

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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allowed date - 11/9/02

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O.A/T.A No. 192/02

R.A/C.P No. 19/03

E.P/M.A No. 124/02

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 192/02

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants. Dr. P. K. Singh

-Vs-

Respondant(s) W. O. I. Form

Advocate for the Appellant(s) M. Chandra, G. N. Chakraborty

Advocate for the Respondant(s) CAGE

Notes of the Registry

Date

Order of the Tribunal

20.6.02

Heard learned counsel for the parties.

Application is admitted. Issue notice on the respondents. Call for records.

Issue notice on the respondents to show cause as to why the interim order as prayed for shall not be granted. Returnable by 10 days. List on 1.7.02 for orders.

IC Usharma
Member

h
Vice-Chairman

1.7.02

List again on 10.7.2002 to enable the respondents to obtain necessary instructions on the matter.

IC Usharma
Member

h
Vice-Chairman

Notices prepared
and sent to D. Section
for issuing of the
same to respondent
through Regd. post.
with A.D.

Vide. D.No-1799 to 1801
Date- 21.6.02.

① Service report
were still awaited

10.7.2002

List again on 15.7.02 for
orders.

3
9.7.02.

K. C. Sharma
Member

[Signature]
Vice-Chairman

nk m

15.7.02

Heard on interim order. Heard
Mr. M. Chanda, learned counsel for the
applicant on interim matter.

The matter relates to the
selection of the Medical Officer working
in the Assam Rifles. Mr. Chanda, learned
counsel submitted that the applicant
alongwith 12 others who were appointed
as Medical Officer on Temporary and
Ad hoc basis had already applied for.
Mr. Chanda, learned counsel submitted
that their application were, however,
not accepted on the ground of age. It
was also stated by Mr. Chanda, learned
counsel that the selection board is
holding the selection test from 19.8.02
to 24.8.02 at New Delhi.

We have also heard Mr. A. Deb Roy,
learned Sr. C.G.S.C. at length. Upon
hearing the parties, considering the
pleadings, the balance of convenience
and all the aspects of the matter, we
are of the opinion that it is a fit case
for passing interim order. We accordingly
direct the respondents to allow the
applicant to sit in the selection test
of Medical Officer pursuant to his
application. However, the result shall
not be declared without the order from
the Tribunal. The respondents may also
allow the other applicants from Assam
Rifles whose applications were sent by
the authority in March, 2002 serving as
Ad hoc and Temporary and their cases
also result shall not be declared until
further order.

List the matter on 26.8.2002 for
order.

K. C. Sharma
Member

[Signature]
Vice-Chairman

16-7-02
Copy of The order Dtd.
15.7.02 Sent to J. Section
for Issuing of The
Same to the respondents
through speed post as
postage cost, vide D.No.
Dtd.

19.8.02
The Report No. 3.
[Signature]

3
O.A. 192/2002

Notes of the Registry

Date

Order of the Tribunal

26.8.02

Respondent are yet to file written statement, though office note dated 14.8.2002 indicated that the Respondent No.3 has filed the written statement, The written statement filed here though mentioned O.A. No. 192/2002 the names of the parties are different. Office ought to have carefully checked the matter and thereafter put the endorsement. The registry should be cautious in future in such matter.

List the matter on 23.9.2002 to enable the Respondents to file written statement. The written statement filed here should be put in appropriate case.

K. K. Sharma

Member

Vice-Chairman

mb

11.9.02

Heard Mr. M.Chanda, learned counsellor for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents.

The respondents are ordered to file written statement within four weeks from today.

List on 23.9.2002 for orders.

Vice-Chairman

mb

30.9.02

Written statement has been filed. The case may now be listed for hearing on 11.11.2002. The applicant may file rejoinder, if any.

K. K. Sharma

Member

Vice-Chairman

mb

23.9.02

W/s submitted by the Respondents.

FD

No rejoinder has been filed.

11.11.02

O.A.No.192/2002

Notes of the Registry

Date

Order of the Tribunal

13.11.2002

(Shillong)

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs.

Member

Vice-Chairman

nkm

16.12.2002

Copy of the Judgment has been sent to the Office for issuing the notice to the applicant as well as to the C.G.S.C. for the Respondent.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./XXXX No...192.....of 2002

(At Shillong)

DATE OF DECISION...13.11.2002.....

Dr Priya Kumar Singh

APPLICANT(S)

Mr M. Chanda, Mr G.N. Chakraborty and

Mr H. Dutta

ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

The Union of India and 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 Vice-Chairman



X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(At Shillong)

Original Application No.192 of 2002

Date of decision: This the 13th day of November 2002

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

The Hon'ble Mr K.K. Sharma, Administrative Member

Dr Priya Kumar Singh,
Medical Officer,
17 Assam Rifles,
C/o 99 APO.

.....Applicant

By Advocates Mr M. Chanda, Mr G.N. Chakraborty
and Mr H. Dutta.

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Secretary to the Government of India,
Ministry of Health and Family Welfare,
Department of Health,
New Delhi.
3. The Director General,
Assam Rifles,
Government of India,
Ministry of Home Affairs,
Shillong.
4. The Member Secretary,
Medical Officers Selection Board,
ITB Police MHA, Government of India,
Tigri Camp, P.O. Madangir,
New Delhi.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The issue pertains to the action of the respondents in the matter of regularisation of the services of the applicant in the following circumstances:

The Director General, Assam Rifles, Ministry of Home Affairs, Shillong advertised for recruitment of

Medical Officers in the year 1994. Along with others, the applicant also applied for the post. The authority took steps for selection of Medical Officers and accordingly interview was held by the Selection Board for appointment as Medical Officers, as per the terms and conditions laid down in the Directorate's letter dated 4.8.1994. In course of time the respondent authority issued appointment letter to the applicant. In terms of the advertisement the appointment was made on ad hoc basis. The applicant was accordingly offered with the formal order of appointment dated 3.8.1995 appointing him as a Medical Officer in the Assam Rifles against the existing vacancy for a period of six months on the terms and conditions mentioned in the appointment order.

2. On being appointed, the applicant was initially posted in the State of Jammu and Kashmir under the administrative control of Assam Rifles and he served there for about one and half year. Thereafter, the applicant was posted at Jairampur, Arunachal Pradesh for a period of six months and other places where Assam Rifles was operating. At the time of filing of the application the applicant was serving at Imphal in Assam Rifles. The applicant while working as such, submitted a representation for consideration of his regular absorption as Medical Officer. His application was forwarded by the concerned authority to the Directorate, Assam Rifles, Shillong. The Directorate, Assam Rifles, in turn, took up the issue with the Government of India, Ministry of Health and Family Welfare and other connected departments. The applicant also stated that the Assam Rifles was running in acute shortage of Medical Officers and the Department of Central Government Health Services

also.....

also could not provide the required number of Medical Officers. In such compelling circumstances the DGAR, Shillong recruited persons with the approval of the Central Health Services. The applicant cited about six Medical Officers mentioned at para 4.8 of the application who were also appointed as ad hoc Medical Officers and finally regularised by the authority. The applicant also submitted that the Assam Rifles, in fact, was also keen to take the services of the applicant, but till now the regularisation process of the applicant was not taken up by the respondents and it is now stated by Mr M. Chanda, learned counsel for the applicant, that in the absence of further sanction of the authority the applicant is presently not engaged by the Assam Rifles, though no such order has been communicated to him. The applicant also stated about the advertisement made by the competent authority for combatised cadre of Medical Officers and to that effect the Director General, Assam Rifles forwarded a copy of the advertisement to all Units with instructions to forward applications of all ad hoc/contract Medical Officers with the Directorate of Assam Rifles latest by 15.7.2001 for onward transmission to DG, ITEP. The applicant also applied for the post through the proper channel. As per the advertisement, the age limit for this post was specified as 30 years as on the crucial date and since the applicant crossed the age of 30 years on the date of the advertisement, the applicant also requested for condonation of his age for recruitment to the post of Medical Officer vide his representation dated 6.3.2002 on humanitarian consideration. It has been stated in the Bar that by virtue of the interim order of this Tribunal dated 15.7.2002, the applicant appeared

in.....

in the selection test for Medical Officer pursuant to the advertisement and as per the order of the Tribunal the results of the examination were not declared. It may be mentioned that subsequently, at the instance of the respondents the order dated 15.7.2002 was modified allowing the respondents to declare the results of all the candidates who appeared in the test except the applicant and other ad hoc Medical Officers of the Assam Rifles.

3. The respondents submitted their written statement denying and disputing the claim of the applicant. In the written statement the respondents did not dispute the fact that the Director General of Assam Rifles made correspondence for regularisation of the ad hoc Medical Officers including the applicant on Central Health Service Cadre. On getting no reply, the Director General wrote a letter to the Ministry of Home Affairs to regularise the service of the ad hoc Medical Officers of Assam Rifles, but the Ministry of Home Affairs by communication dated 19.6.2000 turned down the proposal. We shall avert to the said communication at a later stage. The respondents in the written statement stated that the Director General, Assam Rifles intimated to the authority that the applicant was a OBC candidate and recommended his case for regularisation in the Assam Rifles. The applicant was found overaged by five years six months and sixteen days on the crucial date, i.e. 17.8.2001. It was also mentioned that even if he was considered as a OBC candidate, age relaxation of only three years could have been granted, but the applicant was overaged by five years on the crucial date. The department also sought clarification on this aspect and by communication dated 18.4.2002.....

18.4.2002, the Ministry of Home Affairs informed the Director General, ITBP that age relaxation as Government servants was admissible only to regular Government employees and not to those who were working on ad hoc/contract/short term basis and as such the Medical Officers who were working in the Assam Rifles on ad hoc/contract basis were not entitled to get age relaxation as Government servants for appearing in the test.

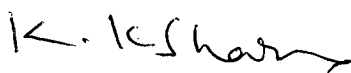
4. We have heard Mr M. Chanda, learned counsel for the applicant and also Mr A. Deb Roy, learned Sr. C.G.S.C. at length. The core issue is that of regularisation of the applicant. Admittedly, the applicant was appointed on ad hoc basis and he continued to hold the post as such and served the department till he was disengaged in October 2002. The applicant duly fulfilled the eligibility criteria. The department also did not indicate that no regular appointment was made in the meantime by the Assam Rifles. The Assam Rifles wrote to the concerned authority for regularisation of the services of the ad hoc Medical Officers since their services were needed. No such Recruitment Rules were cited before us indicating any impediment for such regularisation of ad hoc Medical Officers, especially when the department was in need of their services. We do not find any reasonable justification for not regularising the services of the applicant. If the applicant fulfilled the eligibility criteria, there was no justification in not regularising his services by providing weightage to the services rendered by the applicant.


5. We have already mentioned about the communication addressed by the Director General, Assam Rifles to the Ministry of Home Affairs for regularising the services of the ad hoc Medical Officers. The Government of India, Ministry of Home Affairs by its communication dated 19.6.2000 in a most cryptic manner informed the Director General, Assam Rifles that it was not possible to regularise the services of the ad hoc Medical Officers in the Assam Rifles. There is no discernible reason as to why the case of the persons who served for a long period could not be considered for regularisation on the post held by those persons. No statutory limitations/inhibition are also ascribed for not regularising their services.

6. Considering the facts and circumstances and the nature of service rendered by these persons we are of the opinion that it is a fit case in which a direction needs to be issued on the respondents to reconsider the case for regularisation of the applicant who served as a ad hoc Medical Officer. Similarly, we do not find any justification on the part of the authority for not providing age concession to the applicant who worked on ad hoc basis taking note of the period of previous service under the Assam Rifles. Ad hoc service is also a service and the authority utilised his services for this purpose. The power to relax the age is provided to the authority with some meaningful purpose. Such powers are to be used lawfully and reasonably and not arbitrarily. Such powers are to be exercised on equitable consideration to remove the hardship on the fact situation. The Government of India delineated such policies and the category of persons to whom the benefit can.....

can be extended. These are not exhortative, but only illustrative. The main consideration for giving the relaxation is to avoid the hardship. In taking a decision the authority is to take note of the question as to whether there is a nexus of the duties of the post held by the Government servant and those of the posts for which recruitment is made. If the nexus is available there is no justification slamming the power for consideration. The impugned communication dated 18.4.2002 declining to count the earlier service of such persons in the circumstances cannot be sustained. In the circumstances, the respondents are directed to examine afresh the matter and are directed to consider the case of the applicant and like persons taking note of their services in the Assam Rifles on ad hoc basis and consider their cases on the basis of their performance. The respondents are accordingly ordered to declare the results of the applicant by taking remedial measure of relaxation of his age and consider the case for regularisation. Since the matter is an old one the respondents are directed to act with utmost expedition, preferably within three months from the date of receipt of the order.

7. The application is accordingly allowed. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

19.1.2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

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

Title of the case : O.A. No. **192** /2002

Dr. Priya Kumar Singh : Applicant

- Versus -

Union of India & Others: Respondents.

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Filed by

Date :

Advocate

P. Priya Kumar Singh

Filed by the applicant
 Through Mr. G. Chakravarty
 Advocate on 12-06-02.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

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

O.A. No. 192 /2002

BETWEEN

Dr. Priya Kumar Singh
Medical Officer
17 Assam Rifles
C/o 99 APO

...Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Secretary to the Government of India
Ministry of Health and Family Welfare,
Department of Health,
New Delhi.
3. The Director General
Assam Rifles,
Government of India,
Ministry of Home Affairs,
Shillong-793011.

P. Priya Kumar. Sec

4. The Member Secretary
Medical Officers Selection Board
ITB Police MHA (Govt. of India)
Tigri Camp, P.O. Madangir,
New Delhi.

.....Respondents..

DETAILS OF THE APPLICATION

1. **Particulars of order(s) against which this application is made.**

This application is made praying for a direction upon the respondents to absorb the applicant on regular basis in the cadre of Medical Officer with effect from the initial date of joining in service in Assam Rifles as Medical Officer with all consequential service benefits and also allow the applicant to switch over to the newly proposed General Duty Medical Officers Cadre in the rank of assistant Commandant under any of the Central Police Organisation, which is sought to be created by the Ministry of Home Affairs, Government of India and already invited applications for filling up the vacancies of General Duty Medical Officers.

2. **Jurisdiction of the Tribunal.**

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

3. **Limitation.**

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

P. Prasad Kumar, Secy

4. Facts of the case.

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

4.2 That your applicant has passed his M.B.B.S. Examination in the year 1990 from Regional Medical College, Imphal. Thereafter he was in search of a job. In the meanwhile Director General Assam Rifles, Ministry of Home Affairs, Shillong issued an advertisement during the year 1994 for recruitment of Medical Officers as they were in need of services of Medical Officers. The applicant in response to the said advertisement applied for the post of Medical Officer in the prescribed format.

4.3 That the applicant thereafter appeared in the interview held on 20th September and 17 and 18th October 1995 before the Selection Board for appointment as Medical Officer as per terms and conditions laid down in Directorate letter No. I. 14015/8/78/94/AppttMO/ME(A) dated 04 August 1994. The applicant did well in the said interview and declared selected for appointment to the cadre of Medical officers on ad hoc basis.

4.4 That it is stated that an offer of appointment was issued to the applicant by the Director General, Assam Rifles Shillong vide letter bearing No. I.14015/6/78/94/Apptt10/ME(A)/30 13 Jun 95 with the terms and conditions laid down in Directorate letter dated 4.8.1994. It is specifically stated in the offer of appointment letter that the applicant is required to report to the Directorate on or before 14.9.1995 for further posting to Unit Office and also directed the applicant to fill up three sets of attestation forms and to hand over the same to the Directorate along with certain other conditions. The applicant accordingly accepted the terms and conditions and reported for duty on 11.7.1995.

P. Priso Kumar - Sign

A copy of the letter dated 13.6.1995 is enclosed as Annexure-I.

- 4.5 That it is stated that after joining in Assam Rifles the applicant was given a formal order of appointment as Medical Officer on ad hoc basis vide letter No. I. 14015/878/Appt-100/ME(A) 03 Aug' 95 with certain terms and conditions.

It is relevant to mention here that in the said order of appointment in clause 2(a) it is stated that the appointment is purely temporary for a period of six months from the date of joining, till the vacant post is filled by the regular Medical Officer or six months whichever is earlier, in other clauses of the said letter it is further stated as follows :-

- “(b) in case the post is not filled up within the six months the ad hoc appointment may be continued for a period of another six months or till the post is filled on regular basis whichever is earlier.
- (c) This is merely an offer of appointment on ad hoc basis and this will not give you any benefits/claim for appointment on regular basis.
- (d) Failure to complete the period of appointment to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason.
- (e) The scale of pay of the post is Rs. 2200-75-2800-EB-100-4000/- per month. The initial pay of such candidates who are in Govt. service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scales.

P. Pradyuman Kumar, Secy

- (f) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.
- (g) Dearness and other allowances will be admissible according to orders of the Central Govt.
- (h) Non-practicing allowances as admissible at the rates prevailing under Central Government orders.
- (j) The appointment carries with it the liability to serve in any part of India or out-side.
- (k) On appointment the officer will be required to take an oath of allegiance to the constitution of India or make a solemn affirmation to that effect in the prescribes pro-forma.
- (l) Other terms and conditions will be regulated by the relevant rules and orders that may be in force from time to time.
- (m) No request for change of posting will be entertained under any circumstances.
- (n) No request for extension of joining time to the place of posting will be entertained.
- (o) If the declaration given or any information furnished by the officer proves to be false and the officer is found to have wilfully suppressed any material information he/she will be liable for removal from service and such other action as Govt. may deem necessary.
- (p) The PG allowance shall be admissible at the rate of Rs. 100/- and Rs. 200/- per month for possessing P.G. Diploma and P.G. Degree qualification respectively to the Medical Officers."

P. Prady Kanner, Secy

It is quite clear that the applicant was recruited against a regular vacancy through duly constituted Selection Board and also after advertisement of the vacancies in the open market. However, the authority has termed the appointment as "ad hoc".

It is pertinent to mention here that the applicant also submitted medical fitness certificate and he has undergone Police Verification as required for regular appointment in any Govt. job for appointment.

A copy of the appointment order dated 3.8.1995 is enclosed as Annexure-2.

- 4.6 That your applicant initially posted in the State of J & K under the administrative control of Assam Rifles and served there for about one and half year, thereafter he was posted at Jairampur, Arunachal Pradesh for a period of about six months and again posted Assam Rifles Training Centre at Dimapur, Nagaland for a period of 2 years. Thereafter, he was transferred to Assam Rifles, Imphal and till date he is serving at Imphal and the DIG, Manipur Range in the Assam Rifles with satisfaction to all concerned.
- 4.7 That your applicant on several occasions submitted representation addressed to the DGAR in writing for consideration of his regular absorption as Medical Officer and the same were duly forwarded by the concerned authorities to the Directorate Assam Rifles, Shillong and on enquiry it was informed that his case along with other ad hoc Doctors was taken up with the Government of India, Ministry of Health and Family Welfare, Department of Central Health Services and the process of regularisation is under active consideration.
- 4.8 That it is pertinent to mention here that the Assam Rifles resorted to recruitment of Medical Officers on Ad hoc basis when the force was running acute shortage of Medical Officers and the Department of Central Government Health Services could not provide

P. Prigokumar. Singh

required number of Medical officers at the disposal. In such compelling circumstances with the approval of the Central Health Services, Government of India the DGAR, Shillong recruited the applicant and other Medical Officers on ad hoc basis after observing all required formalities.

It is further pertinent to mention here that earlier a number of occasions the ad hoc Medical officers recruited by the Assam Rifles, subsequently regularised with the approval of the UPSC by the Ministry of Health and Family Welfare, New Delhi. In this connection, the applicant like to draw the attention of the Hon'ble Tribunal to the DGAR letter No. I. 1405/11-M/1-90/ME(A) 08 September 1994 whereby the DGAR strongly recommended for regularisation of six medical officers who were working on ad hoc basis in Assam Rifles, namely ;

1. Dr. (Mrs.) Sharmila Das
2. Dr. I.K. Chakhayan
3. Dr. Soroj Kumar Pandey
4. Dr. B.N. Singh
5. Dr. Ambika Prasad
6. Dr. Th Shyam Charan Singh

However, all the above ad hoc doctors were subsequently regularised by the Department of Health and Family Welfare, Govt. of India.

A copy of the letter dated 8.9.1994 is enclosed ~~Annexure-~~

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ghe

4.9 That your applicant further begs to state that the DGAR also taken up the case of the present applicant along with other ad hoc doctors for regularisation as Medical officers in CHS/CGHS for Assam Rifles which would be evident from the letter dated 17.3.1998 bearing letter No. I. 14015/I97/willing(MD)/ME(a) addressed to the Under Secretary, Govt. of India, Department of

P. Priya Kumar, Secy

Central Health Services. By the said letter the DGAR forwarded the names of the ad hoc doctors for regularisation and also requested to consider sympathetically as the force is running with acute shortage of Doctors. It would further be evident that D.G.A.R. also vide his letter bearing No. I. 14015/8-78/Appt-MO(Ad hoc)/M.I 16 September 98 requested the Liaison Officer, Assam Rifles, New Delhi to liaise with the concerned officer of the Ministry of Health and Family Welfare (CHS-V), New Delhi, whether a similar case can be taken up with the UPSC through Ministry of Health and Family Welfare for regularisation of services of ad hoc Medical Officers who are presently employed in Assam Rifles, provided they are willing.

In view of the above factual position applicant was under the bona fide belief that his case would be considered for regular absorption in the light of the decision of the Hon'ble Central Administrative Tribunal referred in the judgment of the Hon'ble Supreme Court dated 5.5.95 passed in writ petition No. 661 of 1995 and it was a legitimate expectation of the applicant that his case would be considered for regular absorption in the Department of central Health Service or in CGHS while serving in Assam Rifles.

Copy of the Letter dated 17.3.1998 and letter dated 16.9.1998 with enclosures are enclosed herewith and marked as **Annexure-4 and 5** respectively.

- 4.10 That your applicant submitted a detailed representation in the month of March 2001 inter alia praying for his permanent absorption in Assam Rifles. In the said representation the applicant stated that he has rendered service in Assam Rifles since 11.7.1995 till date in different places including 28 Assam Rifles, J & K. He has categorically submitted in the said representation that he had submitted willingness certificate for permanent absorption in Assam Rifles through proper channel as desired by the D.G.A.R. But surprisingly there is not progress is

P. Praykumar . Sriv

made so far absorption of the applicant is concerned by the present respondents till date rather the authority is silent in this regard.

A copy of the representation dated nil submitted in the month of March 2001 is annexed as **Annexure-6**.

4.11 That while your applicant expecting the order of his regular absorption in Assam Rifles, surprisingly respondents, issued a circular in the month of June 2001 by the DGAR, Shillong directing Unit/Range Officers to forward the copy of advertisement for combatised cadre of Medical officers and further instructed to forward applications of all ad hoc/contract Medical Officers with the Directorate of Assam Rifles latest by 15th July, 2001 for onward transmission to DG, ITBP, all required documents as mentioned in the advertisement must be attached with the application. It is also stated in the said circular that advertisement for combatised Medical Officers, advertised in all leading news papers on 27th June, 2001. In the said circular a copy of the advertisement inviting applications for appointment to Group-A of General Duty Medical Officers cadre in the rank of Assistant Commander in Border Security Force CRPF India Tibetan Border Police Force, Assam Rifles under the Ministry of Home Affairs Govt. of India. However, the applicant finding no other alternative also submitted his application within the stipulated time through proper channel enclosing all required documents for consideration of his appointment to the cadre of General duty Medical Officers and his application was duly forwarded by the DGAR, Assam Rifles to DG, ITBP.

But surprisingly no call letter was issued to the applicant for interview and on enquiry the applicant came to learn from reliable source that his candidature was rejected by the Medical Officers Selection Board ITBP on the alleged ground that the applicant is over aged for recruitment to the cadre of General

P. Pradyumn Kumar, Cms

Duty Medical Officer. The aforesaid Selection Board did not take into consideration that the applicant is already in Government service w.e.f 11.7.95 under DGAR, Ministry of Home Affairs, Shillong though working on ad hoc basis. It is relevant to mention here that since the applicant is working on ad hoc basis as Medical Officer as such he is entitled to get the age relaxation and weightage to the extent he has served the DGAR. As such the rejection of his candidature on the alleged ground of over age is not sustainable in the eye of law. Applicant also submitted representation dated 6.3.2002, for condonation of age limit, but to no result.

A copy of the advertisement for combatised cadre of Medical Officers and representation dated 6.3.2002 are annexed as Annexure- 7 & 8 respectively.

4.12 That it is stated that the applicant also made an application for condonation of age limit but to no result.

4.13 That your applicant begs to state that the interview for the candidates of N.E. Region for recruitment of combatised cadre of Medical Officers is already over and the applicant could not appear as because call letter for interview was not issued to him on the alleged ground of crossing the age limit of 30 years as on 17.8.2001. It is categorically stated that if the period of ad hoc service is taken into account in that event the applicant will be well within the required age limit. It is obligatory on the part of the respondents to condone the age limit for the period which the applicant is working in Assam Rifles.

It is relevant to mention here that the recruitment Examination other than the N.E. Region is likely to be commenced in the month of June, July & August, 2002, as such still there is scope for the respondents to allow the applicant to sit in the recruitment examination in any other Centre to enable him to appear in the recruitment examination without prejudice to his right for regular absorption as Medical Officer in Central Health Services under the respondents.

P. Praykumar, Secy

4.14 That it is stated that the applicant has entered to his service as Medical Officer in Assam Rifles after being duly selected by a duly constituted Selection Board and also with the approval of the Ministry of Health and Family Welfare. It is needless to mention here that the Directorate of Assam Rifles also conducted Police Verification and applicant also submitted his Medical fitness Certificate and recruitment is being done through open competitive examination. Moreover the applicant has already served about 7 years in Assam Rifles and also appointed against a substantive vacancy. As such he has acquired a valuable and legal right for regular absorption to the cadre of Medical Officer under the Ministry of Health and Family Welfare like other ad hoc Medical Officers who were subsequently regularised. Otherwise it will cause irreparable loss to his service career and service prospect.

4.15 That your applicant begs to state that he has passed his M.B.B.S. Examination way back in 1990 and declared selected for appointment as Medical Officer in Assam Rifles way back in 1995, as such it would be difficult on his part to compete with the fresh candidates in recruitment examination now sought to be conducted by the ITBP for combined recruitment of Medical Officers in different CPOS, as such the applicant cannot be subjected to appear in the fresh examination but deserves to be absorbed on regular basis on the basis of scrutiny of service records by the UPSC in Central Health services under the Ministry of Health & Family Welfare, Government of India.

4.16 That it is stated that it is a fit case for the Hon'ble Tribunal to interfere with to protect the right and interest of the applicant and also be pleased to pass an appropriate direction upon the respondents for regular absorption in Central Health Services and further be pleased to pass an interim order to allow the applicant to appear in the recruitment examination for recruitment of combatised cadre of Medical Officers to the post of

P. Prigokumar, Sr. Secy

General Duty Medical Officer in relaxation of upper age limit, without prejudice to his right for regular absorption in CHS. It is submitted that UPSC also advertised Combined Medical Examination on 11.5.2002 for recruitment of Medical Officers and age relaxation is granted to Ad hoc Medical officers.

A copy of Advertisement dated 11.5.2002 is annexed as **Annexure-9.**

4.17 That it is stated that the applicant came to learn from a reliable source that on completion of recruitment process of combatised cadre of Medical Officers, the services of the applicant shall be terminated, as such Hon'ble Tribunal be pleased to pass an interim order restraining the respondents not to oust the applicant from service till final disposal of this application and further be pleased to pass an interim order directing the respondents to allow the applicant to appear in the recruitment examination for combatised cadre of Medical Officers, relaxing the prescribed age limit in any recruitment examination which is likely to be held during the month of July/August 2002 considering his long ad hoc service already rendered in the Assam Rifles.

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

5. Grounds for relief(s) with legal provisions.

5.1 For that, the applicant was declared selected by a duly constituted Selection Board by the DGAR for recruitment of Medical Officers in pursuance to an advertisement issued during the year 1994 and also with the approval of the Ministry of Health and Family Welfare and appointed against a substantive vacancy as indicated in the offer of appointment order. As such appointment of the applicant should be treated as regular.

5.2 For that, appointment is being made in the cadre of Medical Officer after the applicant being declared successful in the competitive examination and also after observing all required formalities such as submission of three sets of

G. Prizokarman, Secy

attestation forms, Medical fitness report and Police verification report.

- 5.3 For that, the case of the applicant has been recommended along with other Medical Officers to the Central Health Services for regular absorption vide letter dated 17.3.1998 and 16.9.1998, as such the services of the applicant deserves to be regularised following the doctrine of legitimate expectations as done in the past ad hoc Medical Officers cases earlier.
- 5.4 For that, the services of the applicant has been utilised by the respondents for about 7 years as such he has acquired a valuable legal rights to be absorbed as Medical Officer in CHS.
- 5.5 For that, the applicant passed his M.B.B.S. Course way back in 1990 and also declared successful in the competitive recruitment examination of Medical Officers way back in 1995 as such it would be difficult on the part of the applicant to compete with the freshers in any recruitment examination, as such the applicant is entitled to be exempted to appear before any recruitment examination of Medical Officers.
- 5.6 For that, the applicant has served about 7 years under the respondents with satisfaction of the respondents as such deserves to be absorbed on regular basis in CHS.
- 5.7 For that the applicant is entitled to age relaxation for appearing in recruitment examination for combatised cadre of Medical Officers now sought to be conducted by the DG, ITBP, without prejudice to his right for absorption on regular basis in CHS.
- 5.8 For that similarly circumstanced ad hoc Medical Officers recruited earlier were regularised on scrutiny of service records with the approval of UPSC following the direction

P. Priso Kumar Suresh

passed by the C.A.T. Principal Bench and also by the Apex Court.

5.9 For that the services of the applicant was extended from time to time after being satisfied by the respondents on scrutiny of his service records and as such he is allowed to continue till filing of this application as Medical Officer on ad hoc basis.

5.10 For that there is no scope for absorption in any other Government job as the applicant has already crossed upper age limit for recruitment, therefore his case deserves to be considered for regularisation in CHS.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be

P. Prasad Kumar. Sriv.

granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the respondents be directed to absorb the applicant as Medical Officer in CHS from the date of his initial appointment in Assam Rifles with all consequential service benefits including seniority. ✓

8.2 That the respondents be directed to treat the applicant as regular Medical Officer and further be pleased to allow him to switch over to the proposed cadre of General Duty Medical Officer in the rank of Assistant Commandant in Assam Rifles considering his service records and also on consideration of his long seven years ad hoc service, giving due weightage to the ad hoc service of the applicant.

8.3 Costs of the application.

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

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

9.1 That the respondent no. 4 be directed to allow the applicant to appear in the recruitment examination for combatised cadre of Medical Officers/General Duty Medical Officers in the rank of Asstt. Commandant proposed to be held during the month of June, July and August 2002 other than N.E. Region in relaxation of upper age limit as an interim measure without prejudice to his right for regular absorption as Medical Officer in CHS.

IN

P. Praykumar, Secy.

9.2 That the Hon'ble Tribunal be pleased to direct the respondent not to oust the applicant from service till disposal of this application.

10.
This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I. P. O. No. : 7G 577501 dated 18.6.2002.
- ii) Issued from and payable at: G.P.O., Guwahati.

12. List of enclosures.

As given in the index.

P. Prayokumar, Secy

VERIFICATION

I, Shri Priya Kumar Singh S/o Shri P. Birendra, aged about 33 years, Medical Officer (ad hoc), 17 Assam Rifles, Kangla, Imphal, C/o 99 APO do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 19th day of May, 2002.

P. Priya Kumar Singh

(3)

32

REGISTERED

Tele No : PAX 230222/3552

Bharat Sarkar
Govt of India
Crib Mantrolaya
Ministry of Home Affairs
Mahavidyalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

I.14015/6-78/94/Appt-MO/ME(A)/30 / 3 Jun 95

Dr Preeto Karmar Singh
Bishnupur Bazar
P.O - Bishnupur - 26
(Manipur)

APPOINTMENT MEDICAL OFFICERS ON ADHOC BASIS

1. On the basis of your performance in the interview held on 20 Sep & 17-18 Oct 95 You have been selected for appointment as Medical Officer on adhoc basis in the Assam Rifles as per terms and conditions communicated to you vide this Directorate letter No. I. 14015/8/78/94/Appt-MO/ME(A) dated 04 Aug 94.
2. You are hereby requested to report to this Directorate (A Branch) on or before 14 Jul 95 for further posting to unit. 3 (three) copies of attestation form are also enclosed herewith. You are requested to fill up the forms and obtain signature of the authority concerned and hand over the same to this branch while reporting to this Directorate. Please bring also 3 copies of your pass-port size photograph for your medical report.
3. This appointment letter stands cancelled in case you are under contractual obligation with state/UT/other Central Govt for service. You, have, therefore, to render a certificate to this Directorate before assuming the appointment stating that you have no contractual obligation with state/UT Govt.
4. Terms and conditions, of your service as Medical Officer on adhoc basis in the Assam Rifles is attached as appendix for your information.

*Attested
for
Director*

[Signature]

(C P S Sarkar)
Col
Dy Director (A)
For Director General Assam Rifles.

33

Tele No : PARX 230222/5552

REGISTERED
 Bharat Sarkar
 Govt of India
 Grih Mantralaya
 Ministry of Home Affairs
 Mahanideshalaya Assam Rifles
 Directorate General Assam Rifles
 Shillong-793011

I. 14015/8-78/Appt-HO/ME(A)

03 Aug 95

Dr. P. Priye Kumar Singh

28 Assam Rifles

c/o 28 APO

APPOINTMENT OF MEDICAL OFFICER
 RIFLES ON ADHOC BASIS IN THE ASSAM

1. Further to this Directorate letter No. I. 14015/8-78/94/ Appt/MO/ME(A) dated 13 Jun 95.
2. The Director General of Assam Rifles is pleased to appoint Dr (Miss/Mrs) ~~P. Priye Kumar Singh~~ as a Medical officer ~~ad hoc~~ with effect from the forenoon of ~~11 July~~ 95 in the Assam Rifles against the existing vacancy for a period of six months on the following terms and conditions :-

- a) The appointment is purely temporary for a period of 6(six) months from the date of joining till the vacant post is filled by regular medical officer or six months whichever is earlier.
- b) In case the post is not filled up within the six months, the adhoc appointment may be continued for a period of another six months or till the post is filled on regular basis whichever is earlier.
- c) This is merely an offer of appointment on adhoc basis and this will not give you any benefits/claim for appointment on regular basis.
- d) Failure to complete the period of appointment to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason.
- e) The scale of pay of the post is Rs.2200-75-2800-EB-100-4000/- per month. The initial pay of such candidates who are in Govt service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scales.

Shilong
 Jm
 Advokat

- (f) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.
- (g) Dearness and other allowances will be admissible according to orders of the Central Govt.
- (h) Non practicing allowances as admissible at the rates prevailing under Central Government orders.
- (j) The appointment carries with it the liability to serve in any part of India or out-side.
- (k) On appointment the officer will be required to take an oath of allegiance to the constitution of India or make a solemn affirmation to that effect in the prescribed proforma.
- (l) Other terms and conditions will be regulated by the relevant rules and orders that may be in Force from the time to time.
- (m) No request for change of posting will be entertained under any circumstances.
- (n) No request for extension of joining time to the place of posting will be entertained.
- (o) If the declaration given or any information furnished by the officer proves to be false and the officer is found to have wilfully suppressed any material information he/she will be liable for removal from service and such other action as Govt may deem necessary.
- (p) The PG allowance shall be admissible at the rate of Rs. 100/- and Rs. 200/- per month for possessing P.G. Diploma and P.G. Degree qualification respectively to the Medical Officers.

3. You are hereby posted to Assam Rifles, C/O 99 APO/
56 APO for duty. You will report to the Commandant
Assam Rifles for duty after availing actual journey period
only with effect from . Failure to report to your
place of posting within stipulated date will entail
cancellation of your appointment letter.

(G P S Bedi)

Col

Dy Director (A)

for Director General Assam Rifles

*Attested
Jew
Advocate*

7/11/83

+34/

Copy forwarded to :-

1. ²⁸ Assam Rifles - one copy of medical fitness cert
C/O 99 APO and three copies of attestation
forms in respect of above named
officer are forwarded herewith.
The attestation form duly completed
and signed by the officer indica-
ted in the form at the arrangement
of concerned Medical officer will
be obtained and necessary police
verification will be done at your
end. The attestation form alongwith
police verification report in
original will be forwarded to this Dte
Dte for further necessary action.
2. Pay and Accounts Office (AR) - for information.
Manbha Villa, Laitumkhrab
Shillong-3
3. MS Branch (Internal) - for information.
4. Medical Branch (Internal) - for information.
5. HQ ~~Neimachal~~ Range Assam Rifles - for information.
C/O 99 APO
6. The Under Secretary to the - for information please
Government of India with reference to their
Ministry of Health and letter No. A. 12034/2/94-
Family Welfare CHS-I dated 31 May 95.
(Department of Health)
(CHS-I)
New Delhi
7. Officer personal file.
8. Case file.

*Alleged
for
signature*

/COPY/

Tele No: PABX-230222/5550

Bharat Sarkar
Govt of India
Giri Mantralaya
Ministry of Home Affairs
Maharajmahalaya Assam Rifles
Directorate Gen Assam Rifles
Shillong-793011

1.14015/11-M/1-90/ME(A)

08 Sep'94

The Under Secretary to
the Government of India
Ministry of Health and
Family Welfare(CHS-I)
New Delhi

REGULARISATION OF MEDICAL OFFICERS(ADHOC)
THOSE RECRUITED DURING THE STRIKE OF JUNIOR
SENIOR RESIDENTS IN MAY-JUN 89 AND THOSE
INITIALLY APPOINTED ON MONTHLY WAGE/
CONTRACT BASIS

1. I am directed to refer to Ministry's letter No.A. 12034/7/94-CHS-I dated 13 Jul 94 and to forward herewith the attestation form in quadruplicate and Medical fitness certificate in duplicate in respect of the following Medical officers(Adhoc):-

- (a) Dr (Mrs) Sharmila Das
- (b) Dr I K Chakraborty
- (c) Dr Soroj Kumar Pandey

2. Further, it is to be informed that the documents in respect of the following adhoc Medical Officers have not been received as yet from far flung out posts. The same will be forwarded at an early date:-

- (a) Dr B N Singh
- (b) Dr Ambika Prasad
- (c) Dr Th Shyam Charan Singh

3. As regards Dr Ashok Kumar Sharma, the Medical Officer is AWI wef 20 Dec 91 and further extension of his appointment as Adhoc Medical officer has not been obtained from Ministry. In this connection this Directorate initial letter No.1.14015/3-90/AKS-MO/ME(A) dated 21 May 92 and latest correspondence of the Ministry vide their letter No. C.14015/3-90/AKS/94/ME(A) dated 01 Jun 94 in reply may please be referred

Yours faithfully,

Sd/- X X X
(BN Dubey, VSM)
Lt Col
Assistant Director(A)
for Director General Assam
Rifles

N.O.O

Copy to:-

- 1. AK Hospital
Happy Valley, Shillong
- 2. 12 Assam Rifles, C/O 99 APO
- 3. 08 Assam Rifles, Jorhat

*Referred
for
D.O. sent*

Annexure-4

Tele No. 705550

Registered

Bharat Sarkar
Govt. of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate of General Assam Rifles
Shillong-793011

No. I.14015/1/97/Willing (MO)/ME(A)

17 Mar 98

The Under Secretary to the Govt. of India
Ministry of Health & family Welfare
(CHS-I)
New Delhi

**APPLICATIONS FOR RECRUITMENT AT MEDICAL OFFICER
(CHS/CGHS) FOR ASSAM RIFLES.**

Sir,

I am directed to forward herewith the applications received from the following Medical Offices on ad hoc/contract basis who are willing to serve permanently in Assam Rifles as Medical Officers Grade of Central Health Service :-

- (a) Dr. Kankan Talukdar, MO (Contract)
- (b) Dr (Mrs.) Shashi Malra, MO (Ad hoc)
- (c) Dr. Basab Ghosh, MO (Ad hoc)
- (d) Dr. PAK Singh, MO (Ad hoc)
- (e) Dr. Bappaditya Som, MO (Ad hoc)
- (f) Kah Roshan Singh, MO (Contract)
- (g) Dr (Ms) Jaba Chakraborty, MO (Ad hoc)

2. Ministry is requested to consider the matter sympathetically as this force is running with an acute shortage of Medical Officers.

3. An early action is high solicited.

Enclo : As above.

Yours faithfully,

Sd/- Illegible
(R.S. Dhull)
Col

Deputy Director (A)
For Director General Assam Rifles

*certified
to be true copy
for the
Advocate*

38

Tele No: AR PABX - 230222
Extn - 5095

Mahanidashalaya Assam Rifles
Directorate Gen Assam Rifles
Shillong - 793011

I.14015/8-78/Appt-MO(Adhoc)/M-I

16 Sep 98

Liaison Officer
Det Assam Rifles
Room No. 171,
North Block
Ministry of Home Affairs
New Delhi

TO REGULARISE ADHOC MEDICAL OFFICERS TO CHS
MEDICAL OFFICERS

1. Ref Supreme Court writ petition(c) No. 661/95 dated 05 May 98 (Photo copy att).
2. Services of the ~~Adm~~ adhoc Medical Officers who were employed for a period of six months during the strike of Doctors in the various hospitals in Delhi during Jun-Jul, 1989 were regularised by UPSC as CHS Medical Officers as per direction of the Central Administrative Tribunal, Principal Bench, New Delhi dated October 08, 1991, contained in the writ petition under ref.
3. Keeping in view of above, you are requested to liaise with concerned officer of the Ministry of Health and Family Welfare (CHS-V), New Delhi, whether a similar case can be taken up with the UPSC through Min of Health and Family Welfare for regularisation of services of adhoc medical officers who are presently employed in Assam Rifles, provided they are willing. The seniority of these officers will be waf the date of regularisation of service as done in case of medical officers employed during the strike as per details in para one.
4. An early action is highly solicited.

*Placed
for
Adm. Off.*

(S K Suri)
Col
DD (Medical)
for Dir (Adm)

16/9

sk/*

W

* No.C.18011/16/97-CHS.V
GOVERNMENT OF INDIA
MINISTRY OF HEALTH & F.W.

New Delhi:
Nirman Bhawan, New Delhi.
Date 9-7-98

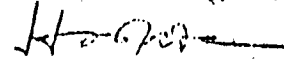
To,
All Participating Units.

Subject: Writ Petition(C) No. 861/95 - Dr. Deepak Saxena &
Others Versus Union of India & Others, in the Supreme
Court of India - reg.

Sir,

I am directed to forward herewith a copy of the Order
dated May 5, 1998 passed by the Hon'ble Supreme Court of India
on the above noted subject for information and record.

Yours faithfully,



(H.N. YADAV)

Copy to : Under Secretary to the Government of India

1. Admn.I Section, Directorate General Health Services.
2. CHS.I/CHS.II/CHS.III/CHS.IV/CHS.VI Sections.
3. All administrative sections in the Deptt. of Health.

*Placed
for
Disposal*

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
* WRIT PETITION(C)NO.661/95

Dr. Deepak Saxena & Ors. ... Petitioners

Versus

Union of India & Ors. ... Respondents

O R D E R

The petitioners in this writ petition were appointed as ad hoc Medical Officers under the Central Health Scheme of the Government of India in June-July, 1989. The said appointment was made for a period of six months. The reason for making the said appointment was that the doctors in the various hospitals in Delhi had gone on strike and there was ACUTE shortage of medical officers. ~~Since the services of the~~ petitioner were terminated on the expiry of the period of six months, they moved the Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter referred to as 'the Tribunal') by filing applications under Section 19 of the Administrative Tribunals Act, 1985. The said cases were disposed of by the Tribunal by judgement dated October 8, 1991 whereby the Tribunal gave the following directions in paragraph 20 of the judgement :-

*Medical
for
Advocate*

1. The respondents are directed to refer the cases of the applicants and those similarly situated to the Union Public Service Commission for the purpose of regularisation of their service as Medical Officers. They should be treated as forming a separate block for the purpose of regularisation. Regularisation should be based on the

ul

evaluation of work and service records of the applicants and those similarly situated. The respondents shall do the needful in the matter within a period of four months from the date of receipt of this order.

2. After the services of the applicants are regularised through the Union Public Service Commission, their seniority shall be reckoned from the dates of their initial appointment on ad hoc basis as Medical Officers, after conducting the technical breaks in their ad hoc service. The service rendered by them during the period of operation of the stay order passed by the Tribunal shall also count as service for the purpose of regularisation."

Civil Appeals arising out of SLP(C)NOS.13578-84/92 filed by the Union of India against the said decision of the Tribunal were disposed of by order of this Court dated May 3, 1993. While considering the direction No.(2) contained in the aforementioned judgment of the Tribunal regarding the fixation of seniority this Court give the following direction:-

"We, therefore, merely clarify that the direction in paragraph 20(2) in regard to fixation of seniority shall be modified to mean that the fixation of seniority would be in accordance with the extant rules. We, however, do not interfere with the direction that service rendered during the pendency of the interim order of the Tribunal shall also be taken into account for the purposes of regularisation. Except for this modification we do not interfere with the impugned order of the Tribunal."

*Placed
for
Admission*

42

Thereupon, the matter of regularisation of the petitioners was forwarded to the Union Public Service Commission (UPSC) and the UPSC by their letter dated September 21, 1994 intimated that the petitioners were found fit for regularisation as Medical Officers. On the basis of the said letter received from the UPSC, by Order dated September 27, 1994 the petitioners were regularised as Medical Officer in the Central Health Service with effect from September 21, 1994.

The petitioners thereafter filed this writ petition wherein they have prayed that they should be treated as holding their respective posts regularly from the respective dates of their initial appointment which now stands regularised by UPSC and they should be granted seniority with consequential benefits such as promotion to higher grade. In other words, the petitioners are seeking their regularisation with effect from the date on which they were appointed initially on ad hoc basis and are claiming that the period of their ad hoc service as well as the period during which they continued in service on the basis of the interim order passed by the Tribunal should be taken into account as regular service for the purpose of seniority. This claim of the petitioners is in no way different from the relief which the Tribunal has given to them under the direction contained in paragraph 20(2) of the judgment dated October 8, 1991 which direction has been modified by this Court by order dated May 3, 1993 whereby it was directed that the fixation of seniority of the petitioners would be in accordance with the extant

*Directed
for
Advocate*

rules. In view of the aforesaid direction given by this Court under the order dated May 3, 1993 the petitioners cannot claim that the period of their ad hoc service should be taken into account for the purpose of seniority. Their seniority has to be fixed in accordance with the rules governing such fixation of seniority.

Ms. Shyamla Pappu, the learned senior counsel appearing for the petitioners has not been able to show us any rule on the basis of which the petitioner could count the period their ad hoc service for the purpose of seniority. Having regard to the fact that the matter of the petitioners was considered by the UPSC for the purpose of regularisation only in 1994 and, as per the letter of UPSC dated September 21, 1994 they were found fit for regularisation by the UPSC, they have been regularised by order dated September 27, 1994 with effect from September 21, 1994, their seniority has to be fixed on the basis that they were regularly appointed with effect from September 21, 1994. They cannot claim that their seniority should be fixed by taking into account their ad hoc service prior to the date of their regularisation.

We, therefore, do not find any merit in this writ petition and the same is accordingly dismissed.

sd/.
(S.C. AGRAWAL)

sd/.
(M. SRINIVASAN)

New Delhi
May 5, 1998.

*Attended
Smt.
Advocate*

From : Dr P Priyo Kumar Singh
Medical Officer
17 Assam Rifles
C/O 79 APC

To : Mahatideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 11

(Through proper channel)

Sub : REQUEST FOR PERMANENT ABSORPTION IN ASSAM RIFLES

Sir,

1. I have the honour of submitting the following few lines for your kind consideration and favourable action please.

2. I was appointed in Assam Rifles on 11 Jul 1995 as Medical Officer on adhoc basis and I have been serving continuously for the last five and half years as follow.

(a) From 11 Jul 1995 to Dec 1996 with 28 AR (J & K)

(b) From Jan 1997 to Aug 1997 with 28 AR (Air Maint post of Vijay Nagar (A P))

(c) From Sep 1997 to Aug 1999 with ARTC & S (Shokhuvi)

(d) From Sep 1999 to till date with 17 AR (Manipur).

3. Since my appointment in July 1995, there had been only single recruitment of medical officers for Assam Rifles on regular appointment under Ministry of Health and Family welfare through UPSC which was advertised in Jan 1997 and I was enroute to permanent location, Jairampur when my previous unit 28 AR was being deinducted from J & K in Jan 1997. Thus due to exigencies of service and remote location I did not get the information and could not avail that opportunity.

4. All adhoc medical officers were assured of permanent absorption into Assam Rifles on various occasions by the previous Director Generals Assam Rifles.

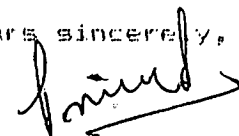
5. I had even submitted the willingness certificate through proper channel as the same was asked for by DGAR.

6. So far no progress has taken place towards the regularisation of adhoc medical officers. I am in the mean time becoming overage for other Govt services.

7. Any step towards regularisation of adhoc MOs in addition to giving job security with pensionary benefits will also help us to work with high moral and further motivation.

8. In view of the above, it is once again earnestly that my case for regularisation be considered at utmost priority and an early favourable decision be taken.

Yours sincerely,



(Dr PPK Singh)
Medical Officer

Dated : ____ Mar 2001

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SECRET
315 (3)
Annexure 7

Tele No : 795095

TO BE FAXED

Mahanidishalaya Assam Rifles
Directorate General Assam Rifles
Shillong- 793011

I.14015/ARMC/2000/M-1

27 Jun 2001

HQ IGAR (North)

ARTCS&S

All Ranges

ADVERTISEMENT FOR COMBATISED CADRE OF
MEDICAL OFFICERS

1. Copy of Advertisement for combatised cadre of Medical Officers, advertised in all leading News papers on 27 Jun 2001 is fwd herewith for your necessary action please.
2. You are requested to fwd the copy of advertisement to all Units under your Command and to instruct all Ad-hoc/Contract Medical Officers to fwd their application to this Directorate Medical Branch latest by 15 Jul 2001 for onward submission to DG ITBP. All required focus as mentioned in the advertisement must be attached with the application.
3. Please ack on receipt.

Encls : As above.

(Sunil Kant)
Lt Col
JAD (Medical)
for DG Assam Rifles

*Delivered
for
Advocate*

Government of India
MINISTRY OF HOME AFFAIRS
DIRECTORATE GENERAL
INDO-TIBETAN BORDER POLICE FORCE

1. Application are invited from Indian Citizens for appointment to Group 'A' of Force, Central Reserve Police, Indo-Tibetan Border Police and Assam Rifles Ministry of Home Affairs, Government of India. On joining an organization a candidate shall be governed by the Rules as applicable to that organization and as amended from time to time. Selected candidates will be liable to serve anywhere in Union of India or out side.

2. The candidate called for interview shall be paid travelling expenses as admissible under the provisions of Ministry of Finance Government of India, OM No. F. 190-454/71F, N/A(B) dated 20.01.76 (Govt. of India decision No. 8 below SP 132) as per these order ordinary bus fare or single 2nd class rail fare chargeable by passenger train by the shortest route from the railway station nearest to the normal place of residence or from which they actually performed the journey whichever is nearer to place of interview for distances in excess of 250 Kms for both outward and return journeys shall be payable to the candidates appearing for interviews. However in the case of candidates belonging to SC/ST communities, 2nd class rail fare or bus fare shall be payable to the candidate provided that the fare of the 1st 30 Kms for both outward and return journey is borne by the candidate.

3. The Medical Officer Cadre of the above organizations has been re-structured on the pattern of Central Govt. Health Service. The post of Medical Officer, Group 'A' is combalised in the rank of Assistant Commandant and that rank structure is commensurable in their pay scale in the cadre subject to instructions issued from time to time

NUMBER OF POSTS					
ORGANIZATION	SC	ST	OBC	GENERAL	TOTAL
BSF	03	07	12	23	45
CRPF	--	--	21	60	81
ITBP	05	--	19	25	49
ASSAM RIFLES	10	05	18	32	65
TOTAL	18	12	70	140	240

PAY SCALE OF POST : Rs. 8000-275-13500 plus usual allowances as admissible from time to time, plus NPA 25% of the basic pay per month. In addition to above pay scale, usual DA, CCA, HRA, CA, Detachment allowance other allowances wherever admissible are as per the Central Government Orders, would be entitle. On completion of 4 years service, the Medical Officer (Assistant Commandant) will be eligible for upgradation to the level of Senior Medical Officer carrying pay scale of Rs. 10,000-325-15,200 subject to his/her good service records. The age of superannuation of Medical Officers will be 60 years.

OPTION FROM CANDIDATES : A candidate may opt for the post of Medical Officer in any one or more CPOs mentioned above. For this purpose he/she will be required to indicate clearly the CPOs for which he/she wishes to be considered in the order of preferences. While making appointment due consideration will be given to the preferences exercised by the candidate and having regard to his/her rank in the order of merit.

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(b) The candidates must not have knock - knees, flat foot or squint in eyes and they should possess high colour vision. The candidates will be tested for colour vision by Ishihara's test as well as I-drach green lantern test. (c) Subject to (a) & (b) above, the standard of Medical performance of the duties. Candidates would be the same as prescribed by the Government for the Indian Police Service. Candidates should be in good physical and mental state for fitness for the candidates would be the same as prescribed by the Government for the Indian Police Service. Candidates should be in good physical and mental state for duties in high altitude and to serve in border areas with extreme climatic conditions. Every candidate on his/her having been selected will be produced before a duly constituted Medical Board and should obtain health certificate in the form specified in this behalf from such Medical Board. The Government of India reserves to themselves right to reject or accept any candidate after considering report of the Medical Board.

CONDITIONS OF SERVICE : 1. Candidates shall be required to serve the Force for a minimum period of 10 years. If any Officer after joining the service wants to resign from the service before the expiry of the 10 years, he/she is required to refund a sum of equal to the amount of allowances received by him/her in the Force whichever is higher. 2. Applications as per specimen given below should reach at the following address on or before 17.03.2001 other than candidates from Andaman, Nicobar and Lakshadweep in whose case the applications should reach on or before 30.06.2001.

THE MEMBER SECRETARY, MEDICAL OFFICER SELECTION BOARD, ITB POLICE, MHA(GOVERNMENT OF INDIA) TIGRI CAMP, P.O. MADANGIR, NEW DELHI - 62 covers containing applications must be superscribed in bold letters as "APPLICATION FOR THE POST OF MEDICAL OFFICERS(ASSISTANT COMMANDANT) IN CPOs 2000-2001. Application must be accompanied by two self-addressed unstamped envelopes of 11.5 cms x 27.5 cms size. 3. Candidates already employed in Government Organizations should apply through their Employers. 4. Selected candidates will have to undergo basic training and such other courses as prescribed in the Force from time to time.

*Attended
for
provision*

APPLICATION FORM FOR THE POST OF MEDICAL OFFICER
IN THE RANK OF ASSISTANT COMMANDANT IN CPDS,
MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA

ad

(This form should be filled in by the candidates in his/her own handwriting, should be complete in all respect and should be accompanied by certified copies of testimonials. A copy of recent passport size photograph should also be pasted on the application at the space provided for this purpose. Incomplete applications will not be entertained. Answer must be given in words and not by dashes and dots.)

RECENT
PASSPORT

1. Full name in block letters : _____
2. Father's/Spouse Name & occupation : _____
3. Permanent address in full : _____
4. Present address in full : _____
(Candidate must make arrangements to see that communications sent to them at this address are redirected, if necessary).
5. State of which he/she belongs : _____
6. Nationality (State whether by birth or by domicile) : _____
7. Religion : _____
8. Do you belong to Scheduled Caste/Schedule Tribe/OBC ? _____
If so, attach a certificate issued by the competent authority
9. Date of birth according to Christian Era (Attach a certified copy of your Matriculation/School leaving certificate in support of your age) : _____
10. Details of examinations passed starting from Matriculation/School leaving certificate onwards :

Name of Exam	Examination Division	Class obtained	Percentage marks obtained
College with address	passed	obtained	obtained
11. Did you achieve any distinction in Athletic or Sport if so, give details : _____
12. Have you been a member of the National Cadet Corps if so, give details : _____
13. State, if you are employed : _____
 - (a) Name & address of the employer : _____
 - (b) Designation/rank held : _____
 - (c) Whether holding permanent/temporary post : _____
 - (d) Whether no objection certificate from the employer attached, if not reasons thereof : _____
14. Indicate your preference of service : _____
(CRPF-1, BSF-2, ITBP-3, ASSAM RIFLES-4)

DECLARATION :

I hereby declare that entries in this form as above are true and correct to the best of my knowledge and belief.

Station : _____

Signature of the applicant

Dated : _____

N.B. :- The candidates shall produce the original certificates at the time of interview. Non-production of certificates shall be disqualification. If any one who does not fulfill the minimum physical standards, educational and other qualifications chooses to apply he/she runs the risk of incurring wasteful expenditure for which the Government of India or the Selection Board accept no responsibility.

*Attended
for
Borocati*

From : Dr. P. Priyokumar Singh
Medical Officer
17 Assam Rifles
C/O 99 APO

To : The Member Secretary
Medical Officer Selection Board
ITB- Police (MHA)
Govt. of India, New Delhi

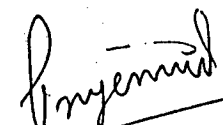
Subject: REQUEST FOR CONDONATION OF AGE IN THE RECRUITMENT OF
MEDICAL OFFICER (COMBATISED) IN ASSAM RIFLES

Sir,

1. I have the honour of informing you a few words for your kind consideration and favourable onward action please.
2. I was appointed as Medical Officer in Assam Rifles on Adhoc basis on 11 July 1995 and I have been continuously serving till date. I was only 29 years old at the time of joining in Assam Rifles (DOB is 01-02-1966).
3. We have been repeatedly requesting for permanent absorption in Assam Rifles since the day of enrollment. The Directorate General Assam Rifles has taken up the case for the same.
4. Fortunately Ministry has agreed and accordingly advertisement came last year in 2001 for the recruitment of 64 Medical Officers (Combatised) in Assam Rifles. All of us who are already in the job have also applied.
5. My age at the time of submission of the application was above 35 years. But I was assured by Deputy Director (Med) Assam Rifles that my age at the time of entry into Assam Rifles would be considered since I opted for Assam Rifles. Otherwise I belong to OBC also though I failed to mention in my application.
6. I am earnestly requesting you on humanitarian ground, kindly to consider my age so that I may please be allowed to appear for the interview, otherwise I will have to miss the last chance of my career.

Thanking you in anticipation.

Yours sincerely


(Dr. P. Priyokumar Singh)
Medical Officer

*Attested
for
signature*
Dated : 06 Mar 2002

*Pls. see
for details*

Annexure - 9



UNION PUBLIC SERVICE COMMISSION

EXAMINATION NOTICE NO. 09/2002

DATE : 11-05-2002

COMBINED MEDICAL SERVICES EXAMINATION, 2002.

F.14/2/2001-E.I(B) : A combined examination for recruitment to the services and posts mentioned in para 2 below will be held by the Union Public Service Commission at Agartala, Ahmedabad, Aizawl, Allahabad, Bangalore, Bareilly Bhopal, Chennai (Madras) Chandigarh, Cuttack, Delhi, Dharwar, Dispur (Guwahati), Gangtok, Hyderabad, Imphal, Itanagar, Jalpur, Jammu, Jorhat, Kochi (Cochin), Kohima, Kolkata (Calcutta), Lucknow, Madurai, Mumbai (Bombay), Nagpur, Panaji (Goa), Patna, Port Blair, Raipur, Sambalpur, Shillong, Shimla, Sringar, Thiruvananthapuram (Trivandrum), Tirupati, Udaipur and Vishakhapatnam on the 6th October, 2002 in accordance with the Rules published by the Ministry of Health & Family Welfare (Dept. of Health) in the Gazette of India dated the 11th May, 2002.

The centres and the dates of holding the examination as mentioned above are liable to be changed at the discretion of the Commission. While every effort will be made to allot the candidates to the centres of their choice for examination, the Commission may, at their discretion allot a different centre to a candidate, when circumstances so warrant. Candidates admitted to the examination will be informed of the time table and place or places of examination.

Candidates should note that no request for change of centre will normally be granted. When a candidate, however, desires a change in centre from the one he had indicated in his application form for the Examination, he must send a letter addressed to the Secretary, Union Public Service Commission, giving full justification as to why he desires a change in centre. Such requests will be considered on merits but requests received after the 10th July, 2002 will not be entertained under any circumstances.

2. (a) The Services/Posts to which recruitment is to be made and the approximate number of vacancies to be filled are given below :-

(i) Assistant Divisional Medical Officer in the Railways.	180
(ii) Junior Scale Posts in Indian Ordnance Factories Health Service.	28
(iii) Junior Scale Posts in Central Health Services.	98*
(iv) Medical Officers in the Municipal Corporation of Delhi.	25

* This includes 23 vacancies reserved for Physically disabled persons.

The number of vacancies is liable to alteration.

Reservation will be made for candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and Physically disabled categories in respect of vacancies as may be fixed by the Government.

(b) A candidate may apply for admission to the examination in respect of any one or more of the services/posts mentioned in para 2 (a) above. Candidates will be required to indicate preferences for services/posts at the appropriate time. If a candidate wishes to be admitted for more than one service/post he must send in only one application. He will be required to pay the fee mentioned in para 4 below once only and will not be required to pay separate fee for each of the services/posts for which he applies.

IMPORTANT

IN ORDER TO STREAMLINE PROCESSING OF APPLICATIONS, UPSC HAVE DEVELOPED AN ELECTRONICALLY SCANNABLE APPLICATION FORM COMMON FOR ALL THEIR EXAMINATIONS WHICH CAN BE PROCESSED ON COMPUTERISED OMNIRIC SCANNING MACHINES. THIS APPLICATION FORM, ALONG WITH AN INFORMATION BROCHURE CONTAINING GENERAL INSTRUCTIONS FOR FILLING UP THE FORM, AN ACKNOWLEDGEMENT CARD AND AN ENVELOPE FOR SENDING APPLICATION WILL BE AVAILABLE FROM ANY ONE OF THE DESIGNATED HEAD POST OFFICES/POST OFFICES THROUGHOUT THE COUNTRY AS LISTED IN APPENDIX III OF NOTICE AND MAY BE PURCHASED AGAINST CASH PAYMENT OF RS. 20/- (RUPEES TWENTY ONLY).

CANDIDATES MUST USE ONLY THE FORM SUPPLIED WITH THE INFORMATION BROCHURE. FORM SHOULD BE PURCHASED FROM POST OFFICE ONLY AND NOT FROM ANY OTHER AGENCY. DO NOT USE PHOTOCOPY/REPRODUCTION/UNAUTHORISEDLY PRINTED COPY OF THE FORM. THIS WILL ENTAIL REJECTION. EACH FORM CAN BE USED ONLY ONCE AND FOR ONLY ONE EXAMINATION.

NOTE : IN CASE YOU HAVE ANY DIFFICULTY IN OBTAINING THE APPLICATION FORM/CENTRAL RECRUITMENT FEE STAMP FROM ANY OF THE DESIGNATED HEAD POST OFFICES/POST OFFICES, YOU SHOULD IMMEDIATELY CONTACT THE CONCERNED POSTMASTER OR THE UPSC'S 'FORMS SUPPLY MONITORING CELL' OVER PHONE NO. 011-3389366/ FAX NO. 011-3387310.

The candidates should apply for examination only after Commission's Notice for the examination containing all requisite information has been published in the newspapers/Employment News. They should carefully read all the eligibility conditions prescribed for the examination. While filling up application form, they should refer to the instructions given in Appendix-II of this Notice.

Last date for receipt of completed applications in UPSC is 10th June, 2002. In respect of candidates residing in remote areas/regions specified in para 6 of this Notice whose applications are received by post/speed post, the last date is 17th June, 2002. In case of applications received by hand or courier service, benefit of extended time will not be available, regardless of place of residence of the applicant.

Candidates are advised not to wait till the last date but to submit their application at the earliest so that it reaches the UPSC in time. The UPSC will not be responsible for any postal/Courier delays and all applications received after the above prescribed last date will be summarily rejected.

Candidates are advised, to read carefully 'special instructions to candidates' for objective type tests given in Appendix-IV including the procedure regarding filling in the Answer Sheet of objective type tests in the Examination Hall

UPSC HAS A FACILITATION COUNTER NEAR 'C' GATE OF ITS CAMPUS. CANDIDATES MAY OBTAIN ANY INFORMATION/CLARIFICATION REGARDING THEIR APPLICATION/CANDIDATURE ON WORKING DAYS BETWEEN 10.00 A.M. TO 5.00 P.M. IN PERSON OR OVER TELEPHONE NO. 011-3385271/011-3381125 FROM THIS COUNTER. CANDIDATES CAN ALSO OBTAIN INFORMATION ABOUT RECEIPT AND REGISTRATION OF THEIR APPLICATION, VENUE OF EXAMINATION AND RESULTS ETC. ON THE COMMISSION'S WEBSITE AT THE ADDRESS : <http://www.upsc.gov.in>

3. CONDITIONS OF ELIGIBILITY :

(i) Nationality

A candidate must be either :

- a Citizen of India, or
- a subject of Nepal, or
- a subject of Bhutan, or
- a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or East African Countries of Kenya, Uganda, the United Republic of Tanzania, Zambia, Malawi, Zaire and Ethiopia or from Vietnam with the intention of permanently settling in India.

Provided that a candidate belonging to categories (b), (c), (d) and (e) above shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to the examination but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India.

(ii) Age Limit : (a) A candidate for this examination must not have attained the age of 32 years as on 1st January, 2002, i.e. the candidate must have been born not earlier than 2nd January, 1970.

(b) The upper age limit is relaxable as follows.

- Upto a maximum of five years if a candidate belongs to a Scheduled Caste or a Scheduled Tribe.
- Upto a maximum of three years in the case of candidates belonging to Other Backward Classes who are entitled to avail of reservation applicable to such candidates.
- Upto a maximum of five years if a candidate had ordinarily been

domiciled in the State of Jammu & Kashmir during the period from the 1st January, 1980 to the 31st day of December, 1989.

- Upto a maximum of three years in the case of Defence Services personnel disabled in operations during hostilities with any foreign country or in a disturbed area and released as a consequence thereof.
- Upto a maximum of five years in the case of Ex-servicemen including Commissioned Officers and ECOs/SSCOs who have rendered at least five years Military Service as on 1st January, 2002 and have been released (i) on completion of assignment (including those whose assignment is due to be completed within one year from 1st January, 2002) otherwise than by way of dismissal or discharge on account of misconduct or inefficiency, or (ii) on account of physical disability attributable to Military Service or (iii) on invalidation.
- Upto a maximum of five years in the case of ECOs/SSCOs who have completed an initial period of assignment of 5 years Military Service as on 1st January, 2002 and whose assignment has been extended beyond 5 years and in whose case the Ministry of Defence issues a certificate that they can apply for civil employment and that they will be released on 3 months notice on selection from the date of receipt of offer of appointment.
- Upto a maximum of ten years in the case of blind, deaf-mute and Orthopaedically handicapped candidates.

(viii) The ad-hoc Doctors appointed after 1.10.1984 in the Ministry of Railways will be granted relaxation in age to the extent of the period of service rendered by them as ad-hoc Doctors in Railways, in the light of the Supreme Court's orders dated the 24th September, 1987 on the Writ Petitions (Nos. 822, 875, 180 & 200 of 1987 with Nos. 370, 298 & 73 of 1987 with Nos. 1165, 1328, 1619, 1735, 1275, 1457, 1087, 1034, 1263, 1294, 1327, 1349, 1370, 1353, 1400, 1451, 1504, 1564, 1650 & 1609 of 1986 and with Nos. 845 of 1986) filed by some ad-hoc Doctors of the Railways. The ad-hoc Doctors claiming the relaxation in upper age limit under this provision should submit their applications for admission to the examination through the Ministry of Railways who will certify that the applicants are covered by the orders of the Supreme Court.

NOTE I-Candidates belonging to the Scheduled Castes and the Scheduled Tribes and the Other Backward Classes who are also covered under any other clauses of para 3(ii) (b) above, viz. those coming under the category of Ex-servicemen, persons domiciled in the State of J & K, physically handicapped etc. will be eligible for grant of cumulative age-relaxation under both the categories.

NOTE II-The term ex-servicemen will apply to the persons who are defined as ex-servicemen in the Ex-servicemen (Re-employment in Civil Services and Posts) Rules, 1979, as amended from time to time.

Continued

NOTE III: The age concession under Para 3 (ii) (b) (v) and (vi) will not be admissible to Ex-Servicemen and Commissioned Officers including ECOs/SSCOs, who are released on their own request.

NOTE IV: Notwithstanding the provision of age-relaxation under para 3 (ii) (b) (vii) above, a physically handicapped candidate will be considered to be eligible for appointment only if he/she (after such physical examination as the on the Government or appointing authority, as the case may be, may prescribe) is found to satisfy the requirements of physical and medical standards for the concerned Services/posts to be allocated to the physically handicapped candidates by the Government.

Save as provided above the Age-Limit prescribed can in no case be relaxed.

The date of birth accepted by the Commission is that entered in the Matriculation or Secondary School Leaving Certificate or in a certificate recognised by an Indian University as equivalent to Matriculation or in an extract from a Register of Matriculates maintained by a University which extract must be certified by the proper authority of the University or in the Higher Secondary or an equivalent examination certificate. These certificates are required to be submitted only after the declaration of the result of the written part of the examination.

No other document relating to age like horoscopes, affidavits, birth extracts from Municipal Corporation, service records and the like will be accepted. The expression Matriculation/Higher Secondary Examination Certificate in this part of the instruction includes the alternative certificate mentioned above.

NOTE 1: Candidates should note that only the Date of Birth as recorded in the Matriculation/Higher Secondary Examination Certificate or an equivalent certificate as on the date of submission of applications will be accepted by the Commission and no subsequent request for its change will be considered or granted.

NOTE 2: Candidates should also note that once a Date of Birth has been claimed by them and entered in the records of the Commission for the purpose of admission to an Examination, no change will be allowed subsequently (or at any other Examination of the Commission) on any ground whatsoever.

NOTE 3: THE CANDIDATE SHOULD EXERCISE DUE CARE WHILE ENTERING THEIR DATE OF BIRTH IN COLUMN 8 OF THE APPLICATION FORM. IF ON VERIFICATION AT ANY SUBSEQUENT STAGE, ANY VARIATION IS FOUND IN THEIR DATE OF BIRTH FROM THE ONE ENTERED IN THEIR MATRICULATION OR EQUIVALENT EXAMINATION CERTIFICATE, DISCIPLINARY ACTION WILL BE TAKEN AGAINST THEM BY THE COMMISSION UNDER THE RULES.

(III) Educational Qualification :

For admission to the examination a candidate should have passed the written and practical parts of the final M.B.B.S. Examination.

NOTE-1: A candidate who has appeared or has yet to appear at the final M.B.B.S. Examination may also apply. Such candidates will be admitted to the examination if otherwise eligible but the admission would be deemed to be provisional and subject to cancellation, if they do not produce proof of having passed the written and practical part of the final M.B.B.S. Examination along with the detailed application which will be required to be submitted to the Commission by the candidates who qualify on the result of the written part of the examination.

NOTE-2: A candidate who has yet to complete the compulsory rotating internship is educationally eligible for admission to the examination but on selection he will be appointed only after he has completed the compulsory rotating internship.

4. FEE : A candidate seeking admission to examination must pay to the Commission a fee of Rs. 100.00 (Rupees One hundred

only) through a single Central Recruitment Fee Stamp of the requisite denomination. Central Recruitment Fee Stamp (NOT post-age stamps) may be obtained from the post office and affixed on the application form in the space provided therein. The stamp should be got cancelled from the issuing Post Office with the date stamp of the post office in such a manner that the impression of the cancellation mark partially overlaps on the application form itself but with in the space provided on the form. The impression of the cancellation stamp should be clear and distinct to facilitate the identification of date and the Post Office of issue.

Candidates residing abroad should deposit the prescribed fee in the office of India's High Commissioner, Ambassador or representative abroad as the case may be for credit to account head "051 - Public Service Commission-Examination Fees" and attach the receipt with the application.

CANDIDATES BELONGING TO SCHEDULED CASTES/SCHEDULED TRIBES ARE NOT REQUIRED TO PAY ANY FEE. NO FEE EXEMPTION IS, HOWEVER, AVAILABLE TO OBC CANDIDATES AND THEY ARE REQUIRED TO PAY THE FULL PRESCRIBED FEE.

Physically handicapped persons are exempted from the payment of fee provided they are otherwise eligible for appointment to the Services/Posts to be filled on the results of this examination on the basis of the standards of medical fitness for these Services/Posts (including any concessions specifically extended to the physically handicapped). A physically handicapped candidate claiming age relaxation/fee concession will be required by the Commission to submit along with their detailed application form, a certified copy of the certificate from a Government Hospital/Medical Board in support of his/her claim for being physically handicapped.

NOTE : Notwithstanding the aforesaid provision for age relaxation/fee exemption, a physically handicapped candidate will be considered to be eligible for appointment only if he/she (after such physical examination as the Government or the appointing authority, as the case may be, may prescribe) is found to satisfy the requirements of physical and medical standards for the concerned Services/Posts to be allocated to Physically Handicapped candidates by the Government.

'Postage Stamp' will in no case be accepted in lieu of 'Central Recruitment Fee' stamp.

Note (i) : Candidates should note that the fee sent through Indian Postal Orders, Bank Draft, Money Order, Crossed Cheque, Currency notes or Treasury Challan etc. will not be accepted by the Commission and such applications will be treated as without fee and will be summarily rejected.

Note (ii) : Applications not accompanied by the prescribed Fee (Unless remission of Fee is claimed) shall be summarily rejected.

Note (iii) : Fee once paid shall not be refunded under any circumstances nor can the fee be held in reserve for any other examination or selection.

Note (iv) : If any candidate who took the Combined Medical Services Examination held in 2001 wishes to apply for admission to this examination, he must submit his application so as to reach the Commission's Office by the prescribed date without waiting for the results or an offer of appointment.

5. HOW TO APPLY:

(a) The UPSC have developed an application form common for all their examinations which can be processed on computerised machines. This application form along with an Information Brochure containing general instructions for filling up the form, an acknowledgement card and an envelope for sending the application is obtainable from the designated Head Post Offices/Post Offices throughout the

country as listed in Appendix-III of Notice against cash payment of Rs. 20/- (Rupees twenty only). Form should be purchased from the designated Post Offices only and not from any other agency. This form can be used only once and for only one examination. Candidates must use the form supplied with the Information Brochure only and they should in no case use photocopy/reproduction/ unauthorisedly printed copy of the form. Since the form is electronically scannable, due care should be taken to fill up the application form correctly. While filling up the application form, please refer to detailed instructions given in Appendix-II of this Notice. The candidates should also fill up in the relevant places of the Acknowledgement Card, their Application Form Number (8-digit) and the name of the examination. Affix postage stamp of Rs. 3/- on the Acknowledgement Card. The duly filled in application form and the acknowledgement card should then be mailed in the special envelope supplied with the Information Brochure. You should also write the name of examination viz. "Combined Medical Services Examination-2002" on the envelope before despatching it to "Secretary, Union Public Service Commission, Dhoolpur House, New Delhi-110011".

(b) All candidates, whether already in Government Service or Government owned industrial undertakings or other similar organisations or in private employment should submit their applications direct to the Commission. If any candidate forwards his application through his employer and it reaches the Union Public Service Commission late, the application, even if submitted to the employer before the closing date, will not be considered.

Persons already in Government service, whether in a permanent or temporary capacity or as work-charged employees other than casual or daily rated employees or those serving under the Public Enterprises are however, required to submit an undertaking that they have informed in writing their Head of Office/Department that they have applied for the Examination. Candidates should note that in case a communication is received from their employer by the Commission withholding permission to the candidates applying for/ appearing at the examination, their application shall be rejected/candidature shall be liable to be cancelled.

NOTE 1 : WHILE FILLING IN HIS APPLICATION FORM, THE CANDIDATES SHOULD CAREFULLY DECIDE ABOUT HIS CHOICE FOR THE CENTRE. MORE THAN ONE APPLICATION FROM A CANDIDATE GIVING DIFFERENT CENTRES WILL NOT BE ACCEPTED IN ANY CASE. EVEN IF A CANDIDATE SENDS MORE THAN ONE COMPLETED APPLICATION THE COMMISSION WILL ACCEPT ONLY ONE APPLICATION AT THEIR DISCRETION AND THE COMMISSION'S DECISION IN THE MATTER SHALL BE FINAL.

NOTE 2 : SINCE THESE APPLICATION FORMS ARE TO BE PROCESSED IN A COMPUTERISED SYSTEM, DUE CARE SHOULD BE TAKEN BY THE CANDIDATES TO FILL UP THEIR APPLICATION FORM CORRECTLY. INCOMPLETE OR DEFECTIVE APPLICATIONS SHALL BE SUMMARILY REJECTED. NO REPRESENTATION OR CORRESPONDENCE REGARDING SUCH REJECTION SHALL BE ENTERTAINED UNDER ANY CIRCUMSTANCES. CANDIDATES ARE NOT REQUIRED TO SUBMIT ALONG WITH THEIR APPLICATIONS ANY CERTIFICATES IN SUPPORT OF THEIR CLAIMS REGARDING AGE, EDUCATIONAL QUALIFICATIONS, SCHEDULED CASTES/SCHEDULED TRIBES/OTHER BACKWARD CLASSES AND PHYSICALLY HANDICAPPED ETC. THE CANDIDATES APPLYING FOR THE EXAMINATION SHOULD ENSURE THAT THEY FULFIL ALL THE ELIGIBILITY CONDITIONS FOR ADMISSION TO THE EXAMINATION. THEIR ADMISSION AT ALL THE STAGES OF EXAMINATION FOR WHICH THEY ARE AD-

MITTED BY THE COMMISSION VIA WRITTEN EXAMINATION AND INTERVIEW TEST WILL BE PURELY PROVISIONAL, SUBJECT TO THEIR SATISFYING THE PRESCRIBED ELIGIBILITY CONDITIONS. IF ON VERIFICATION AT ANY TIME BEFORE OR AFTER THE WRITTEN EXAMINATION OR INTERVIEW TEST, IT IS FOUND THAT THEY DO NOT FULFIL ANY OF THE ELIGIBILITY CONDITIONS, THEIR CANDIDATURE FOR THE EXAMINATION WILL BE CANCELLED BY THE COMMISSION.

Candidates are requested to keep ready the attested copies of the following documents for submission to the Commission soon after the declaration of the result of the written examination which is likely to be declared in the month of January, 2003.

1. Certificate of Age.
2. Certificate of Educational Qualification.
3. Certificate in support of claim to belong to Scheduled Caste, Scheduled Tribe and Other Backward Classes where applicable.
4. Certificate in support of claim for age/fee concession, where applicable.
5. Certificate in support of being physically handicapped (where applicable).

Immediately after the declaration of the written results, successful candidates will be sent a detailed application form by the Commission requiring additional information to be furnished. Attested copies of the above mentioned certificates will have to be sent to the Commission at that time. The originals will have to be produced at the time of interview. If any of their claims is found to be incorrect, they may render themselves liable to disciplinary action by the Commission in terms of Rule 11 of the Rules for the Combined Medical Services Examination, 2002, reproduced below:

A candidate who is or has been declared by the Commission to be guilty of:

- (i) obtaining support for his candidature by any means, or
- (ii) impersonating, or
- (iii) procuring impersonation by any person, or
- (iv) submitting fabricated documents or documents which have been tampered with, or
- (v) making statements which are incorrect or false or suppressing material information, or
- (vi) resorting to any other irregular or improper means in connection with his candidature for the examination, or
- (vii) using unfair means during the examination, or
- (viii) writing irrelevant matter, including obscene languages or pornographic matter, in the script (s), or
- (ix) misbehaving in any other manner in the examination hall, or
- (x) harassing or doing bodily harm to the Staff employed by the Commission for the conduct of their examination, or
- (xi) violating any of the instructions issued to candidates along with their Admission Certificates permitting them to take the examination, or
- (xii) attempting to commit or as the case may be abetting the commission of all or any of the acts specified in the foregoing clauses, may in addition to rendering himself liable to criminal prosecution be liable.
- (a) to be disqualified by the Commission from the examination for which he is a candidate and/or
- (b) to be debarred either permanently or for a specified period
- (i) by the Commission from any examination or selection held by them;
- (ii) by the Central Government from any employment under them; and
- (c) if he is already in service under Government to disciplinary action under the appropriate rules.

Provided that no penalty under this rule shall be imposed except after.

Attested
Signature
Admission Cell

Altered by...

- (i) giving the candidate an opportunity of making such representation, in writing as he may wish to make in that behalf; and
- (ii) taking the representation, if any, submitted by the candidate within the period allowed to him into consideration.

6. LAST DATE FOR RECEIPT OF APPLICATIONS :

- (i) The completed application form must reach the Secretary, Union Public Service Commission, Dholpur House, New Delhi 110011 on or before 10th June, 2002.
- (ii) In respect of applications received only by post (by post/speed post) from the candidates residing in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Jammu & Kashmir, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep or abroad, the last date for receipt of applications is 17th June, 2002. The benefit of extended time will be available only in respect of applications received by post/speed post from the above mentioned areas/regions. In the case of applications received by hand or through courier service, benefit of extended time will not be available regardless of the place of residence of the applicant.

Candidates who are claiming the benefit of extended time should clearly indicate in column 13 (ii) of the application form, the area code of the particular area or region (e.g. Assam, Meghalaya, J&K etc.) where they are residing. In case they fail to do so, the benefit of extended time will not be allowed to them.

NOTE I : Candidates should clearly note that the Commission will in no case be responsible for non-receipt of their application or any delay in receipt thereof on any account whatsoever. No application received after the prescribed last date will be entertained under any circumstances and all the late applications will be summarily rejected. They should therefore, ensure that their applications reach the Commission's Office on or before the prescribed last date.

NOTE II : Candidates can also deliver their applications personally at the Commission's counter against proper acknowledgement. The Commission will not be responsible for the applications delivered to any other functionary of the Commission.

NOTE III : Applications received through Couriers or Courier Services of any type shall be treated as having been received "By hand" at the Commission's Counter.

7. ACKNOWLEDGEMENT OF APPLICATION :

Immediately on receipt of an application from a candidate, the Acknowledgement Card submitted by him alongwith the application form will be despatched to him by the Commission's office duly stamped in token of receipt of his Application. If a candidate does not receive the Acknowledgement Card within 30 days, he should at once contact the Commission by quoting his Application Form No. (8-digit) and name & year of examination. Candidates delivering the application form in person at the Commission's Counter will be issued Acknowledgement Card at the Counter itself.

The mere fact that a candidate's application has been acknowledged by the Commission does not mean that his candidature for the examination has been accepted by the Commission. Candidates will be informed at the earliest possible about their admission to the examination or rejection of their application.

8. CORRESPONDENCE WITH COMMISSION :

The Commission will not enter into any correspondence with the candidates about their candidature except in the following cases:

- (i) Every candidate for this examination will be informed at the earliest possible date of the result of his application. Admission certificates, indicating the Roll Nos. and centre will be issued to the candidates who are admitted

to the examination. The admission certificate will bear the photograph of the candidate.

If a candidate does not receive his admission certificate or any other communication regarding his candidature for the examination one month before the commencement of the examination, he should at once contact the Commission. On receipt of such a communication, Admission Certificate or a duplicate copy thereof will be issued to the admitted candidate. Information in this regard can also be obtained from the Facilitation Counter located in the Commissions office either in person or over phone Nos. 011-338527/011-3301125. In case no communication is received in the Commission's office from the candidate regarding non-receipt of his admission certificate atleast 3 weeks before the examination, he himself will be solely responsible for non-receipt of his admission certificate. No candidate will ordinarily be allowed to take the examination unless he holds a certificate of admission for the examination. On the receipt of Admission certificate, candidates should check it carefully and bring discrepancy/errors if any, to the notice of UPSC immediately.

The mere fact that a certificate of admission to the Examination has been issued to a candidate, will not imply that his candidature has been finally cleared by the Commission or that entries made by the candidate in his application for the examination have been accepted by the Commission as true and correct. Candidates may note that the Commission takes up the verification of eligibility conditions of a candidate, with reference to original documents, only after the candidate has qualified for interview for Personality Test on the results of the Written Examination. Unless candidature is formally confirmed by the Commission, it continues to be provisional. The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the Examination shall be final. Candidates should note that the name in the Admission Certificate in some cases, may be abbreviated due to technical reasons.

- (ii) In the event of a candidate receiving more than one admission certificate from the Commission, he should use only one of these admission certificates for appearing in the examination and return the other(s) to the Commission Office.
- (iii) A candidate must see that communications sent to him at the address stated in his application are redirected, if necessary. Change in address should be communicated to the Commission at the earliest opportunity. Although the Commission make every effort to take account of such changes, they cannot accept any responsibility in the matter.

- (iv) If a candidate receives an admission certificate in respect of some other candidate on account of processing error, the same should be immediately returned to the Commission with a request to issue the correct AC. Candidates may note that they will not be allowed to take the examination on the strength of an admission certificate issued in respect of another candidate.

IMPORTANT : ALL COMMUNICATIONS TO THE COMMISSION SHOULD INVARIABLY CONTAIN THE FOLLOWING PARTICULARS.

1. NAME AND YEAR OF THE EXAMINATION.
2. APPLICATION FORM NUMBER (8-digit)
3. ROLL NUMBER (IF RECEIVED)
4. NAME OF CANDIDATE (IN FULL AND IN BLOCK LETTERS)
5. COMPLETE POSTAL ADDRESS AS GIVEN IN THE APPLICATION.

N.B. : (i) COMMUNICATION NOT CONTAINING THE ABOVE PARTICULARS

MAY NOT BE ATTENDED TO.

N.B. : (ii) IF A LETTER/COMMUNICATION IS RECEIVED FROM A CANDIDATE AFTER AN EXAMINATION HAS BEEN HELD AND IT DOES NOT GIVE HIS FULL NAME AND ROLL NUMBER, IT WILL BE IGNORED AND NO ACTION WILL BE TAKEN THEREON.

N.B. : (iii) CANDIDATES SHOULD ALSO NOTE DOWN THEIR APPLICATION FORM NUMBER (8 DIGIT) FOR FUTURE REFERENCE.

9. For being considered against the vacancies reserved for them, the physically disabled persons should have disability of Forty percent (40%) or more. However, such candidates shall be required to meet one or more of the following physical requirements/abilities which may be necessary for performing the duties in the concerned Services/Posts :-

Code	Physical Requirements
F 1.	Work performed by manipulating (with Fingers)
PP 2.	Work performed by pulling & pushing
L 3.	Work performed by lifting
KC 4.	Work performed by kneeling and crouching
B 5.	Work performed by bending
S 6.	Work performed by sitting (on bench or chair)
ST 7.	Work performed by standing
W 8.	Work performed by walking
SE 9.	Work performed by seeing
H 10.	Work performed by hearing/speaking
RW 11.	Work performed by reading and writing.

The functional classification in their case shall be, one or more of the following, consistent with the requirements of the concerned Services/Posts :-

FUNCTIONAL CLASSIFICATION

Code	Functions
BL 1.	both legs affected but not arms
BA 2.	both arms affected
	a. impaired reach
	b. weakness of grip.
BLA 3.	both legs and both arms affected.
OL 4.	one leg affected (R or L)
	a. impaired reach
	b. weakness of grip
	c. ataxic
OA 5.	one arm affected (R or L) - do -
BH 6.	stiff back and hips (cannot sit or stoop).
MW 7.	muscular weakness and limited physical endurance.
B 8.	the blind
PB 9.	partially blind
D 10.	the deaf
PD 11.	partially deaf.

10. WITHDRAWAL OF APPLICATIONS : NO REQUEST FOR WITHDRAWAL OF CANDIDATURE RECEIVED FROM A CANDIDATE AFTER HE HAS SUBMITTED HIS APPLICATION WILL BE ENTERAINED UNDER ANY CIRCUMSTANCES.

11. SCHEME OF EXAMINATION :

(I) The examination will comprise -

(a) **WRITTEN EXAMINATION :** The candidates will take the examination in the following two papers each of two hours duration each carrying a maximum of 200 marks. The questions in both the papers will be so designed as to give the following weightage to different subjects.

Paper I (Code No. 1)	Weightage
(i) General Medicine including Cardiology, Neurology, Dermatology and Psychiatry	60%
(ii) Surgery including E.N.T., Ophthalmology, Traumatology and Orthopaedics;	40%

Paper II (Code No. 2)	Weightage
(i) Paediatrics	20%
(ii) Gynaecology and Obstetrics	40%
(iii) Preventive, Social and Community Medicine	40%

- (b) Personality Test of candidates who qualify in the written examination, 200 marks
- (II) The examination in both the papers will be completely of objective (multiple choice answer) type. The ques-

tion papers (Test Booklets) will be set in English only.

- (III) Candidates must write the papers in their own hand. In no circumstances will they be allowed the help of scribe to write answers for them.
- (IV) The Commission have discretion to fix qualifying marks for the examination.
- (V) Candidates are not permitted to use calculators for answering objective type papers (Test Booklets). They should not, therefore, bring the same inside the Examination Hall.

(b) Personality Test :

The interview for Personality Test will be intended to serve as a supplement to the written examination for testing the General Knowledge and ability of the candidates in the fields of their academic study and also in the nature of a personality test to assess the candidate's intellectual curiosity, critical powers of assimilation, balance of judgement and alertness of mind, ability for social cohesion, integrity of character, initiative and capability for leadership.

(c) Medical examination of candidates :

All candidates who qualify for personality test on the basis of results of written part of the examination shall be required to undergo physical/medical examination (in two parts) by the Ministry of Health and Family welfare. A candidate who is found not to satisfy the requirements of physical/medical examination will not be appointed.

12. The form and manner of communication of the result of the examination to individual candidates shall be decided by the Commission in their discretion and the Commission will not enter into correspondence with them regarding the result.

13. Subject to other provisions contained in this Notice, successful candidates will be considered for appointment on the basis of the order of merit assigned to them by the Commission and preferences expressed by them for various posts.

14. Success in the examination confers no right to appointment unless Government are satisfied after such enquiry as may be considered necessary that the candidate having regard to his character and antecedents is suitable in all respects for appointment to the service. The appointment will be further subject to the candidate, satisfying the appointing authority of his having satisfactorily completed the compulsory rotating internship.

15. A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the discharge of his duties as an officer of the Service. A candidate who after such physical examination, as Government or the appointing authority, as the case may be, may prescribe, is found not to satisfy these requirements, will not be appointed.

16. No person -

- (a) who has entered into or contracted a 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 of service; provided that the Central Government may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing exempt any person from the operation of this rule.

17. Candidates must write the papers in their own hand. In no circumstances will they be allowed the help of a scribe to write the answer for them.

18. The Commission have discretion to fix qualifying marks for the examination.

19. Brief particulars relating to the Services to which recruitment is being made through this examination, Instructions for filling up the application form, list of Head Post Offices/Post Offices where UPSC application forms are available and Special Instructions to candidates for objective type tests are given in Appendices - I, II, III and IV respectively.

M.P. Singh

Deputy Secretary

Union Public Service Commission

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

Filed by

19/9/02

(A. DEBROY)

Sr. C. G. S. C.

C. A. T. Guwahati Bench

O.A. NO. 192 OF 2002.

Dr. P.K. Singh.

-vs-

Union of India & Ors.

-And-

IN THE MATTER OF ::

Written statement submitted by
the respondents.

The respondents beg to submit written statements
as follows :-

1. That with reference to statement made in para - 1 to 3 of the O.A. the respondents beg to offer no comments being matter of record.
2. That with regard to para - 4.1 to 4.6, the respondents beg to offer no comments being matters of record.
3. That with regard to para - 4.7 of O.A., the Respondents beg to state that Directorate General Assam Rifles Shillong written a letter to MIA dated 17 Mar, 1998 to regularise 07 ad-hoc medical officers including the applicant on CMS cadre. On getting no reply once again Directorate General Assam Rifles written a letter to MIA dated 06 June, 200 to regularization of the

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medical officer on ad-hoc basis serving in the Assam Rifles. But MHA vide their letter dated 19 June 2000 has turned down this proposal.

A true copy of this dte letter dated 17 Mar 1998 is attached as Annexure - I.

A true copy of this Dte letter dated 06 June 2000 is attached as Annexure - II

A true copy of MIA letter dated 19 June 2000 is Attached as Annexure - III.

4. That with regard to para - 4.10, ~~the~~ 4.8 & 4.9, the respondents beg to offer no comments being factual.

5. That with regard to para - 4.10, the respondents beg to state that the case taken up with MHA alongwith other ad-hoc medical officers as already stated in para - 4 above.

6. That with regard to para - 4.11, the respondents beg to state that responsibility for the selection of medical officers in CRPF, BSF, ITBP and Assam Rifles for the year 2000 - 2001 was assigned to Director General ITB Police by MHA vide their letter dated 05 Sept 2000. In the enclosed scheme for common recruitment of medical officers, in para - 4, the age limit has been prescribed by the Govt for recruitment of medical officer.

A true copy of the Scheme dated 05 Sept 2000 is Attached as Annexure - IV.

That accordingly the Member Secretary Medical Officers Selection Board released the advertisement giving all relevant details Under heading age limit of this advertisement, the crucial date to calculate the age was fixed on 17 Aug:2001. In response to the advertisement applicant applied as mentioned in his application is 01 Feb:1966 and in column No-8 of the application, applicant was asked " Do you belong to Scheduled Cast/ Scheduled Tribe /OBC ". The applicant replied "NO" i.e. General category.

A true copy of application is attached as
Annexure - V.

That applicant in para - 13 (c) of his application "Whether holding permanent/temporary post" replied "Ad-hoc Basis " which is also confirmed by the Col RS Rathee, Dy. Director (Medical) Assam Rifles.

A true copy of Colonel RS Rathee is attached as
Annexure - VI.

That Director General Assam Rifles intimated in Para - 4 Annexure VI above that applicant was an OBC candidate and recommended his case for relaxation in age on ~~xx~~ this ground.

That in view of that facts mentioned above applicant was found over age by 5 years 6 months and 16 days on crucial date i.e. 17 Aug:2001.

That even if he is considered as OBC candidates (Though no OBC certificate submitted by individual) age relaxation for 3 years could be granted to him but he was over age by 5 years 6 months and 16 days on crucial date.

That to seek clarification, whether ad-hoc employees were eligible to get relaxation in age as applicable 5 years relaxation to Govt servants, the matter was referred to MHA vide letter dated 12 Apr 2002. MHA has replied that age relaxation as Govt Servant is admissible to regular Govt. Employees and not to those working on ad-hoc/contract/short term basis. As such the medical officers working in Assam Rifles on ad-hoc/contract basis are to be entitled to get age relaxation as Govt servant for appearing in MOSB (CPOs) 2000-2001.

A true copy of letter dated 12 Apr 2002 is attached as Annexure - VII.

A true copy of reply given by MHA date 18 Apr 2002 is attached as Annexure - VIII.

7. That with regard to para 4.12, the respondents beg to offer no comments being matter of record.

contd....P/5

8. That with regard to para - 5.13 the respondents begs to state that since age relaxation has not been granted by MMA, so he was not called for interview and since by order dated 15 Jul, 2002 the Hon'ble Tribunal directed the respondents to allow the applicant to appear in the interview for selection of medical officer, so it has been decided to allow him to appear in the interview if any interview is held within short period.

9. That with regard to para - 4.14 to 4.18, the respondents begs to offer no comments being matter of record and factual.

10. That with regards to para - 5.1 to 5.10, the respondents begs to offer no comments as same already been replied in preceding paragraphs.

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

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

I, Shri Major S George presently
working as *joint Asst Director (Legal), HA DGAR* be duly authorised
and competent to sign this verification, do hereby
solemnly affirm and declare that the statements made in
para _____ are true to
my knowledge and belief, these made in para _____
are true to ~~my~~ information derived there
from and rest are my humble submission, I have not
suppressed any material facts.

And I sign this verification on _____ th day
of _____, 2002.

Alexis
Declarant.

(S George)
Major
JAO (Legal)
for DGAR.

Tele No. 705550

REGISTERED

Bharat Sarkar
Govt of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

I. 14015/1-97/Willing(MO)/ME(A) 17 Mar 98

The Under Secretary to the
Govt of India
Ministry of Health & Family Welfare
(CHS-I)
New Delhi

APPLICATIONS FOR RECRUITMENT AS
MEDICAL OFFICER (CHS/CGHS) FOR
ASSAM RIFLES

Sir,

1. I am directed to forward herewith the applications received from the following Medical Officers on adhoc/contract basis who are willing to serve permanently in Assam Rifles as Medical Officers Grade of Central Health Service :-

- (a) Dr Kankar Talukdar, MO (Contract)
- (b) Dr (Mrs) Shashi Malra, MO (Adhoc)
- (c) Dr Bashab Ghosh, MO (Adhoc)
- (d) Dr PAK Singh, MO (Adhoc)
- (e) Dr Bappaditya Som, MO (Adhoc)
- (f) Dr Ksh Reshan Singh, MO (Contract)
- (g) Dr (Ms) Jaba Chakraborty, MO (Adhoc)

2. Ministry is requested to consider the matter sympathetically as this Force is running with an accute shortage of Medical Officers.

3. An early action is highly solicited.

Yours faithfully,

(R S Dhull)
Col
Deputy Director(A)
for Director General Assam Rifles

Encl : As aboveI.O.O.Copy to :-

Liaison Officer
Det Assam Rifles
Room No. 171
North Block
Ministry of Home Affairs

- You are requested to liaise with the Ministry of Home Affairs on the case.

Tele No : 705095

REGISTERED

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Maharajmahalaya Assam Rifles
Directorate General Assam Rifles
Shillong- 793011

ANNEXURE II
ANNEXURE II

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I.14015/8-78/Appt/MO/M-1

06 Jun 2000

The Under Secretary to the
Government of India
Ministry of Home Affairs
(Pers-I)
New Delhi- 110001

REGULARISATION OF AD-HOC MEDICAL OFFICERS
IN ASSAM RIFLES

Sir,

1. I am directed to refer to the discussion between Special Secretary (ISP) and Director General Assam Rifles regarding regularisation of Medical Officers on ad-hoc basis serving in Assam Rifles.

2. I am also directed to forward the full particulars of the Ad-hoc Medical Officers serving in Assam Rifles at Appendix 'A' and to request Ministry to accord sanction on the subject at the earliest.

Yours faithfully,

(R S Rathee)
Colonel
Deputy Director (Medical)
for Director General Assam Rifles

Encls : 2 (Two sheets)

NOD

Copy to :-

Liaison Officer
Ministry of Home Affairs
Government of India
Liaison Office Assam Rifles
Room No 171, North Block
New Delhi- 01

- You are requested to liaise with the concerned Ministry and accord sanction at the earliest.

MS BRANCH (Internal)

for info please.

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Appendix 'A'

FULL PARTICULARS OF THE AD-HOC MEDICAL OFFICERS

S/No	Name	Date of birth	Date of appointment	Qualification	Caste	Remarks
1. ✓	Dr P Arun Kumar Singh	05-02-69	30-01-95	MBBS	General	
2. ✓	Dr (Mrs) Sharmila M Swer	16-11-66	29-06-95	MBBS	ST	
3. ✓	Dr (Mrs) T N Khanching	08-02-62	30-06-95	MBBS	ST	
4. ✓	Dr Priya Kumar Singh	01-01-60	11-07-95	MBBS	General	
5. ✓	Dr Kh Dinibala Devi	01-02-68	12-07-95	MBBS	General	
6. ✓	Dr Khogendra Singh	01-03-68	26-07-95	MBBS	General	
7. ✓	Dr Ajit Kumar ore	20-01-67	04-08-95	MBBS	General	
8. ✗	Dr Angam Ch...	02-03-63	22-11-95	MBBS	ST	
9. ✓	Dr Songkhonam Dimngel	26-02-70	24-04-96	MBBS	ST	
10. ✓	Dr Ch Saleo Mao	22-05-64	25-04-96	MBBS	ST	
11. ✓	Dr Arindam Dutta	30-10-69	06-05-96	MBBS	General	
12. ✓	Dr Debasish Chakraborty	05-11-70	30-05-96	MBBS	General	

S/No	Name	Date of birth	Date of appointment	Qualification	Caste	Remarks
✓13.	Dr (Mrs) Jaba Chakraborty (Rajguru)	17-01-67	28-08-96	MBBS	General	
✓14.	Dr Basab Ghosh	14-01-69	28-08-96	MBBS	General	
✓15.	Dr Senkar Chandra Halder	07-09-71	28-08-96	MBBS	SC	
✓16.	Dr Utpal Das	20-12-69	10-10-96	MBBS	SC	

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ANNEXURE-III
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No.I.45028/24/99-Pers.II
Government of India
Ministry of Home Affairs
...

New Delhi, the 19th June, 2000

To

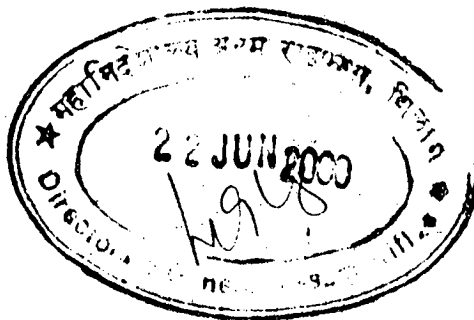
The Director General,
Assam Rifles,
Shillong.

Subject: Regularisation of ad-hoc Medical Officers in
Assam Rifles.

Sir,

I am directed to refer to your letter No.
I.14015/B-78/Appt./MO/M.I dated 6th June, 2000 on the
subject mentioned above and to say that it is not possible
to regularise the services of the ad-hoc Medical Officers
in Assam Rifles.

Yours faithfully,



S.C. Saksena
(S.C. Saksena)
Desk Officer

Med Branch

(12)

Extra copy
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ANNEXURE

No. 145022/108/2000 Pers. I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi the 5 September, 2000

To,

The Director General,
ITBP, CGO Complex,
New Delhi.

Subject: Constitution of Medical Officer Selection Board for recruitment of Medical Officers in CRPF, BSF, ITBP & Assam Rifles for the year 2000-2001.

I am directed to say that the Central Government have decided to constitute a Medical Officers Selection Board for the year-2000-2001 for making direct recruitment to the post of Medical Officer (Asstt. Comdt. level) in CRPF, BSF, ITBP & Assam Rifles with following composition: -

- | | | |
|----|---|------------------------|
| 1. | DG, BSF/CRPF/ITBP/CISF/AR | Chairman (By rotation) |
| 2. | Addl DG/IG, CRPF/BSF/ITBP/AR
(Leaving the Force whose DG is
Chairman) | Member |
| 3. | Director (Medical) BSF/CRPF/ITBP | Member (By rotation) |
| 4. | Representative from MHA | Member |
| 5. | DIG (Admn), ITBP | Member Secretary |

2. The board may co-opt a specialist from Central Health Services belonging to SC/ST category in case there is no other member belonging to these categories in the Board.

3. The MOSB will conduct the recruitment in accordance with the scheme enclosed. ITBP will provide the facilities for providing secretariat assistant to the MOSB-2000. The other participating forces will also extend such help as may be required by the Chairman, MOSB-2000 for conducting the recruitment.

4. It is requested that urgent necessary action may please be taken to initiate the recruitment process for direct recruitment of Medical Officers in CRPF, BSF, ITBP & Assam Rifles in accordance with the scheme of selection. Following time schedule may please be observed: -

- | | | |
|----|--|---------------------------------|
| 1. | Issue of advertisement | - 10.5.2001 |
| 2. | Issue of series of advertisement for
Motivating Doctors to apply
(Advertisement to appear once every week) | - 17.05.2001 to
- 17.06.2001 |
| 3. | Scrutiny of applications | - 01.08.2001 |
| 4. | Start of Interviews | - 01.09.2001 |
| 5. | Finalisation of result | - 31.09.2001 |

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5. After issue of the main advertisement inviting application for recruitment the forces may come up with advertisements/news-items/articles in News-papers wherein the special perks available to the Doctors in our forces like time scale promotions, the highlighted as also emphasising on adventure aspects of joining the Para-Military Forces so that the Doctors on the look out-for employment may feel motivated towards joining the forces. It is for the forces to come up with innovative advertisements in this regard. Also DGs may arrange to appear on some TV Channels bringing out the benefits available to the Doctors in joining the forces.

6. It may be noted that a system of allocation through a roster system has been provided for in the enclosed scheme. This fact may be prominently mentioned in the advertisement so that perspective candidates are aware that allocation of selected candidates will be done "not on choice" but through a roster system.

7. DG, CRPF & DG, BSF are being requested to forward the details of vacancies in the rank of Medical Officers in their respective organizations, which are required to be filled up through direct recruitment during the year 2000-2001. It is requested that advertisement for this recruitment may be issued by 10.5.2001 positively. Copy of the advertisement sent to MHA for information.

Yours faithfully,

Sd/-

(SAMEER SUARMA)
DIRECTOR (PERS)

Copy to forwarded for information & necessary action to: -

1. DG, CRPF
2. DG, BSF
3. DG, ASSAM RIFLES

Copy to Pers.II/Pers-III for information.

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SCHEME FOR COMMON RECRUITMENT OF MEDICAL OFFICERS
(ASSISTANT COMMANDANT) IN CENTRAL FORCES ORGANIZATIONS.

1. Common Recruitment

- 1.1 Direct recruitment of Medical Officers (Assistant Commandant) in BSF, CRPF, ITBP and Assam Rifles will be made through Common Recruitment to be conducted by a Medical Officers' Selection Board (CPOs) nominated by the Ministry of Home Affairs.
- 1.2 The common recruitment of Medical Officers (Assistant Commandant) will be made through a selection made on the basis of interviews only by the duly constituted Medical Officers' Selection Board (CPOs). The dates on which and the place(s) at which the interviews will be held shall be fixed by the MOSB (CPOs).

2. Option from candidates

- 2.1 A candidate may opt for the post of Medical Officer in any one or more CPOs mentioned above. For which he wishes to be considered in the order of preferences. While making appointment, due consideration will be given to the preferences exercised by the candidate and having regard to his rank in the order of merit.

3. Calculation of vacancies

- 3.1 The total number of vacancies of Medical Officers (Asstt. Commandant) in BSF, CRPF, ITBP & Assam Rifles will be worked out as on of the year of recruitment.
- 3.2 The number of vacancies out of the total number to be reserved for candidates belonging to Schedule Caste, Scheduled Tribes and Other Backward Classes (OBCs) will be worked out in accordance with the instructions issued by the Government from time to time.

4. Age limit

- 4.1 The age limit for recruitment of Medical Officers (Asstt. Commandant) will be not exceeding 30 years as on the crucial date. The crucial date for determining the age limit shall be normal closing date for receipt of applications from candidates (and not the closing date prescribed for those posting applications from North-Eastern States, J&K State, Andaman & Nicobar Islands, Lakshadweep, etc.)

- 4.2 Relaxation of age limit shall be admissible as under: -

- i) Upto a maximum of five years, if a candidate belongs to the Scheduled Caste or a Scheduled Tribes. ✓
- ii) Upto a maximum of three years if a candidate belongs to the Other Backward Classes (OBCs).
- iii) Upto a maximum of five years in the case of Govt. servants and Medical Graduates who joined the Army Medical Corps as Short Service Regular Commissioned Officers and are

released after completing the initial period of assignment of five years. The age relaxation upto five years shall also be admissible to the SSCOs whose assignment "has been extended beyond five years and in whose case the Ministry of Defence issues a certificate that they will be released on three months" notice on selection from the date of receipt of offer of appointment. The relaxation in age limit shall be admissible upto a maximum of ten years if such Govt. servants and SSCOs belong to the Scheduled Castes or the Scheduled Tribes and upto a maximum of eight years if such officers belong to the Other Backward Classes (OBCs).

5. Qualifications

5.1. A recognised medical qualification of allopathic system of medicine included in the First or Second Schedule or Part-II of the Third Schedule (other than licentiate qualifications) to the Indian Medical Council Act, 1956. Holders of educational qualifications included in Part-II of the Third Schedule should also fulfil the conditions stipulated in sub-section (3) of section (13) of the Indian Medical Council Act, 1956.

5.2. Completion of Compulsory Rotating Internship-Candidates who may not have completed the rotating internship shall be eligible to apply and appear for the Interview provided that, if selected, they shall have satisfactorily completed the compulsory Internship before appointment.

6. Physical and Medical Standards

6.1. The candidate should conform the following physical standards: -

	<u>Male</u>	<u>Female</u>
i) Height	157.5 Cms. (Relaxable by 2 Cms. for Gorkhas, Garhwalis, Kumaonis, Dogras, Marathas and by 3 Cms. in respect of Adhivasis).	142 Cms.
ii) Chest	77 Cms.-Unexpanded 82 Cms.-Expanded	well developed
iii) Weight	Proportionate to height and age	Proportionate to height and age.

6.2. Medical Standards

a)	<u>Eye sight :</u> Distant Vision <u>Better eye</u> (Corrected Vision) 6/6 or 6/9	Near vision <u>Worse eye</u> (Corrected Vision) J.I J.II
	6/12	

b) The candidates must not have knock knees, flat foot or squint in eyes and they should possess high colour vision. The candidates will be tested for colour vision by Ishahara's test as well as Edrich-Green Lantern Test. They must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties.

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- c) Subject to (a) & (b) above, the standards of medical fitness for the candidates would be the same as prescribed by the Government for the IPS.

7. Medical Officers' Selection Board

7.1. The Medical Officers (CPOs) Selection Board for direct recruitment of Medical Officers in CPOs will be constituted as under: -

- | | | |
|-------|---|------------------------|
| (i) | DG, BSF/CRPF/ITBP/CISF/AR | Chairman (By rotation) |
| (ii) | Addl.DG/IG, CRPF/BSF/ITBP/AR
(Leaving the Force whose DG is
Chairman) | Member |
| (iii) | Director (Medical) BSF/CRPF/ITBP | Member (By rotation) |
| (iv) | Representative from MHA | Member |
| (v) | DIG (Admn), ITBP | Member Secretary |

7.2. The Board will conduct Interviews of the candidates who satisfy the age and educational qualifications.

7.3. The candidates called for Interview from outstation locations shall be paid travelling expenses as admissible under the provisions of Ministry of Finance OM No 1-19045/1/74-F/IV-B dated 30.01.76 (Govt decision No. 8 below SR 132.)

7.4. The Interview which will carry 200 marks shall be held to test the General Knowledge and ability of the candidates in the field of their academic study and also in the nature of personality test to assess the candidates' intellectual curiosity, balance of judgement and alertness of mind, ability for social cohesion, integrity of character, initiative and capability for leadership.

7.5. The minimum standard for the purpose of selection at the Interview shall be 40% of the total marks prescribed for Interviews.

8. Merit list

8.1. The Medical Officers' Selection Board will arrange the candidates in the order of merit as disclosed by the marks awarded to each candidate in the Interview and in that order of combined merit list to be approved by the Govt., so many candidates as are found to be qualified based on the minimum standard shall be recommended for appointment up to the number of unreserved vacancies decided to be filled on the result of the selection.

8.2. The Board will also compile and submit merit lists separately for Scheduled Castes, Scheduled Tribes and OBC candidates to the Government for approval.

9. Medical Examination

9.1. The general category candidates who attain the minimum prescribed standard for selection at the Interview and all the SC, ST and OBC candidates will be required to undergo Medical Examination by the duly constituted CPOs Medical Board on a day following the date of Interview.

9.2. The CPOs Medical Board for conducting the Medical Examination shall consist of three Chief Medical Officers including Selection Grade Officers possessing Postgraduate qualifications, one each in Medicine, Surgery and Ophthalmology. The senior most of the three CMOs shall function as the Presiding Officer of the Medical Board.

9.3. No fee shall be payable to the Medical Board by the candidates for the Medical Examination.

10. Allocation/appointment of selected candidates

10.1. Candidates approved by the Government for appointment as Medical Officers shall be allocated between the four CPOs on the basis of a roster, if the number of vacancies of BSF is "X " that of CRPF "Y", ITBP "Z" and Assam Rifles "A" then the percentage weightage factor for the 4 Forces will be asunder: -

$$\text{BSFs proportion "X"} = \frac{X}{X+Y+Z+A}$$

$$\text{CRPFs proportion "Y"} = \frac{Y}{X+Y+Z+A}$$

$$\text{ITBPs proportion "Z"} = \frac{Z}{X+Y+Z+A}$$

$$\text{Assam Rifles proportion "A"} = \frac{A}{X+Y+Z+A}$$

Allocation of the ranking candidate will be as under: -

	BSF Share	CRPF Share	ITBP Share	Assam Rifles Share
Allocation factor Of the rank	(n.X- allocation Made upto previous rank)	(n.Y allocation Made upto previous rank)	(n.Z allocation Made upto previous rank)	(n.A allocation Made upto previous rank)



The rank candidates will get allotted to the Forces whose allocation factor is highest and so on.

In case of shortfall in selection ie number of Doctors qualifying for recruitment being less than the number of vacancies the allocation will be proportionately reduced for all the Forces.

Separate allocation roster will be adopted for each category ie General/SC/ST/OBC.

10.2. The appointment of selected candidates will be subject to the Govt. being satisfied after such inquiry as may be considered necessary that the candidates having regard to their character and antecedents are suitable in all respects for appointments to the posts.

10.3. The appointment will be further subject to the candidates satisfying the competent authority of their having satisfactorily completed the Compulsory Rotating Internship.

10.4. Subject to the provisions as mentioned above, successful candidates will be considered for appointment on the basis of the order of merit assigned to them by the Selection Board.

- 10.5. The Selection Board will not maintain any reserve lists of successful candidates. In case of any shortfall in the appointment of selected candidates against the total vacancies in each category, the same shall be reported to the Government for consideration of further allocation from the list of successful candidates.

11. General

- 11.1 The Force whose Officer is nominated to be the Member Secretary of the Medical Officers' Selection Board, will utilise the facilities available in his Directorate for providing secretariat assistance, equipment, stores items and stationery to the Selection Board.
- 11.2 The expenditure involved in the selection process including payment of travelling expenses to the candidates called for Interviews shall be met by the CPO entrusted with the recruitment from its sanctioned budget grant of the year of recruitment.

APPLICATION FORM FOR THE POST OF MEDICAL OFFICER IN THE RANK OF ASSISTANT COMMANDANT IN CPOs, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA

This form should be filled in by the candidates in higher hand writing, should be complete in all respect and should be accompanied by certified copies of documents. A copy of recent passport size photograph should also be pasted on the front of the form at the space provided for this purpose. Incomplete applications will not be considered. Attachments to be given should not be clamped and loose.

Full name in block letters DR. POISHANGBAM PRIYOKUMAR SINSH

Father's / Guardian Name & occupation P. BIRENDRO SINSH - BUSINESS

Permanent address in full BISHNUPUR BAZAR P.O. BISHNUPUR - MA

Present address in full IX ASSAM RIFLES C/O - 99 APO

(Candidates must make arrangements to see that communications sent to them at this address are received)

State to which he/she belongs MANIPUR

Nationality (State whether by birth or by domicile) INDIAN

Religion HINDU

Do you belong to Scheduled Caste/Scheduled Tribe (SC/ST) NO

If so, attach a certificate issued by the competent authority.

Date of birth according to Christian Era (Attach a certified copy of your - 01-02-1966

Matriculation/School leaving certificate in support of your age)

Details of examinations passed starting from Matriculation/School leaving certificate onwards:

Name of School/College With address	Examination Passed	Examination Type (Obtained)	Percentage of marks Obtained
(a) BISHNUPUR HIGHER SECONDARY SCHOOL	HSLE - EXAM	I DIVISION	62.5
(b) PRE-UNIVERSITY - DIST. COLLEGE OF SCIENCE	PRE UNIVERSITY	II DIVISION	56.2
(c) REGIONAL MEDICAL COLLEGE	MBBS	NA	54.8
			2001-8-17
			662-1
			35.6.16

11. Did you achieve any distinction in Athletic or Sport if so, give details NA

12. Have you been a member of the National Cadet Corps If so, give details NO

13. State, if you are employed MEDICAL OFFICER IN ASSAM RIFLES SINCE - 11 JULY '95

(a) Name & address of the employer DIRECTOR GENERAL, Assam Rifles - Shillong.

(b) Designation/rank held MEDICAL OFFICER

(c) Whether holding permanent/temporary post ADHOC - BASIS

(d) Whether no objection certificate from the employer attached, if not reasons thereof

14. Indicate your preference of Service ASSAM RIFLES-4.

(CRPF-1, BSF-2, ITBP-3, ASSAM RIFLES-4)

DECLARATION:

I hereby declare that entries in this form as above are true and correct to the best of my knowledge and belief.

Station FIDA-IXA C/O-99APO

Dated 02/07/2001

Priyokumar Sinsh
Signature of the applicant

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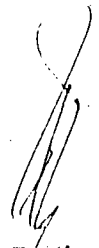
ANNEXURE VI

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NO OBJECTION CERTIFICATE

This is to certify that this organisation has NO OBJECTION for releasing Dr P. Priyo Kumar Singh Medical Officer on ad-hoc/contract basis from this organisation, if selected for the post of medical officer in the rank of Assistant Commandant in CPDs.




(PS Pathoe)
Colonel
Deputy Director (Medical)
for Director General Assam Rifles

(21)

ANNEXURE VII

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Medical Officer Selection Board (CPOs-2000-2001)
Dte Gen. ITB Police, MHA, Govt. of India
Tigri Camp, New Delhi-62

Sub: - Selection of Medical Officers (Assst. Comdt.) (CPOs)-2000 in CRPF,
BSF, ITBP and Assam Rifles.

Reverts

It is intimated that 13th Doctors of Assam Rifles who are on contract/ ad hoc basis applied for the post of Medical Officer (Assistant Commandant) CPOs-2000. As per instructions contained at para-4.1 and 4.2 of the scheme received from MHA (copy placed at page-3/c), the upper age relaxation beyond 30 years may only be given to a regular Government servant and not for those who are on contract/ad hoc service/appointment. In the year 1997 similar cases were received in this office from Assam Rifles and we sought a clarification from MHA on the subject vide UO No. ITBP/MOSB/CPOs/96 (1)-107 dated 21.03.97 and even No. dated 22.04.97 (copies placed at page 8 and 10/c). Department of Personnel and Training (DOP&T) had also clarified that the upper age relaxation may only be given to a regular Govt. Servant and not to those working on ad hoc/contract/short term basis (copy placed at page 13/c).

2. Accordingly, this Directorate had informed Director General of Assam Rifles vide letter No. ITBP/MOSB/CPOs/2000 (1)-1775 dated 22.03.02 (copy placed at page 14/c) that the cases of 13 Doctors could not be considered for upper age relaxation exceeding 30 years of age as they do not fulfil the requirement laid down by the MHA in the scheme of Selection of Medical Officers in CPOs and as per guideline instructions issued by the Department of Personnel and Training (DOP&T).

3. In response to our letter quoted in para-2 above, Directorate General of Assam Rifles has intimated vide their letter No. 14015/8-78/ARMC/Med/M-1 dated 28.03.02 (copy placed at page 16/c) that as per the opinion of JAD (Legal) at HQr DGAR, the Doctors on contract/ ad hoc service with Assam Rifles are considered as Govt. Servants and are to be given upper age relaxation up to 5 years. They recommended following personnel:-

Sl. No.	Reg No.	Name/DOB	CAT	Description
1)	0297	Dr. Raj Kumar Ratan Singh 22.06.1964	QBC	Over age by 4 Yr, 1 M, 25 Days.
2)	0355	Dr (Mrs) T Phang Khan Ching 08.02.1962	ST A	Over age by 4 Yr, 6 M, 09 Days.
3)	0431	Dr. KH Khogendra Singh 01.03.1968	QBC	Over age by 5 M, 16 Days.
4)	0435	Dr Zianphuilung Lamci 19.07.1965	ST	Over age by 1 Yr, 28 Days.

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5)	0542	Dr. CH Sako Mao 22.06.1961	SI	Over age by 2 Yr. 1 M, 25 Days.
6)	0335	Dr. Eshetrimayum Tilotama Devi 01.02.1962	OBC	Over age by 6 Yr. 6 M, 16 Days.
7)	0345	Dr. Poishamban Prayokumar Singh 01.02.1966	GEN *	Over age by 5 Yr. 6 M, 16 Days.

* In DG Assam Rifles letter mentioned in para - 3 above, this candidate shown OBC But he has written General Category in his application.

4. Keeping in view of above, MHA are therefore requested to direct us whether the cases of Doctors who are on contract ad hoc basis recommended by Directorate of Assam Rifles vide para-3 above may be considered and called for Interviews or otherwise.

12.4.02

(D K Pandey)
DIG (Admin) Secy. MOSB-2000

Shri S C Saksena, Desk Officer, (Pers-II), MHA
No. HBP/MOSB/CP/2000-2001 (1) - DL /04/2002

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By Fax
Most Immediate

MINISTRY OF HOME AFFAIRS
PERS-II DESK

ANNEXURE

18/4/11

Subject:- Selection of Medical Officer in CRPF, BSP, ITBP
& Assam Rifles through MOSSB (CPOs) 2000-2001.

.....

Reference DG, ITBP UO No. ITBP / MOSSB / CPOs/
2000-2001(1) dated the 12th April, 2002 on the subject
mentioned above.

2. The Department of Personnel & Training have
clarified earlier that age relaxation as Government
servant is admissible to regular Government employees and
not to those working on ad-hoc / contract / short term
basis. As such the Medical Officers working in Assam
Rifles on adhoc / contract basis are not entitled to get
age relaxation as Government for appearing in MOSSB (CPOs)
2000-2001.

L. Servant
18/4/11
DG (Adm)
(C) MOSSB

For
(B. C. Saxena)
Desk Officer

DG, ITBP (Shri D.K. Pandey, DIG(Adm), New Delhi.
MHA UO No. I.45023/12/2002-Pers-II dated, the 18 April 2002.

L.O. Assam Rifles, MHA
informed on phone

18/4/2002
PA.