sarma

(BISWAJIT SARMA)

Jr. Engineer.

S.A.I. Regional Sub-Centre,
Guwahati-8.

Date :- 24-01-01

&&&

Dismin
21.3.2002

33 (26)
भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

ANNEXURE - L 50
North East Regional Sub centre
New Field Sports Complex
Md. Shah Road, Paltan Bazar
Guwahati-781008

REF:SAI/SC/ESTB/2000-01/

DATE: 19-04-2001

To

**The Director General,
Sports Authority of India,
J. N. Stadium,
New Delhi - 3.**

Sub : Regularisation of services in respect of Shri. Biswajit Sarma, Jr. Engineer and Shri. Ashok Basumatary, L.D.C., SAI, N.E. Regional Sub-Centre, Guwhati.

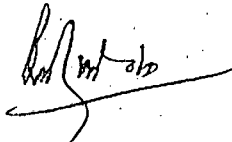
Sir,

I am forwarding herewith the applications in original submitted by Shri. Biswajit Sarma, Jr. Engineer, S.A.I., N.E. Regional Sub Centre, Guwahati and Shri. Ashok Basumatary, L.D.C., S.A.I, N. E. Regional Sub-Centre, Guwahati for favour of your kind perusal and necessary action. The contents of the letter furnished by them are true. Their regular appointment was terminated w.e.f. 30-6-2000 on the grounds that there is a ban order of appointment on regular basis by the Govt. of India which was conveyed by Asstt. Director (Pers.) vide letter ref. SAI/PERS/2307/91 dated 19-6-2000. However, the post of Jr. Engineer and L.D.C. are 'sanctioned posts' and their services can be regularised in the pay scale of Rs. 4500-125-7000 and 3050-75-3090-80-4590 respectively with other permissible allowances. Shri. Sarma & Shri. Basumatary are entrusted with important responsibilities under N. E. Regional Sub-Centre.

Your kind approval is solicited.

With regards,

Yours faithfully


(R. N. BORDOLOI)
DIRECTOR I/C.
SAI, SC, GUWAHATI.

Varma
21.3.2002

To ,

The Director General ,
Sports Authority of India,
J.N. Stadium ,
New Delhi-110003.

(Through the Director -in-charge , SAI, N.E. Regional Sub Centre,
Guwahati-8.)

Sub. :

Regularisation of services in respect of Shri Biswajit Sarma ,
Jr. Engineer , Sports Authority of India , N.E. Regional Sub Centre
Guwahati -8.

Sir,

Please refer to my earlier letter of reference BS/2000-01/24/01/
dated 24-1-2001 (applied through proper channel) and subsequent reminder on
08-2-2001 (under ref.BS/2000-01/24/01/08/02/4045) on regularisation of my
services.

That Sir, I was appointed as Jr. Engineer , at a consolidated pay of
Rs.3000/- per month in S.A.I. ,N.E. Regional Sub Centre , Guwahati on 15-6-99 on
temporary basis and thereafter regularised my services on the basis of an
interview from 17-1-2000 with pay scale of Rs. 4500-125-7000 and other permissible
allowances as per Govt. of India rules. But , surprisingly my regular appointment
was terminated w.e.f. 30-6-2000 on the grounds stating that there was a ban of
appointment on regular basis by Govt. of India . I was again appointed as Jr.
Engineer on temporary basis w.e.f. 03-7-2000 with a remuneration package of
basic pay and D.A. only (fixed pay of Rs. 6345/- per month). It is also known to
me the post of Jr. Engineer is a sanctioned post and an employee had served on
that post on regular basis before I was appointed on that post.

That Sir, I am the only qualified Engineer in this office and is
entrusted with creation and maintenance of all Civil and infrastructural works,
besides other official duties such as supervision of security system , purchase
of precise mechanical and electrical equipments and all correspondence with
CPWD and NBCC. It can be also be mentioned that corpus fund budgetary works for
the year 1999-2000 and 2000-01 , construction of synthetic tennis courts and
other maintenance works were completed (buildings and playgrounds of STCs) under
my direct supervision as per CPWD norms. It can also be mentioned that lot of
projects are to be executed in the coming years at the various centres of S.A.I.
under the jurisdiction of SAI, Regional Sub Centre , Guwahati.

That Sir, on the above circumstances , it is my humble prayer to
regularise my services permanently at a pay scale of Rs.4500-125-7000 and other
permissible allowances as per Govt. of India rules on the grounds that I am the
only qualified Engineer in SAI, N.E. Regional Sub Centre , Guwahati and is
entrusted with all infrastructural works under this organisation. The post of
Jr. Engineer is S.A.I. Guwahati is a sanctioned post and approved by S.A.I.

Your kind approval is solicited.

With regards,

Yours faithfully,

Biswajit Sarma

Signature

MINI
D. Sarma
21.3.2002

भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

North East Regional Sub centre
New Field Sports Complex
Md. Shah Road, Paltan Bazar
Guwahati-781008

REF:SAI/SC/ESTB/2001-02/291

DATE: 30.4.2001

To

The Director (Personal)
Sports Authority of India,
J. N. Stadium,
New Delhi.

ANNEXURE - N

Sub :- Regularisation of services in respect of Sri. Biswajit Sarma, Jr. Engineer, S.A.I., N.E.
Regional Sub-Centre, Guwahati.

Sir,

I am forwarding herewith the application^s in original submitted by Sri. Biswajit Sarma, Jr. Engineer, S.A.I., N.E. Regional Sub-Centre, Guwahati for favour of your kind perusal and necessary action. The contents of the letter furnished by him is true. His regular appointment was terminated w.e.f. 30/06/2000 on the grounds that there is a ban of appointment on regular basis by the Govt. of India which was conveyed by Asstt. Director (Pers) vide letter ref - SAI/PERS/2307/91 dated 19/06/2000.

However, Sri. Sarma is working at a sanctioned post and he is entrusted with important responsibilities in this office, mainly with civil and infrastructural works. Your kind approval is solicited to regularise him in a pay scale of Rs. 4500-125-7000 and other permissible allowances as per Govt. of India rules. He is having required qualification and age at the time of his initial appointment. His case is recommended for regular appointment as the ban is lifted now. We are in need the service of J.E. in this centre as lots of construction works are in progress.

Approval may please be obtained and sent to this office.

With regards.

Yours faithfully

(H. K. BORGHAIN)
DIRECTOR I/C.
SAI, GUWAHATI.

(29) 36

भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

ANNEXURE-0

North East Regional Sub centre
New Field Sports Complex
Md. Shah Road, Paltan Bazar
Guwahati-781008

30/04/2001

To,

The Director General,
Sports Authority of India,
J. N. Stadium,
New Delhi -3.

(Through the Director -in-Charge, S.A.I., N. E. Regional Sub-Centre, Guwahati - 8).

Sub :- Regularisation of services in respect of Sri. Biswajit Sarma, Jr. Engineer, Sports Authority of India, N.E. Regional Sub-Centre, Guwahati -8.

Sir,

Please refer to my earlier letter dated 24/01/2001 (applied through proper channel) and subsequent reminder on 08/02/2001 and 19-04-2001 on regularisation of my services.

- 1) That Sir, I was appointed as Jr. Engineer, at a consolidated pay of Rs. 3000/- per month in S.A.I., N.E. Regional Sub-Centre, Guwahati on 15-06-1999 on temporary basis and thereafter regularised my services on the basis of an interview from 17-01-2000 with a pay scale of Rs. 4500/- - 125-7000 and other permissible allowances as per Govt. of India rules. I received regular salary at that scale w.e.f. 17-01-2000.
 - 2) That Sir, surprisingly, my regular appointment was terminated w.e.f. 30/06/2000 on the grounds stating that there is a ban of appointment on regular basis by Govt. of India. I was again appointed as Jr. Engineer on temporary basis w.e.f. 03-07-2000 with a remuneration package of basic pay and D.A. only (fixed pay of Rs. 6345/- per month). It is known to me that the post of Jr. Engineer is a sanctioned post and an employee had served on that post on regular basis before I was appointed on that post.
 - 3) That Sir, I am the only qualified Engineer in this office and is entrusted with creation and maintenance of all Civil and infrastructural works, besides other official duties such as supervision of security systems, purchase of precise mechanical and electrical equipments and all correspondence with construction agencies such as C.P.W.D. and N.B.C.C. It can also be mentioned that the corpus fund budgetary works for the year 1999-2000 and 2000-2001, construction of synthetic tennis courts and other repair and maintenance works were completed under by direct supervision and formalities as per C.P.W.D. norms at the various centres of S.A.I. under the jurisdiction of Regional Sub-Centre, Guwahati. It is also known that lot of fresh projects are to be executed in the coming years at various centres of S.A.I.
- That Sir, I feel very disgausted for not offering me the right salary package like other employees despite of giving best results and maximum satisfaction to the Director i/c of this organisation. I am handling precise files and the efforts on working not less than the other employees. As such, it is my humble prayer to regularise my services permanently in a pay scale of Rs. 4500-125-7000 and other permissible allowances as per Govt. of India rules for which I shall be highly obliged.

With regards.

Yours faithfully,

Biswajit Sarma

(BISWAJIT SARMA)
JUNIOR ENGINEER

S.A.I. N.E. REGIONAL SUB-CENTRE,
GUWAHATI.

37

ANNEXURE - ~~01~~ P



भारतीय खेल प्राधिकरण

North East Regional Sub Centre,
New Field Sports Complex,
Md. Shah Road, Paltan Bazar,
Guwahati- 781008

SPORTS AUTHORITY OF INDIA

Ref: SAI/SC/OFF-ORD/2001-02/1201/1213

Date: 18/02/2002.

OFFICE ORDER NO. 2/1/2002.

In compliance to SAI, Corporate Office letter No. 13(232)/2001-Legal Cell/148, dated 08/02/2002, issued by Director (Pers.), the service in respect of Sri Biswajit Sarma, Jr. Engineer (contract basis), SAI, Guwahati, is hereby terminated with immediate effect. He will complete the allotted pending paper works immediately if any, and hand over the relevant files & documents to Sri Jibon Mudoj, Jr. Stenographer after observing proper procedure.


(H. K. BORGOHAIN)
DIRECTOR I/C.

Sri Biswajit Sarma,
Junior Engineer (Contract basis),
SAI, Guwahati

Copy to:-

- 1) Sri G. Kishore, Director (Pers.), SAI, New Delhi-3- for information. This has reference to his letter no. 13(232)/2001-Legal Cell/148, dated 08/02/2002. In absence of an Engineer, the day to day & ongoing projects at SAI, Guwahati will be effected. Hence, he is requested advice on the matter, so that the ongoing & proposed projects are not affected.
- 2) Sri Subhash Basumatary, Assistant Director, SAI, Guwahati - for information.
- 3) Sri D. K. Bora, Assistant Director, STC Guwahati- for information.
- 4) Sri Jibon Mudoj, Jr. Stenographer, SAI, Guwahati - for information. He will take over the relevant files & documents from Sri Biswajit Sarma, Jr. Engineer (contract basis).
- 5) Sr. Accountant, SAI, Regional Sub Centre, Guwahati - for information.
- 6) Guard file.
- 7) Office Order file.

*Noted
D. M. M. M.
21.3.2002*

*Received on 25/02/02
Biswajit Sarma.*

(H. K. BORGOHAIN)
DIRECTOR I/C.

*Arr F → P23
P → 37
Rec + R*

GAUHATI MEDICAL COLLEGE HOSPITAL
OUT-PATIENTS DEPARTMENT

ADVICE SLIP

Service & Unit... *8831* Date... *09/12*
Name... *Biswas* Hospital No... *8222*
Age... Sex... Regd. No... *6576*
Advice... *30*

Annexure *Q*

1) Zonocin 200
81-1 to 100

2) Zinct 500
81-2 to 100

3) Add rest to 2.6.28

Dec 09/2/02

21-3-2002

2/2002

to

To
The Director &
Sports Authority of India,
NE Regional Sub Centre,
Paltan Bazar,
Guwahati - 781008

Sub - Leave application in respect of Shri Biswajit Sarma, Jr. Engineer.
Sports Authority of India, Guwahati.

Sir,

I am, to inform you that, I fall a sudden sick from 19/02/02 morning with severe fever and headache, and was immediately referred to the Guwahati Medical College Hospital. The Doctor of GHCH told that I am suffering of Para Typhoid and strictly advised me for bed rest for 15 (fifteen) days.

As such, I am not in a condition to attend office from 19/02/02 to 05/03/02 due to my aforementioned illness and for which approval of leave for that said period may kindly be accorded.

[The Guwahati Medical College Hospital Advice slip] is enclosed herewith.]

Submitted
D. Sarma
21.3.2002

Yours faithfully,

Biswajit Sarma 19/02/02

BISWAJIT SARMA,
JR. ENGINEER,
S.A.I.,
N.E.R.S.C.,
GUWAHATI - 781008

भारत

प्रमाणिकरण

North East Regional Sub Centre,
New Field Sports Complex,
Md. Shah Road, Paltan Bazar,
Guwahati- 781008

SPORTS MINISTRY OF INDIA

Ref: SAI/SC/OFF-ORD/2001-02/4306

Date: 07/03/2002.

OFFICE ORDER NO. 36/2002.

In continuation to Office Order No.24/2002, dated 18/02/2002, Sri Biswajit Sarma, Jr. Engineer, who was on contract basis, was terminated w.e.f. 18/02/2002. But, he was absent since 19/02/2002 and reported on 07/03/2002. For completion of the incomplete works, the Jr. Engineer of SAI Eastern Centre, Kolkata has been called to look after the works at Guwahati. Since, Sri Sarma has been terminated, he will hand the entire official relevant files, papers & documents etc., to Sri Jibon Mudoi, Jr. Stenographer today i. e. 07/03/2002 positively, on as it is position.

Impossible
in single day.

(H. K. BORGOHAIN)
DIRECTOR I/C.

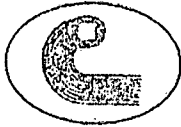
✓ Sri Biswajit Sarma,
C/O: Mrs. Prema Devi,
Hatigaon,
Guwahati- 6.

Copy to:-

- 1) Sri G. Kishore, Director (Pers.), SAI New Delhi-3- for information.
- 2) Sri Subhash Basumatary, Assistant Director, SAI, Guwahati - for information.
- 3) Sri Jibon Mudoi, Jr. Stenographer, SAI, Guwahati - for information.
- 4) Sr. Accountant, SAI, Regional Sub Centre, Guwahati - for information.
- 5) Guard file.
- 6) Office Order file.

(H. K. BORGOHAIN)
DIRECTOR I/C.

Added
D. Basumatary
21.3.2002



भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

North East Regional Sub centre
New Field Sports Complex
Md. Shah Road, Paltan Bazar
Guwahati-781008

REF: SAI/SC/OFF-ORD/2001-02 / 4355

DATE: 07/02/2002

OFFICE ORDER NO: 39 / 2002

In pursuance of this office order no: 24/2002 dated 18/02/02, Sri Biswajit Sarma, Jr. Engineer is hereby directed to handover all the files / documents pertaining to Infrastructure works of the Sub Centre, Guwahati as well as pertains to other centres immediately to Sri Jibon Mudoi, Jr. Steno.

This order stands cancel of Office Order no : 36/2002 dated 07/03/2002.


(H. K. BORGOHAIN)
DIRECTOR I/C.,
SAI, SC, GUWAHATI.

Sri Biswajit Sarma,
C/o. Mrs. Prema Devi,
Hatigaon,
Guwahati - 6.

Copy to:

1. Sri G. Kishore, Director (Pers.), Sports Authority of India, J. N. Stadium, New Delhi - for information.
2. Sri Subhash Basumatary, Assistant Director, Sports Authority of India, Regional Sub-Centre, Guwahati - for information.
3. Sri Jibon Mudoi, Jr. Stenographer, SAI, Regional Sub-Centre, Guwahati - for information.
4. Sr. Accountant, SAI, Regional Sub-Centre, Guwahati - for information.
5. Guard file.
6. Office Order file.

(H. K. BORGOHAIN)
DIRECTOR I/C.,
SAI, SC, GUWAHATI.

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ALL
21.3.2002

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ANNEXURE - U

12. Any other information :
I hereby declare that all the particulars given in the application are true and complete to the best of knowledge and belief.
Date : _____ Signature of Candidate
dvp 7160(329)2001 EN 25/69

Sports Authority of India

Jawahar Lal Nehru Stadium
Lodhi Road Complex, New Delhi

Principal LNCPE, Karovattom, Thiruvananthapuram, under Sports Authority of India (Autonomous Body)
Examination passed (b) University/Board (c) Year (d) Subject (e) % of marks obtained (f) Class Division/Obtained (g) Merit Prizes/Medals won if any : 7. Language Known (Write/Speak) 8. Employment Experience (a) Name of Employer/Institution (b) Period of appointment (c) Designation (d) Nature of Duty/Work (e) Salary & Grade 9. Total Teaching Experience (in years) 10. Specialisation 11. Participation in Games at College/University/State/National Level 12. International/National Seminar/Conference/Summer School/Workshop/Clinics attended (a) Name (b) Venue (c) Year (d) What capacity (Attach Additional sheets if needed) 13. Publication work 14. Research Experience 15. Important Assignment 16. Whether applied through proper channel 17. Details of Bank/Demand Draft 18. Any additional information

Applications are invited for filling up the post of Principal, Laxmibai National College of Physical Education, Karivattom, Thiruvananthapuram in the pay scale of Rs. 16,400-22,400/- on direct recruitment basis.

Essential Qualification & Experience
d) A Master's Degree with atleast 55% of the marks or its equivalent. Grade of B in the 7 point scale with letter grades O, A, B, C, D, E & F. e) Ph.D or equivalent qualification. f) Total experience of 15 years of teaching/research in Universities/Colleges and other institutions of higher education.

Desirable: c) Research Publications. d) Administrative experience in a college/teaching Deptt. of Phy. Edn. of a University or any other senior position in an institution of higher learning. Age : Not below 40 years and not above 55 years.

Interested candidates may apply in the prescribed application format given below.

APPLICATION FOR THE POST OF PRINCIPAL (Affix passport size photograph) 1. Name, 2. Mailing Address 3. Date of Birth & age 4. Whether SC/ST/OBC 5. Details of present employment (a) Department/organisation (b) Post held (c) Present scale of pay (d) Basic pay drawn 6. Academic Qualifications (a)

I hereby declare that the information furnished above is true and complete to the best of my knowledge and belief.
Date : _____ Place : _____ Signature : _____
Application duly completed in all respect/alongwith DD of Rs. 50/- drawn in favour of Secretary, SAI should reach the Executive Director (Personnel & Coaching) latest by 25th Oct, 2001. Incomplete applications/received after due date are liable to be rejected.

(M.P. Ganesh)
Executive Director (Pers & Coaching)
SAI, Delhi
dvp 8002(21)2001 EN 25/74

6.	Principal for Special Education Centre (Reserved for OBC)	One	Rs. 8000-13500	45 years	Essential : 1. Master's Degree from a recognised University in any subject 2. One year Diploma in 'Spl. Education (Mental Retardation)' or B.Ed. in Special Education (Mental Retardation) 3. Five years experience in the field of mental retardation after qualification in special education. Desirable : Preference will be given to candidates having M.Ed. and who have worked in supervisory capacity or as Principal of a Special School.
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Other requirements :
1. The applicant must be a citizen of India.
2. Age will be relaxed for SC/ST/PH/Ex-Servicemen candidates as per the rules of Govt. of India.
3. The applicants in Government/Semi Government Organisations/Public Sector Undertakings/Autonomous bodies must send their applications Through Proper Channel.
4. Interested candidates should submit their completed application as per the proforma given at Annexure-I to the Assistant Administrative Officer, (PA&M), NIMH, Manovikasnagar, Secunderabad-500009.
5. The envelope containing the applications should be superscribed "Application for the post _____".
6. Last date for receipt of applications is October, 15, 2001. Applications received late will not be considered.

Asst. Admn. Officer (PA&M)

ANNEXURE-I

APPLICATION PROFORMA
1. RC/MCI Registration No. _____
2. Name of Applicant (In Block letters) _____
3. Father's Name : _____
4. Date of Birth (DD/MM/YY) : _____
5. Nationality : _____
6. Marital Status : _____
7. Whether belongs to SC/ST/OBC (If yes, attach certificates from prescribed authorities) _____
8. Present address : _____
9. Permanent address : _____
10. Nearest Railway station : _____
11. Present Post (With name of the employer and date of joining the post) with salary drawn, etc. : _____
12. Educational Qualifications (From SSC/X class onwards)

Exam. passed	University	Division	Percentage of marks	Year of passing	Subjects
--------------	------------	----------	---------------------	-----------------	----------

14. Details of experience (with duration)

S.No.	Name of the organisation	Post held (S)	Duties & Responsibilities/ key performance areas	Duration From To	Significant achievements
-------	--------------------------	---------------	--	------------------	--------------------------

15. Details of research work done, if any : _____
16. Professional training undergone if any and details thereof : _____
17. Publications, if any : _____
18. Any other relevant information that you may like to furnish : _____

Place : _____ Date : _____
Signature of the candidate : _____ EN 25/53

21-3-2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

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

Title of the Case : O.A. No. 301 /2001
Shri Biswajit Sarma : Applicant
- Versus -
Union of India & Ors : Respondents.

I N D E X

<u>Sl. No.</u>	<u>Annexure</u>	<u>Particulars</u>	<u>Page No.</u>
1.	X -	Application	1- 10
2.	-	Verification	11
3	A	Appointment letter dt. 10.6.99	12
4.	B	Appointment letter dated 8.9.99.	13
5.	C	Interview Call letter dated 15.12.99	14
6.	D	Appointment letter dated 11.1.2000.	15-16
7.	E	Joining report dt. 17.1.2000	17
8.	F	Impugned order dt. 6.7.00	18
9.	G	Subsequent Appointment letter dated 7.7.2000	19
10.	H	Extention of service letter letter dated 2.1.2000.	20
11.	I	Forwarding letter dt. 25.1.00	21
12.	J	Representation dt. 24.1.01	22-24
13.	K	Representation dt. 8.2.01	25
14.	L	Forwarding letter dt. 19.4.01	26
15.	M	Representation dt. 19.4.01	27
16.	N	Forwarding letter dt. 30.5.01	28
17.	O	Representation dt. 30.4.01	29
18.	-	Vakalatnama	

Dilip Baruah.
Signature Advocate
6-8-2001.

Biswajit Sarma

Filed by the
applicant's
Through
Dilip Baruah,
Advocate G.8.201

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

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

Original Application No. _____/2001

BETWEEN

Shri Biswajit Sarma
Son of late Hamendra Nath Sarma
Junior Engineer

Office of the Sports Authority of India,
Guwahati Regional Sub-Centre
New Field Sports Complex
Md. Shah Road,
Paltan Bazar, Guwahati 781 008.

..... Applicant

AND

1. Union of India
Through the Director General,
Sports Authority of India,
J.N. Stadium, New Delhi - 110003
2. The Assistant ~~Gen~~ Director (Pers)
Sports Authority of India
J.N. Stadium,
New Delhi -3.

Biswajit Sarma

3. The Director I/C,
Sports Authority of India
Guwahati Regional Sub Centre
New Field Sports Complex
Md. Shah Road
Paltan Bazar, Guwahati- 781 008.

..... Respondents.

DETAILS OF APPLICATION

1. Particulars of orders against which this application is made :

This application is made against the impugned order issued under letter No. SAI/SC/OFF-ORD/2000-01/855 dated 6.7.2000 whereby the appointment of the applicant which was issued under letter No. SAI/SC/Appt. Ord/99-2000/565(A) dated 11.1.2000 is terminated w.e.f. 30.6.2000.

2. Jurisdiction :

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

The applicant further declares that the application is within the period of limitation prescribed under Section 21 of the Central Administrative Tribunals Act, 1985.

4. Facts of the Case :

That the applicant is a Citizen of India and as such he is entitled to all the rights, protections and

Biswajit Saime

privilegees as guaranteed under the Constitution of India.

4.2 That your applicant was appointed as Jr. Engineer on temporary basis w.e.f. 15.06.99 ~~px~~ for a period of 89 days as a consolidated salary of Rs. 3000/- p.m. vide Memo No. SAI/SC/OFF-ORD/99-2000/759 dated 19.6.99. Thereafter the services of the applicant was extended as Jr. Engineer for another 89 days w.e.f. 8.9.99 vide Memo No. SAI/SC/OFF-ORD/99/2000/4510 dated 8.9.99. Thereafter the applicant was called for the interview for the post of Jr. Engineer, to be held on 7.1.2000 at 11.00 A.M. at SAI, Regional Sub-Centre, Paltan Bazar, Guwahati-8 vide letter No. SAI/SC/Int. J.E/99-2000/5393 dated 15.12.99. The applicant in pursuance of the local Employment Exchange called for the said interview and accordingly he appeared before the interview Board for a written test-cum-interview on 7.1.2001. The applicant was found suitable for the post and he was declared selected by the selection Board for the said post of Junior Engineer and offered the appointment by the Respondent No.3 vide letter No. SAI/SC/Appt. Ord /99-2000/5656(A) dated 11.1.2000 against the "sanctioned Posts" in the pay scale of Rs. 4500-125-7000. In the said appointment it was stated that the "appointment is on probation of two years, but is likely to continue indefinitely". It is also stated that the appointing authority reserves the right to terminate the service of the applicant forthwith by one month's notice on either side without ~~an~~ assigning any reasons. The applicant immediately on receipt of the offer of appointment accepted the same and after completion of all required formalities submitted the joining report

Bismit Kumar

-4-

on 17.1.2000 as Junior Engineer, Sport Authority of India, Regional Sub Centre, Guwahati. In pursuance of his joining report the applicant was allowed to work with effect from 17.1.2000. Surprisingly on 6.7.2000, after seven months of his sincere services on regular basis, the applicant was served upon the impugned letter bearing No. SAI/SC/OFF-ORD/2000-01/858 dated 6.7.2000 issued by the Director I/C, Sports Authority of India, Guwahati, whereby the regular appointment of the applicant alongwith one Sri Ashok Basumatary, LDC were terminated w.e.f. 30.6.2000 because of the ban order of appointment on regular basis by the Government Of India. This order was issued on the basis of the corporate office letter No. SAI/PERS/2307/91 dated 19.6.2000. The applicant was highly shocked after receiving of the said impugned letter dated 6.7.2000. However, on the next day on 7.7.2000 the respondent No.3 had issued an appointment letter thereby offering the post of Junior Engineer on purely temporary basis under the following terms and conditions that "(i) the offer of appointment is for a period of 6 (six) months only w.e.f. 3.7.2000; (ii) You will be paid Basic+ D.A. of the Junior Engineer Scale and (iii) No claim will be entertained in a case of non observation on permanent basis".

there can not be any reason to terminate

Therefore the services of the applicant on regular basis vide letter dated 6.7.2000. Thereafter, again the services of the applicant was extended for another 6(six) months w.e.f. 2.1.2001 vide Memo No. SAI/SC/OFF-ORD/2000-2001/4202 dated 2.1.2001 and the applicant is still working there as Junior Engineer on temporary basis, though the services of the applicant is continued since 8.9.99 without any break.

Biswajit Sarma

Under the circumstances, the impugned action of the respondents has violate the principles of natural justices and is illegal and arbitrary. As such the same is liable to be set aside and quashed.

The copy of the appointment letter dated 10.6.99, 8.9.99, interview call letter dated 15.12.99, appointment letter dated 11.1.2000, jointly report dated 17.1.2000, impugned order dated 6.7.2000 subsequent appointment letter dated 7.7.2000 and extension of services order letter dated 2.1.2001 are annexed hereto and marked as Annexure - A, B, C, D, E, F, G and H respectively.

4.3. That the applicant had made a representation dated 24.1.2001 addressed to the respondents no.1 which was forwarded to him by Respondent No.3 on 25.1.2000 thereby requesting to regularise the services of the applicant considering the volume of work . But the respondent No.1 did not give any reply of the same. Again on 8.2.2001, the applicant submitted another representation to regularise his servives at a pay scale of Rs. 4500-125-7000/- . But the respondents did not response to the said representations . Again on 19.4.2001 the applicant submitted a representation for regularisation of his services. The said representation was forwarded to Respondent No.1 by respondent No.3. The respondent No. 1 is maintaing silence this time also. On 30.4.2001. The applicant again submitted a representation to Respondent No.1, which was ^{forwarded} ~~forwarded~~ by Respondent No.3. on the same day, thereby requesting to consider the case of the applicant on

Boisnjit Sane

on the ground that he is working at a sanctioned post and he is entrusted with important responsibilities in the office, namely Civil and infrastructural works. The said post was sanctioned vide letter No SAH/PERS/2387/91 dated 3.1.96 by the respondent No.2.

Copies of the forwarding letter dated 25.1.2001 for representation dated 8.2.2001 both forwarding letter and representation dated 19.4.2001 are annexed as Annexure - I, J, K, L, M, N and O respectively.

4.4 That the respondents with a view to fill up the vacant post of Junior Engineer, made a request to the local Employment Exchange for sponsoring list of suitable candidate. The Employment Exchange accordingly sponsored list of candidates on the basis of which written test and interview were held for proper selection of candidate for the post of Junior Engineer. The name of the applicant was sponsored and on the basis of that the respondents had issued calling letter for interview. The applicant had duly appeared before the Selection Board and was selected after observing all necessary formalities on the basis of his performance in selection process. The applicant was accordingly appointed against a regular available vacancy of Junior Engineer under the Sport Authority of India, Guwahati. Therefore, the impugned order of termination of his regular appointment is violative of principles of natural justice and the same has been issued without issuing any prior notice. As such the same is liable to be set aside and quashed.

Biswajit Sarma

4.5 That it is stated that the applicant has undergone all the process of selection as required under the law and after being found suitable by the selection committee he was declared selected for the post of Junior Engineer. As such he is under the legitimate ~~in~~ expectation that he will be regularised in the post of Junior Engineer. But the impugned order of termination from regular post of Junior Engineer has been passed in total violation of doctrine of legitimate expectation as such impugned order is liable to be set aside and quashed.

4.6 That your applicant begs to state that he has no other alternative but to approach this Hon'ble Tribunal for such arbitrary and illegal action of the respondents. It is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interests of the applicant. The action of the respondents is also violative of the provisions of Article 21 of the Constitution of India.

4.7 That this application is made bonafide and for the cause of justice.

5. Grounds for relief with legal provisions-

5.1 For that the impugned order dated 6.7.2000 has been passed after seven months of services of the applicant as on regular ~~and~~ basis and 1 year 26 days of temporary service in the Sports Authority of India, Regional Sub-Centre, Guwahati, as such the impugned order is void ab-initio. The applicant is serving continuous

Biswajit Dore

for the last more than 2 years against an existing vacant post being duly selected.

- 5.2 For that the applicant joined in Sports Authority of India as Junior Engineer on temporary basis on 10.6.99 and subsequently his services was regularised by following all the procedures, as such the impugned order is highly illegal, arbitrary and the same can not sustain in the eye of law.
- 5.3 For that the offer of appointment has already been effected and the applicant served for 7 (seven) months on regular basis, as such the impugned order has been issued on 6.7.2000 is bad in law.
- 5.4 For that the impugned order has been issued in total violation of principles of natural justice and also in violation of ~~axxxxx~~ doctrine of legitimate expectation and provisions of Article 21 of the Constitution of India.
- 5.5 For that the respondents No.3 had clearly and categorically recommended for regularisation of the services of the applicant against the sanctioned vacant post and the representations made by the applicant are also not responded by the respondents acting mala fide.
- 5.6 For that the respondents have wilfully and deliberately resorted to adhocism in appointment while the post is vacant and sanctioned one and more particularly at the top of all while the applicant was duly

Bismajit Samra

~~selected by the selection process/authority for regular~~

selected by the selection process/authority for regular appointment after the names were sponsored by the Employment Exchange.

6. Details of remedies exhausted.

The applicant declare that he has no other alternative or efficacious remedy except by way of filing this application before this Hon'ble Tribunal.

7. Matters not previously filed for pending with any other Court /Tribunal.

The applicant further declares that he had 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. Reliefs Sought for :

In view of the facts and circumstances stated above in paragraph 4 of this application and the grounds , the applicant prays for the following reliefs :

8.1 That the impugned order issued under letter No. SAI/SC/OFF-ORD/2000-01/858 dated 6.7.2000 be set aside and quashed as illegal, arbitrary.

8.2 That the respondents be directed to allow the applicant to continue in service on regular basis instead of temporary basis as per regular appointment made under letter No. SAI/SC/Appt-Ord/99-

Biswajit Samra

-10-

99-2000/5656(A) dated 11.1.2000.

8.3 Cost of the application.

8.4 Any other relief or reliefs to which the applicant is entitled to as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for :

In the interim, the applicant prays that as he is continuous working as Junior Engineer in the Guwahati Regional Sub-Centre and still working, he may be allowed to continue and direction may be issued to the respondents not to oust the applicant pending disposal of this original application.

10. This application has been filed through advocate.

11. Particulars of the I.P.O.

- i. I.P.O. No. : 66 792448
- ii. Date of Issue : 14-5.2001
- iii. Issued from : Head P.O. Guwahati
- iv. Payable at : The Central Administrative Tribunal, Guwahati Bench. Guwahati.

12. List of enclosures

As stated in the Index.

Verification

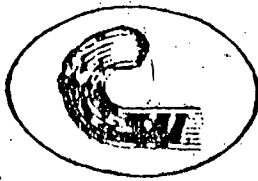
Biswajit Samra

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

I, Shri Biswajit Sharma, son of late Harendra -
Nath Sarma, aged about 29 years, working in the office of
the Sports Authority of India, Guwahati Regional Sub-Centre,
Md. Shah Road, Paltan Bazar, Guwahati- 781008 , do hereby
verify that the statements made in paragraphs ^{2, 3, 4.1, 4.2 and 4.5} are true to
my knowledge, those made in paragraphs 1, 4.2 and 4.3 ~~~~~
being matter of records are true to my information derived
~~therefrom~~ therefrom and legal advice and I have not suppressed
any material fact.

And I sign this verification on this 6 th
^{August,}
day of July, 2001.

Biswajit Sharma
Signature.



Guwahati Regional Sub Centre
New Field Sports Complex
Md. Shah Road,
Paltan Bazar,
Guwahati 781 008

भारतीय खेल प्राधिकरण

ANNEXURE - A

SPORTS AUTHORITY OF INDIA

Ref No SAI/SC/Off-Ord/99-2000 / 759

Date. 10.6.99.

OFFICE ORDER 135/99.

Shri Biswajit Sharma, is hereby appointed as Jr. Engineer on temporary basis w.e.f. 15.06.99 for a period of 89 days only. He will be paid a consolidated salary of Rs. 3000/- P.M.

He will perform his duties as Jr. Engineer and other official duties as entrusted to him.

Shri Biswajit Sharma.
Hatigaon,
Guwahati.

(R.N. BORDOLOI)
DIRECTOR I/C

Copy to:

1. Jr. Account Officer, SAI, Guwahati - for information.
2. AD, STC, Guwahati - for information.
3. Office Order file.
4. D.L.# file.

(R.N. BORDOLOI)
DIRECTOR I/C

Witnessed
J. B. Barmah
10/6/99

(13)

ANNEXURE-B

SPORTS AUTHORITY OF INDIA
REGIONAL SUB CENTRE, GUWAHATI

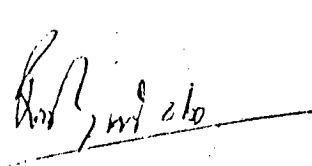
Ref : SAI/SC/OFF-ORD/99-2000 / 4 S/A

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Dated : 8.9.99.

OFFICE ORDER NO 94/99.

The Extension of Service in respect of Shri Biswajit Sarma, Jr. Engineer (Temporary) is hereby granted by the competent Authority for another 89 (eighty nine) days w.e.f. 8.9.99. All other terms and conditions will remain same.


(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

Shri Biswajit Sarma,
Jr. Engineer (Temporary)
SAI, Guwahati.

Copy to :

1. Senior Accountant, SAI, Guwahati.- for information.
2. Office order file.
3. DWL file.

(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

*✓ Attested
D. Biswas
✓ Dr. Chakraborty*

(14)

ANNEXURE - C

24

**SPORTS AUTHORITY OF INDIA,
REGIONAL SUB CENTRE, GUWAHATI.**

Ref. No. SAI/SC/Int. J.E./ 99-2000/ 383

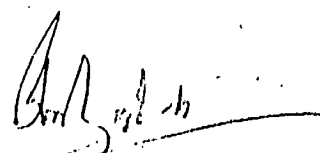
Dated 15-12-99.

To Sri Binrajit Sharma,
c/o: Mrs. Benu Devi,
Directorate of Municipal Admin.
Jengrabani, Guwahati-6.
Sub.: Interfer for the Post of Jr. Engineer.

Local Employment Exchange has sponsored your name for the interview for the post of Junior Engineer of this Centre. You are requested to appear a written test -cum interview as per details given below.

- a) Date : 7-1-2000.
- b) Time : 11-00 AM.
- c) Venue : SAI, Regional Sub Centre,
Palton Bazar, Guwahati-8.

You will have to produce the relevant certificates etc. in original at the time of interview.


(R.N. BORDOLOI)
DIRECTOR I/C, SAI,
GUWAHATI.

Witnessed
D. B. B. B.
Advent



15

ANNEXURE-D

Guwahati Regional Sub Centre,
New Field Sports Complex
Md. Shah Road,
Paltan Bazar,
Guwahati-781 008

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भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

Ref No. SAI/SC/Appt.Ord./99-2000 / 566 (A)

Date. 11.01.2000.

To,

Sri/Ms. Biswajit Sharma
C/o: Mrs. Prema Devi,
Directorate of Municipal Administration,
Hengrabari, Guwahati -6.

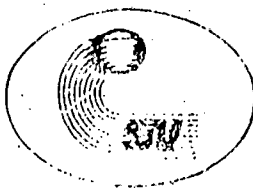
Subject :- Offer of appointment for the post of Jr. Engineer
- in the Sports Authority of India,
at Regional Sub Centre, Guwahati.

You are hereby offered an appointment in the Sports Authority of India at Regional Sub Centre, Chy. under the following terms & conditions.

1. This appointment is on probation of two years, but is likely to continue indefinitely. The appointment is liable to terminate of one month's notice on either side without reasons being assigned.
2. The scale of pay of the post is Rs. 4500-125- 7000/-. Your initial pay will be fixed in this scale in accordance with the normal rules and you will also be eligible for usual allowances under the rules and orders in force from time to time.
3. Your appointment will be subject to your being found medically fit for appointment to the grade of Jr. Engineer. and arrangement for your medical examination will be made soon after the receipt of your willingness. This offer is liable to be cancelled if you are not found medically fit.
4. In accordance with orders in force in regard to recruitment to service under the Govt. of India, no candidate who has more than one spouse living is eligible for appointment. This order of appointment is therefore conditions upon you satisfying the recruitment mentioned above and also to your furnishing to this

TELEPHONE NOS. OFFICE : 542802, 524475, RES. : 540608, FAX : 0361 - 542802

Attested
D. B. B. B.
Advocate



16

Guwahati Regional Sub Centre
New Field Sports Complex
Md. Shah Road,
Paltan Bazar,
Guwahati-781 008

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भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

Ref No.

(2)

Date.

authority a declaration as in the annexure of this letter alongwith your reply.

5. You will not be entitled to any travelling allowances for joining the appointment.

6. You will be governed by such rules and regulations as may be formed/ amended from time to time by Governing Body of SAI.

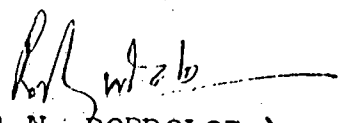
Your Headquarter will be Guwahati. Your services can be transferred to any place in India as may be considered necessary. You will carry out such duties as may be assigned to you.

7. In case you are Scheduled Caste/ Scheduled Tribe candidate, you should furnish the prescribed caste certificate from the Competent Authority at the time of reporting for duty in this authority.

8. You are requested to produce the following documents at the time of contacting the undersigned.

- Attestation Form in duplicate (forms enclosed).
- Character Certificate duly countersigned by a First Class Magistrate.
- Declaration as required under Para 4 above.
- Caste Certificates, attested copies of date of birth/ education/ professions/ achievements.

You are requested to join this office by 17.01.2000.


(R.N. BORDOLOI)
DIRECTOR I/C.

Copy to :-

- The Asstt. Director (Pers.), SAI, J.N. Stadium, New Delhi-3 - for information.
- Jr. Accounts Officer, SAI, NE Regional Sub Centre, Guwahati - for information.
- Personal file. 4) Guard file for record.

TELEPHONE NOS OFFICE 542802, 524475, RES. : 540608. FAX : 0361 - 542802

*Attested
J. Boruah
Advent*

Dated :- 17-01-2000.

To

The Director i/o,
Sports Authority of India,
Regional Sub Centre,
New Field, Sports Complex,
Md. Shah Road, Guwahati-8.

Sub.:- Joining Report.

Ref. :- Appointment Order Letter No of reference No. SAI/SC/Appt.-Ord/
5686 dated 11-01-2000.

Sir,

I acknowledge my sincere thanks and gratitude for
offering me the post of Jr. Engineer in Sports Authority of India,
Regional Sub Centre, Guwahati.

I have joined the office on 17-01-2000 at 9-30 AM.

With regards.

Yours faithfully,

Biswas

(SH. BISWAJIT SARMA)
Jr. Engineer,
SAI, Regional Sub Centre,
Guwahati.

Attached
D. Biswas
admitted

SPORTS AUTHORITY OF INDIA
REGIONAL SUB CENTRE, GUWAHATI

Ref: SAI/SC/OFF-ORD/2000-01/858

Date: 06/07/2000

OFFICE ORDER NO: 74/2000

As per Corporate Office letter no. SAI/PERS/2307/91 dated 19/06/2000 the regular appointment of Sri Biswajit Sarma, Jr. Engineer and Sri Ashok Basumatary, LDC is hereby terminated w.e.f. 30th June'2000 as there is a ban order of appointment on regular basis, by the Govt. of India.

- 1) Sh. Biswajit Sarma,
Jr. Engineer,
- 2) Sh. Ashok Basumatary,
LDC.

(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

Copy to:

- 1) Sh. S.K. Parasar, Asstt. Director (Pers.), SAI, J.N. Stadium, New Delhi - 3 - for information. This has reference to your letter no. SAI/PERS/2307/91 dated 19/06/2000.
- 2) JAO, SAI, Guwahati - for information.
- 3) Office order file.
- 4) Personal File.

(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

Attended
D. Banerjee
18/07/2000

(19)

ANNEXURE-6

SPORTS AUTHORITY OF INDIA
REGIONAL SUB CENTRE, GUWAHATI

Ref: SAI/SC/Appt,Ord/2000-01/ 703

Date: 07/07/2000

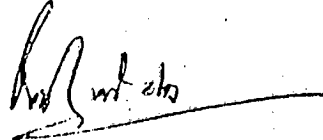
To,

Sri Biswajit Sarma,
S/O: Mrs. Prema Devi,
Directorate of Municipal Administration,
Hengsbari, Guwahati-6

Sub: Offer of appointment as Jr. Engineer.

You are hereby offered the post of Jr. Engineer on purely temporary basis under the following terms and conditions:

- 1) The offer of appointment is for a period of 6(six) months only, w.e.f 3rd July'2000.
- 2) You will be paid Basic + D.A. of the Jr. Engineer Scale.
- 3) No claim will be entertained in a case of non-absorption on permanent basis.



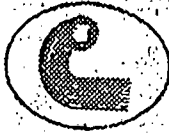
(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

Copy to:

- 1) Sri S.K. Parasar, Asstt. Director(Pers.), SAI, J.N. Stadium, New Delhi - for information. This has reference to your letter no. SAI/PERS/2307/91 dated 19/06/2000.
- 2) JAO, SAI, Guwahati - for information.
- 3) Personal file.
- 4) Guard file.

(R.N. BORDOLOI)
DIRECTOR I/C, SAI
GUWAHATI

ATTACHED
D. B. B. B.
A. B. B. B.



North East Regional Sub centre
New Field Sports Complex
Md. Shah Road, Paltan Bazar
Guwahati-781008

भारतीय खेल प्राधिकरण

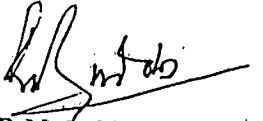
SPORTS AUTHORITY OF INDIA ANNEXURE H

Ref: SAI/SC/OFF-ORD/2000-2001 / 4202

Date: 02/01/2001.

OFFICE ORDER NO. 53 /2001.

The service in respect of Sri Biswajit Sarma, Jr. Engineer is hereby extended for another 6 (six) months w.e.f. 02/01/2001. All other terms & conditions will be remained same.


(R.N. BORDOLOI)
DIRECTOR I/C.

— Sri Biswajit Sarma,
Jr. Engineer,
SAI, Guwahati.

Copy to:-

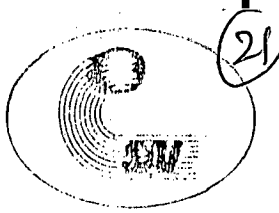
- 1) Jr. Accounts Officer- for information.
- 2) Office Order file.
- 3) DWL file.

(R.N. BORDOLOI)
DIRECTOR I/C.

2/1/01

*Verified
8 min
10/1/01*

TELEPHONE NO: OFFICE -- 524475, 638540, 638541, RESI : 540608 TELE FAX : (0361) 542802
E-mail: saircgau@gwl.vsnl.net.in



Guwahati Regional Sub Centre
New Field Sports Complex
Md. Shah Road,
Paltan Bazar,
Guwahati-781 008

भारतीय खेल प्राधिकरण

ANNEXURE — I

SPORTS AUTHORITY OF INDIA

Ref No. SAI/SC/Estb./2000-2001 / 3528

Date. 25/01/2001.

To,

The Director General,
Sports Authority of India,
J.N. Stadium,
New Delhi- 110003.

Subject:- Regularisation of service in respect of
Sri Biswajit Sarma, Jr. Engineer, SAI, Guwahati.

Sir,

I am forwarding herewith an application in original of reference BS/2000-01/24/01, dated 24.01.2001 submitted by Sri Biswajit Sarma, Jr. Engineer, SAI, N.E., Regional Sub Centre, Guwahati for favour of your kind perusal and necessary action. The contents of the letter furnished by him are true. Depending on the volume of work, his services can be regulated at a Pay Scale of Rs.4500- 125-7000/- and other permissible allowances as per Govt. of India rules.

Your kind approval is solicited.

With regards,

Yours faithfully,

(R.N. BORDOLOI)
DIRECTOR I/C.

Encl : As stated.

Witnessed
D. B. B. B.
Advocate

To,

The Director General,
Sports Authority of India,
J.N.Stadium,
New Delhi-3.

(Through the Director-in-charge, S.A.I. N.E.Regional
Sub-Centre, Guwahati-8)

Sub : Regularisation of service in respect of Sri Biswajit Sarma
Jr. Engineer, Sports Authority of India, N.E. Regional
Sub-Centre, Guwahati-8).

Sir,

Most respectfully, I would like to lay before you the following few lines for favour of your kind information and necessary action please.

- 1) That Sir, I was appointed as Jr.Engineer at SAI, N.E.Regional Sub-Centre, Guwahati on temporary basis on 15-06-99 for a period of 89 days only which was further extended for another 89 days continuously upto 16-01-2000.
- 2) That Sir, I was appeared for a written test-cum-interview on 7-1-2000 for the post of Jr.Engineer of SAI, N.E.Regional Sub-Centre, Guwahati. I came out as successful candidate for that post and was subsequently appointed as Jr. Engineer from 17/01/2000 at a pay scale of Rs. 4500-125-7000 and other permissible allowances as per Govt. of India rules. (appointment letter enclosed).
- 3) That Sir, surprisingly my regular appointment, was terminated w.e.f. 30/06/2000 (Vide letter No.SAI/SC/OFF-ORD/2000-01/585 dated 06-07-2000) on the grounds stating that there was a ban of appointment on regular, basis by the Govt. of India. Subsequently I was again appointed as Jr.Engineer on temporary basis w.e.f. 03/07/2000 without any pay scale, but only with basic pay and D.A. of the Jr. Engineer scale. (copies enclosed).

Contd..... 2

Admitted
D. M. M. M.
Admitted

4) That Sir, I am presently working as Jr. Engineer at Sports Authority of India, N.E. Regional Sub-Centre, Guwahati on a remuneration package of basic pay and D.A. only and is deprived from other allowances which were enjoyed by other employees.

5) That Sir, I am entrusted with the following responsibilities in this office.

i) Preparation of preliminary and final estimates, drafting of tender papers, opening of tenders.

ii) and preparation of comparative statement for all Civil works upto Rs. 3.00 lakhs for various S.A.I. Centres under the jurisdiction of S.A.I. N.E. Regional Sub-Centre, Guwahati.

iii) Supervision and measurement of works

iv) Preparation of Contractor's bill.

v) Other official duties entrusted to me such as supervision of security system, purchase of precise mechanical and electrical equipments/machines etc.

vi) all other dealings related to Civil works (deposit works with CPWD/NBCC).

6) That Sir, I am the only Engineer in SAI, N.E. Regional Sub-Centre, Guwahati performing my duties sincerely and dedicately tried my best to give maximum satisfaction to the Director-in-charge of this organisation, but is mentally upset for not offering me the right salary package, despite of giving best results.

7) That Sir, on the above circumstances, it is my humble prayer to regularise my services permanently at a pay scale of Rs. 4500-125-7000 and other permissible allowances as per Govt. of India rules on the grounds that I am the only Engineer in S.A.I. NE Regional Sub-Centre, Guwahati and is entrusted with all Civil

Cont..... 3

Attested
D. S. S. S.
Advocate

works under this organisation. It may also be mentioned that the post of Jr. Engineer in S.A.I. NE Regional Sub-Centre, Guwahati was sanctioned five years ago.

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Your kind approval is solicited.

With regards,

Yours faithfully,

Biswajit Sarma

(BISWAJIT SARMA)

Jr. Engineer.

S.A.I. Regional Sub-Centre,
Guwahati-8.

Date :- 24-01-01

&&&

*Noted
D. Sarma
Adm. Secy*

(25)

b/c

85

**SPORTS AUTHORITY OF INDIA
REGIONAL SUB CENTRE, GUWAHATI.**

No. BS/2000-01/24/01/03/02/4045-46

Dated : 8th Feb 2001.

To

The Director General,
Sports Authority of India,
J.H. Stadium,
New Delhi-110003.

Sub. : Regularisation of service in respect of Shri Biswajit Sarma,
Jr. Engineer, SAI Guwahati.

Sir,

I would like to inform you that a letter of refer BS/2000-01/24-10 dated 24-01-2001 was sent to you which was forwarded by Director i/SAI, Regional Sub Centre, Guwahati vide letter reference SAI/SC/Estb/2000-01/3828 dated 25-01-2001 on regularisation of my services.

That Sir, I was appointed as Jr. Engineer in SAI, N.E. Region Sub Centre, Guwahati on 7-1-2000 at a pay scale of Rs. 4500-125-7000 and other permissible allowances but surprisingly my regular appointment was terminated on 30-6-2000, but was again appointed as Jr. Engineer on temporary basis without any pay scale, but only with basic pay and D.A. of the Jr. Engineer scale (fixed pay).

I am entrusted with the responsibilities of all civil and other infrastructural works in this centre. The volume of work is no less than the other employees in this office, and hence mental upset for not offering me the right salary package, despite of giving best results and maximum satisfaction to the Director-in-charge.

That Sir, on the above circumstances, it is my humble prayer to regularise my services permanently at a pay scale of Rs. 4500-125-7000 and other permissible allowances as per Govt. of India rules on the ground that I am the only Engineer in SAI, N.E. Regional Sub Centre, Guwahati and is entrusted with all civil and infrastructural works under this organisation. It may also be mentioned that the post of Jr. Engineer in SAI, N.E. Regional Sub Centre, Guwahati was sanctioned five years ago.

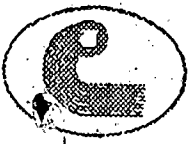
Your favourable response and approval is solicited at the earliest.

With regards,

Yours faithfully,

Biswajit Sarma
(BISHAJIT SARMA)
Jr. Engineer.

*Approved
D. Narayan
Admission*



भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

North East Regional Sub centre
New Field Sports Complex
Md. Shah Road, Paltan Bazar
Guwahati-781008

REF:SAI/SC/ESTB/2000-01/

DATE: 19-04-2001

To

ANNEXURE - L

The Director General,
Sports Authority of India,
J. N. Stadium,
New Delhi - 3.

Sub : Regularisation of services in respect of Shri. Biswajit Sarma, Jr. Engineer and Shri. Ashok Basumatary, L.D.C., SAI, N.E. Regional Sub-Centre, Guwhati.

Sir,

I am forwarding herewith the applications in original submitted by Shri. Biswajit Sarma, Jr. Engineer, S.A.I., N.E. Regional Sub Centre, Guwahati and Shri. Ashok Basumatary, L.D.C., S.A.I, N. E. Regional Sub-Centre, Guwahati for favour of your kind perusal and necessary action. The contents of the letter furnished by them are true. Their regular appointment was terminated w.e.f. 30-6-2000 on the grounds that there is a ban order of appointment on regular basis by the Govt. of India which was conveyed by Asstt. Director (Pers.) vide letter ref. SAI/PERS/2307/91 dated 19-6-2000. However, the post of Jr. Engineer and L.D.C. are 'sanctioned posts' and their services can be regularised in the pay scale of Rs. 4500-125-7000 and 3050-75-3090-80-4590 respectively with other permissible allowances. Shri. Sarma & Shri. Basumatary are entrusted with important responsibilities under N. E. Regional Sub-Centre.

Your kind approval is solicited.

With regards,

Yours faithfully

(R. N. BORDOLOI)
DIRECTOR I/C.
SAI, SC, GUWAHATI.

*19/4/2001
D. Bordoloi
19/4/2001*

(27)

To,

The Director General,
Sports Authority of India,
J.N. Stadium,
New Delhi-110003.

ANNEXURE - M

(Through the Director -in-charge, SAI, N.E. Regional Sub Centre,
Guwahati-8.)

Sub. :

Regularisation of services in respect of Shri Biswajit Sarma,
Jr. Engineer, Sports Authority of India, N.E. Regional Sub Centre
Guwahati -8.

Sir,

Please refer to my earlier letter of reference BS/2000-01/24/01/
dated 24-1-2001 (applied through proper channel) and subsequent reminder on
08-2-2001 (under ref.BS/2000-01/24/01/08/02/4045) on regularisation of my
services.

That Sir, I was appointed as Jr. Engineer, at a consolidated pay of
Rs.3000/- per month in S.A.I., N.E. Regional Sub Centre, Guwahati on 15-6-99 on
temporary basis and thereafter regularised my services on the basis of an
interview from 17-1-2000 with pay scale of Rs. 4500-125-7000 and other permissible
allowances as per Govt. of India rules. But, surprisingly my regular appointment
was terminated w.e.f. 30-6-2000 on the grounds stating that there was a ban of
appointment on regular basis by Govt. of India. I was again appointed as Jr.
Engineer on temporary basis w.e.f. 03-7-2000 with a remuneration package of
basic pay and D.A. only (fixed pay of Rs. 6345/- per month). It is also known to
me the post of Jr. Engineer is a sanctioned post and an employee had served on
that post on regular basis before I was appointed on that post.

That Sir, I am the only qualified Engineer in this office and is
entrusted with creation and maintenance of all Civil and infrastructural works,
besides other official duties such as supervision of security system, purchase
of precise mechanical and electrical equipments and all correspondence with
CPWD and NBCC. It can be also be mentioned that corpus fund budgetary works for
the year 1999-2000 and 2000-01, construction of synthetic tennis courts and
other maintenance works were completed (buildings and playgrounds of STCs) under
my direct supervision as per CPWD norms. It can also be mentioned that lot of
projects are to be executed in the coming years at the various centres of S.A.I.
under the jurisdiction of SAI, Regional Sub Centre, Guwahati.

That Sir, on the above circumstances, it is my humble prayer to
regularise my services permanently at a pay scale of Rs.4500-125-7000 and other
permissible allowances as per Govt. of India rules on the grounds that I am the
only qualified Engineer in SAI, N.E. Regional Sub Centre, Guwahati and is
entrusted with all infrastructural works under this organisation. The post of
Jr. Engineer in S.A.I. Guwahati is a sanctioned post and approved by S.A.I.

Your kind approval is solicited.

With regards,

Yours faithfully,

Biswajit Sarma

Wf signed
Biswajit Sarma
19/4/2001

भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

North East Regional Sub centre
New Field Sports Complex
Md. Shah Road, Paltan Bazar
Guwahati-781008

REF:SAI/SC/ESTB/2001-02/291

DATE: 30.4.2001

To

The Director (Personal)
Sports Authority of India,
J. N. Stadium,
New Delhi.

ANNEXURE - N

Sub :- Regularisation of services in respect of Sri. Biswajit Sarma, Jr. Engineer, S.A.I., N.E. Regional Sub-Centre, Guwahati.

Sir,

I am forwarding herewith the applications in original submitted by Sri. Biswajit Sarma, Jr. Engineer, S.A.I., N.E. Regional Sub-Centre, Guwahati for favour of your kind perusal and necessary action. The contents of the letter furnished by him is true. His regular appointment was terminated w.e.f. 30/06/2000 on the grounds that there is a ban of appointment on regular basis by the Govt. of India which was conveyed by Asstt. Director (Pers) vide letter ref – SAI/PERS/2307/91 dated 19/06/2000.

However, Sri. Sarma is working at a sanctioned post and he is entrusted with important responsibilities in this office, mainly with civil and infrastructural works. Your kind approval is solicited to regularise him in a pay scale of Rs. 4500-125-7000 and other permissible allowances as per Govt. of India rules. He is having required qualification and age at the time of his initial appointment. His case is recommended for regular appointment as the ban is lifted now. We are in need the service of J.E. in this centre as lots of construction works are in progress.

Approval may please be obtained and sent to this office.

With regards.

Yours faithfully

(H. K. BORGOHAIN)
DIRECTOR I/C.
SAI, GUWAHATI.

TELEPHONE NOs :OFFICE – 524475, 638540, 638541 RES : 540608 TELE FAX : (0361) 542802
E-mail: saircgau@gwl.vsnl.net.in



भारतीय खेल प्राधिकरण
SPORTS AUTHORITY OF INDIA

North East Regional Sub centre
New Field Sports Complex
Md. Shah Road, Paltan Bazar
Guwahati-781008

30/04/2001

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ANNEXURE — 0

To,

The Director General,
Sports Authority of India,
J. N. Stadium,
New Delhi -3.

(Through the Director -in-Charge, S.A.I., N. E. Regional Sub-Centre, Guwahati - 8).

Sub :- Regularisation of services in respect of Sri. Biswajit Sarma, Jr. Engineer, Sports Authority of India, N.E. Regional Sub-Centre, Guwahati -8.

Sir,

Please refer to my earlier letter dated 24/01/2001 (applied through proper channel) and subsequent reminder on 08/02/2001 and 19-04-2001 on regularisation of my services.

- 1) That Sir, I was appointed as Jr. Engineer, at a consolidated pay of Rs. 3000/- per month in S.A.I., N.E. Regional Sub-Centre, Guwahati on 15-06-1999 on temporary basis and thereafter regularised my services on the basis of an interview from 17-01-2000 with a pay scale of Rs. 4500/- - 125-7000 and other permissible allowances as per Govt. of India rules. I received regular salary at that scale w.e.f. 17-01-2000.
 - 2) That Sir, surprisingly, my regular appointment was terminated w.e.f. 30/06/2000 on the grounds stating that there is a ban of appointment on regular basis by Govt. of India. I was again appointed as Jr. Engineer on temporary basis w.e.f. 03-07-2000 with a remuneration package of basic pay and D.A. only (fixed pay of Rs. 6345/- per month). It is known to me that the post of Jr. Engineer is a sanctioned post and an employee had served on that post on regular basis before I was appointed on that post.
 - 3) That Sir, I am the only qualified Engineer in this office and is entrusted with creation and maintenance of all Civil and infrastructural works, besides other official duties such as supervision of security systems, purchase of precise mechanical and electrical equipments and all correspondence with construction agencies such as C.P.W.D. and N.B.C.C. It can also be mentioned that the corpus fund budgetary works for the year 1999-2000 and 2000-2001, construction of synthetic tennis courts and other repair and maintenance works were completed under by direct supervision and formalities as per C.P.W.D. norms at the various centres of S.A.I. under the jurisdiction of Regional Sub-Centre, Guwahati. It is also known that lot of fresh projects are to be executed in the coming years at various centres of S.A.I.
- That Sir, I feel very disgausted for not offering me the right salary package like other employees despite of giving best results and maximum satisfaction to the Director i/c of this organisation. I am handling precise files and the efforts on working not less than the other employees. As such, it is my humble prayer to regularise my services permanently in a pay scale of Rs. 4500-125-7000 and other permissible allowances as per Govt. of India rules for which I shall be highly obliged.

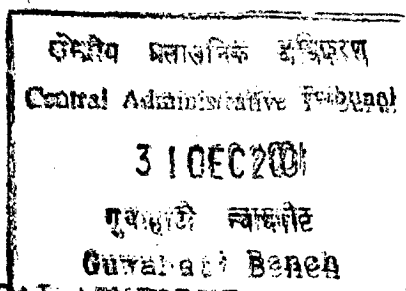
With regards.

Yours faithfully,

Biswajit Sarma

(BISWAJIT SARMA)
JUNIOR ENGINEER

S.A.I. N.E. REGIONAL SUB-CENTRE,
GUWAHATI.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

Filed by

31/12/2001
(A. A. T. Guwahati Bench)

G. A. T. Guwahati Bench

O.A. NO. 301 OF 2001

Shri Biswajit Sarma

- Vs -

Union of India & Ors.

- And -

In the matter of :

Written Statements submitted by the
respondents

The respondents beg to submit the written statement
as follows :

1. That with regard to the statements made in para 1, 2, 3 and 4.1, of the application, the respondents beg to offer no comments.
2. That with regard to the statements made in para 4.2, the respondents beg to state that Sri Biswajit Sarma, son of Mrs. Prema Devi, resident of Hatigaon Road, Dispur, Guwahati-6, District-Kamrup, Assam was appointed as Jr. Engineer on temporary/contract basis w.e.f. 15.06.1999 for a period of 89 days as the earlier Jr. Engineer resigned from the post. In order to carry out the day to day functioning of the engineering works, Sri Sarma was engaged on purely temporary basis @ Rs.3000/- p.m. After expiry of 89 days, it was extended for another

89 days w.e.f. 08.09.1999 due to requirement of work load. Subsequently, an interview was conducted on 07.01.2000 for filling up the post of Jr. Engineer. Accordingly, Sri Biswajit Sarma was appointed on probation basis in the Pay Scale of 4500-125-7000 and other terms and conditions mentioned in his offer of appointment letter issued from this office. His recruitment was intimated to SAI Headquarter, J.N. Stadium, Lodhi Road, New Delhi - 3 vide letter No. SAI/SC/Appt. Ord/99-2000/6045 dated 11.01.2000 for regularisation of his service.

The Personnel Directorate of SAI, Headquarter, New Delhi vide letter No. SAI/Pers/2307/91 dated 07.07.2000 had rejected the case of regularisation of Jr. Engineer at SAI Sub Centre, Guwahati, due to Ban Imposed by the Govt. of India, Ministry of Youth Affairs & Sports for appointment and promotion on regular basis in Sports Authority of India. As Sri Biswajit Sarma was appointed on probation basis, SAI Headquarter had directed to terminate Sri Biswajit Sarma, Jr. Engineer immediately and consider his service on contract basis for a period of six months w.e.f. 03.07.2000 @ Basic Pay + D.A. ✓

3. That with regard to the statements made in para 4.3, the respondents beg to state that Sri Biswajit Sarma accepted his termination from regular appointment and also the accepted the offer of working as Jr. Engineer on Pay of Basic Pay + D.A. clearly knowing the fact that the earlier appointment was on probation basis and can be terminated within two years by the competent authority without claiming for permanent absorption.

-3-

4. That with regard to the statements made in para 4.4, the respondents beg to state that SAI Sub Centre, Guwahati cannot deny the order of the Headquarter since the procedure of appointment of Jr. Engineer was done through local Employment Exchange, Kamrup, Guwahati and Sri Biswajit Sarma was appointed as J.E. on prbbation against the sanction post. Since the appointment was on probation, his termination without prior notice does not violate any rule.

5. That with regard to the statements made in para 4.5, the respondents beg to state that with reference to his appointment letter No. SAI/SC/Appt. Ord/99-2000/5656 dated 11.01.2000 para 1. Clearly mentions that "This appointment is on probation of two years, but is likely to continue indefinitely. The appointment is liable to terminate of one months's notice on either side without reasons being assigned." The termination order from regular post on probation period does not violate any doctrine of legitimate expectation.

6. That with regard to the statements made in para 4.6, the respondents beg to state that the applicant have accepted the termination from regular post of Jr. Engineer, vide office order No. 94/2000 dated 06.07.2000 and have agreed to serve Sports Authority of India vide letter no. SAI/SC/Appt. Ord/2000-01/903 dated 07.07.2000 under following terms and condition.

-4-

1. The offer of appointment is for a period of six months only.

2. You will be paid Basic pay + D.A. of the Jr. Engineer Scale.

3. No claim will be entertained in case of non-absorption on permanent basis.

7. That with regard to the statements made in para 4.6, the respondents beg to state that this application for justice for regularisation of job under above circumstances is void.

8. That with regard to the statements made in para 5.1, the respondents beg to state that one year and twenty six days of temporary service on consolidated pay in Sports Authority of India cannot be accounted with regular appointment. As per offer of appointment letter "This appointment is on probation of two years, but is likely to continue indefinitely. The appointment is liable to terminate of one month's notice on either side without reasons being assigned." Sri Biswajit Sarma was terminated within seven months, which does not violate any rule.

9. That with regard to the statements made in para 5.2, the respondents beg to state that working on temporary basis cannot count on service rule for permanent absorption, after regularisation of any job, an individual can be terminated on probation period of two years without assigning any reasons thereof. Remuneration for working in Sports Authority of India was also provided to Sri Biswajit Sarma.

10. That with regard to the statements made in para 5.3, the respondents beg to state that the applicant was terminated within the probation period of two years i.e. only working for seven months on regular basis, as such the impugned order issued on 6.7.2000 cannot be bad under eye of law.
11. That with regard to the statements made in para 5.4, the respondents beg to state that the termination of Sri Biswajit Sarma within the stipulated period cannot violate doctrine of legitimate expectation and provisions of Article 21 of the Constitution of India.
12. That with regard to the statements made in para 5.5, the respondents beg to state that the regularisation in the sanctioned and vacant post cannot be made by violating the orders imposed by Govt. of India, Ministry of Youth Affairs & Sports.
13. That with regard to the statements made in para 5.6, the respondents beg to state that the appointment was duly conducted after receiving the names from local employment exchange, and following all section procedures, which does not guarantee for permanent absorption by violating the rules.
14. That with regard to the statements made in para 6, the respondents beg to state that as per applicant's declaration before the Hon'ble Tribunal which is incorrect, as the applicant was aware of the fact that during the probation period, as per competent authority decisions he can be terminated within the stipulated time without assigning any reasons therein. After receipt of termination order from Sports Authority of India, he have accepted to work on temporary basis for six month basis

under following term and condition :

1. The offer of appointment is for a period of six months only.
2. You will be paid Basic Pay + D.A. of the Jr. Engineer Scale.
3. No claim will be entertained in case of non-absorption on permanent basis.

This clearly shows that there is no violation of rules against such dismissal.

15. That with regard to the statements made in para 7, the respondents beg to state that regarding filing of previous application/writ petition for the same matter is not made by the individual.

16. That with regard to the statements made in para 8.1, the respondents beg to state that the impugned order issued under letter No. SAI/SC/OFF-ORD/2000-01/858 dated 06.07.2000, cannot be set aside as it does not violate any rules of appointment.

17. That with regard to the statements made in para 8.2, the respondents beg to state that there is no provision in SAI for regular appointment unless the Govt. of India, Ministry of Youth & Sports Ban order is waived. During future course of time, if the Supreme Court Order is lifted for regular appointment in SAI, normal recruitment procedure has to be followed for filling up the vacant sanctioned post as per SAI recruitment rules as per SAI HQ letter No. SAI/PERS/2307/91/953 dated 9.7.01

-7-

If the ban is lifted for regular appointment, he is not eligible for appearing in the interview due to age bar. His date of birth is 14.5.1972, which will exceed the age bar fixed by the Govt. of India. Hence, in any case he is not eligible for appearing in the interview in future.


It is, therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost.

Verification.....

VERIFICATION

I, Shri *HK Borgolain Dir 1/c*
SAI Guwahati being authorised do 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 *28th*
day of *December*, 2001.


Declarant.
DIRECTOR INCHARGE,
SPORTS AUTHORITY OF INDIA
REGIONAL SUB CENTRE
GUWAHATI-8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

IN THE CASE OF

O.A. NO. 301/2001

AND

IN THE MATTER OF

BISWAJIT SARMA

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

COUNTER REPLY ON BEHALF OF RESPONDENTS NO. 1 & 2

I, Satyajit Sankrit S/o Dr. Gopal Roy working as Assistant Director in the office of Sports Authority of India, Jawaharlal Nehru Stadium, Lodhi Road, New Delhi do hereby solemnly affirm that I am fully conversant with the facts of the case and that I am authorised by the Competent Authority to make averments and submissions as under:-

PRELIMINARY SUBMISSIONS

1. It is respectfully submitted that the reply filed by the Respondent No. 3 has been filed without the approval of Respondent No. 1, namely, the Director General, Sports Authority of India and, therefore, the Respondent No. 1 is not bound by any averments or statements or submissions made in the said written statement. It is respectfully submitted that the said written statement may not be treated as a counter reply on behalf of Respondent No. 1 & 2.
2. It is respectfully submitted that the Sports Authority of India (SAI) is an Autonomous Body registered as a Society under the Registration of Societies Act, 1860 and has its own Service Bye-Laws and Conditions of Service Regulations including Recruitment Rules.

99
G. C. P. S.
and by M. P. S.

3. That the engineering cadre including the post of Junior Engineer is a centralised cadre and the Director General is the appropriate appointing authority for the post of Junior Engineer, a Group B post.
4. That study of the requirement of staff was carried by the SIU of the Ministry of Finance for. The Sports Authority of India and the Staff Inspection Unit (SIU) of the Ministry of Finance, Govt. of India recommended a total of 11 posts for the entire SAI against which, at present, 11 regular and permanent Junior engineers are already appointed. It is submitted that the post of junior engineer at Guwahati is to filled by transfer of one of the excess junior engineers working at the Headquarters of Respondent No. 1 at New Delhi and, therefore, the post of the junior engineer at Guwahati cannot be filled by regular appointment of any outsider nor any direct recruitment can be made in excess of the required sanctioned strength for SAI.
5. That the Director General is the appointing authority for the junior engineers and that the Director Incharge, Guwahati Centre is not the competent authority. It is submitted that the power of appointment of the lowest posts is vested only upto the Regional Directors and that the then Dy. Director holding current charge of Director of Guwahati Centre, Shri R.N. Bordoloi was not the competent authority to appoint a junior engineer either on consolidated salary or on the regular scale of the post nor was the said Shri R.N. Bordoloi competent to conduct any interviews for appointment on his own without the approval of the appointing authority, namely, the DG, SAI. It is, therefore, respectfully submitted that the Office order No. 135/99 dated 10.6.99, placed at Annexure-A with the OA is, therefore, ab-initio invalid, illegal, without jurisdiction or competence and is, therefore, void. It is submitted that Shri R.N. Bordoloi has, since, left the service of Respondent No. 1 and, therefore, any action against the erring officer is not possible.

6. It is submitted that on the grounds mentioned in the above para the office order dated 8.9.99 at Annexure-B of the OA and the letter dated 15.12.99 calling the applicant for interview (placed at Annexure-C of the OA) as well as the offer of appointment dated 11.1.2000 (placed at Annexure-D of the OA) are illegal, invalid and void ab-initio as the same were not issued by the Competent Authority nor were issued with the approval of the Competent Authority.
7. It is respectfully submitted that in view of the above the applicant has no claim for regularisation, or regular appointment under Respondent No. 1 or for continuation on even adhoc basis in the post as there is no vacancy available in SAI as there are 11 persons appointed against 11 sanctioned post under SAI. It is respectfully ^{stated} that the applicant does not acquire any vested rights on the basis of incompetent, invalid, illegal and ab-initio void orders issued by an authority not competent to issue the same. It is submitted that a junior engineer working at the headquarters at present is being paid against the post of a junior engineer at Guwahati and the post at Guwahati shall be filled by transfer as early as possible.
8. It is respectfully submitted that the applicant is free to apply for the post of a junior engineer under the Sports Authority of India as and when a vacancy arises subject to the condition that he is eligible in accordance with the Recruitment Rules prescribed for the same.

REPLY ON MERITS

1. The contents of this para call for no further reply in view of the submissions and averments made above. It is respectfully submitted that since the appointment of the applicant dated 11.1.2000 was ab-initio, illegal and invalid as the same was issued by an authority without competence and jurisdiction, the action to terminate the illegal

appointment by the impugned order dated 6.7.2000 was quite correct and legal.

2. The contents of this para call for no reply.

3. The contents of this para call for no reply.

4.1 The contents of this para call for no reply.

4.2 The contents of this para are denied to the extent that the applicant was neither called for interview by the competent authority nor was judged for a suitability by a selection board appointed by the Competent Authority. As respectfully submitted above the action of the then officiating Director Incharge, Guwahati Centre was without competence in as much as it is the Director General, SAI who is the appointing authority for the post of junior engineers. It is respectfully submitted that according to the Recruitment Rules the composition of the selection committee for direct recruitment consist of Director (Personnel), Director (Infrastructure), one Director to be nominated by Secretary and one representative of SC/ST category. A copy of the Recruitment Rules is placed at Annexure-I. It is respectfully submitted that officiating Director Incharge of the Guwahati Centre is neither competent to form a selection board in contravention of the Recruitment Rules nor is himself a member of the selection committee as per Recruitment Rules. Therefore, the applicant was not appointed in accordance with the Recruitment Rules by following the prescribed procedure nor by the Competent Authority. The appointment being ab-initio void was correctly cancelled and brought to an end by the Competent Authority.

4.3 The contents of this para are denied as misconceived and misplaced. The appointment of the applicant being without a vacancy, illegal, invalid and made by an authority who had no competence or jurisdiction to make such appointments, cannot be continued or regularised, particularly, when there are no vacancies of Junior Engineers existing in totality in SAI.

- 4.4 The contents of this para are denied as misconceived and wrong. It is respectfully submitted that the Respondent No. 1 & 2 had made no request to the local Employment Exchange nor the Competent Authority had given any approval to Respondent No. 3 to make any such appointments. Therefore any action taken by the Respondent No. 3 was illegal, invalid, contrary to Recruitment Rules and procedures and without jurisdiction.
- 4.5 The contents of this para are denied in view of the submissions and averments already made above.
- 4.6 The contents of this para are denied as the termination of a illegal appointment does not violate provisions of any law or Articles of the Constitution of India.
- 4.7 The contents of this para are denied in view of the submissions and averments made above.
- 5.1 The contents of this para are denied as misconceived and wrong. The applicant having been appointed in an illegal manner by an authority without competence and jurisdiction and contrary to the provisions of Recruitment Rules and procedures, acquires no vested or legal right for continuing in an illegal appointment besides the fact that there are already 11 junior engineers working in SAI against 11 sanctioned posts.
- 5.2 The contents of this para are denied as a deliberate mis-statement of facts as the applicant was never regularised nor his appointment was made in a legal and valid manner in accordance with the Recruitment Rules.
- 5.3 The contents of this para are denied in view of the submissions and averments already made above.
- 5.4 The contents of this para are denied in view of the submissions and averments already made above.
- 5.5 The contents of this para are denied as misconceived. It is respectfully submitted that Respondent No. 3 has no right for recommending regularization of an illegal appointment nor such recommendation has any legal validity under the Recruitment Rules.

- 5.6 The contents of this para are denied in view of the submission and averments made above.
6. The contents of this para call for no reply.
7. The contents of this para call for no reply for want of knowledge on part of the respondents.
8. In view of the facts and circumstances of the case and the submission and averments made above, it is respectfully submitted that the applicant has no grounds for of the prayers made by him and this Hon'ble Tribunal may be pleased to dismiss the applicant with cost in favour of the respondents.
9. In view of the facts and circumstances of the case and the fact that there are already 11 Junior Engineers appointed on a regular and permanent basis against 11 sanctioned posts in the Sports Authority of India, the applicant has no right to continue without the availability of any vacancy and being appointed by an incompetent authority.
- 1- to 12 The contents of these paras call for no reply.

DEPONENT



VERIFICATION

I, Satyajit Sankrit, S/o Dr. Gopal Roy presently working as Assistant Director, Sports Authority of India, Jawaharlal Nehru Stadium, Lodhi Road, New Delhi- 110003 be duly authorised to sign this verification do hereby solemnly affirm and state that the statements made in para 5, 1, 3 and 8 are true to my knowledge and belief, these made in para 2, 4, 5 & 7 being matter of records, are true to my information derived there-from and the rest are my humble submission before this Hon'ble Tribunal, I have not suppressed any material facts.

And, I sign this verification on this 21st day of March 2002 at Guwahati.



Declarant.

Satyajit Sankrit
Assistant Director
Sports Authority of India
J. N. Stadium, New Delhi.
Satyajit Sankrit
Assistant Director
Sports Authority of India
J. N. Stadium, New Delhi.

of the provisions of these rules with respect to any class or category of persons.

8. Saving:- Nothing in these rules shall affect reservations relaxation of age limit and other concessions required to be provided for the Scheduled Caste, the Scheduled Tribes, the Ex-Servicemen and other special categories of persons, in accordance with the orders issued by the Central Govt. from time to time in this regard.

B. N. Bhagwat

(B. N. BHAGWAT)
Director General
Sports Authority of India

D.

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N O T I F I C A T I O N

In exercise of the powers conferred by bye-laws 5 to 14 of Chapter III of the Service Bye Laws of the Sports Authority of India the Governing Body of Sports Authority of India hereby makes the following rules for regulating the method of recruitment to the posts of Engineering Gr. 'A' & 'B' under the Sports Authority of India, namely:

Short title and commencement: (i) These rules may be called Sports Authority of India (Engineering Gr. 'A' & 'B') Staff Recruitment Rules, 1992.

(ii) They shall come into force from _____

2. Application: These rules shall apply to the post specified in column 1 of the Schedule annexed to these rules.

3. Number of Posts, classification and scale of pay: The number of posts, their classification and scale of pay attached thereto shall be as specified in column 2 to 4 of the aforesaid schedule.

4. Initial Constitution: (a) All the employees in SAI working on adhoc basis on any of the post mentioned in the schedule on the date these rules come into force shall, after the approval by a duly constituted committee, shall be deemed to have been appointed under these rules with effect from a date as may be decided by the said screening committee in each individual case.

(b) All the employees working on a regular basis on any of the post contained in the schedule to these rules will be deemed to have been appointed under these rules with effect from the date of initial appointment to the post.

5. Method of recruitment, age limit and other classification etc.: The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 14 of the said schedule.

6. Disqualification: No person

(a) Who has entered into or contracted as marriage with a person having a spouse living, or

(b) Who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the said post;

Provided that the Governing Body may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

7. Power to relax: Where the Director General is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any

(Contd. P/2..)

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SCHEDULE

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RECRUITMENT RULES FOR THE POST OF ENGINEERING Gr. 'A' & 'B'

Name of Post	No. of Post	Classification	Scale of Pay	Whether selection/non-selection post	Whether benefit of added years of service admissible under rule 36 of the C.C.S. (Pension) Rules. 1972 will be applicable	Age limit for direct recruits	Education and other qualification required for direct recruits
				(5)		(7)	(8)
Asst. Engineer	2	Gr. 'B'	2000-3500	Selection		35 Years Relaxable upto 10 years in case of departmental candidates. 25 Years. Relaxable upto 10 years in case of departmental candidates.	Degree in Engineering recognised by Govt. of India/AMIE. 3 years Diploma in Civil Engineering with 3 years experience in the field.
Jr. Engineer	1	Gr. 'B'	1640-2200	Selection			

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SCHEDULE

Whether age and educational qualifications prescribed for direct recruits will apply in promotion	Period of probation	Method of rectt. whether by direct rectt. or by promotion/transfer & percentage of vacancies to be filled by various methods	In case of rectt. by promotion/deputation/transfer, per-grades from which	Composition of DPC	Composition of selection committee for direct recruitment
1.	(10)	(11)	(12)	(13)	(14)
Yes	N.A. 2 Years	75% Promotion 25% Direct Rectt.	1) Jr. Engineer with 5 Yrs. in the grade.	1) Secretary, SAI 2) Dir. (Pers.) 3) Dir. (Infra.) 4) One representative of SC/ST category	Same as Col. 13
Yes	NA 2 years.	50% Promotion 50% Direct Rectt.	Supervisor with 3 years service in the grade.	1) Dir. (Pers.) 2) Dir. (Infra.) 3) One Director to be nominated by Secy. 4) One representative of SC/ST category	Same as Col. 13