

5/100

2

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A./T.A No. 277/02

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....*OA*.....Pg.....1.....to..*K*.....
2. Judgment/Order dtd...*29.8.2002*.....Pg..*x*.....to...*separate order*  
*in final order*
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....*BA 277/02*.....Pg...1.....to...*17*.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

*Barhils*  
*29.11.17*

(SEE RULE 42<sup>4</sup>,

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 277/02

Misc Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicants. N. K. Yadav Joms (2)

-Vs-

Respondant(s) H. O. I Joms

Advocate for the Applicant(s) A. Das Gupta, B. Bairagi

Advocate for the Respondat(s) case.

Notes of the Registry

Date

Order of the Tribunal

Application is not  
out not in time  
Petition is  
d / not filed C F.  
Rs. 50/ deposited  
IPO/B/ No. 74576843  
Dated 27.8.02

30.8.2002

Heard Mr. A. Dasgupta, learned

counsel for the applicants and also

Mr. A. K. Chaudhuri, learned Addl. C. G. S. C.

for the respondents. List the case

again on 30.9.2002 for admission.

Vice-Chairman

bb

30.9.02

Mr. A. K. Choudhury, learned Addl

C. G. S. C. for the respondents stated

that appointment letter in respect of

both the applicants namely Sri Narendra

Kumar Yadav and Sri Jamala Kamraju

were issued by the authority vide letter

dated 27th August, 2002. A copy of the

appointment letter is placed on record.

In that view of the matter, the applica-

tion stands dismissed as infructuous.

Member

Vice-Chairman

mb

Steps taken  
along with envelope.

28/9/02

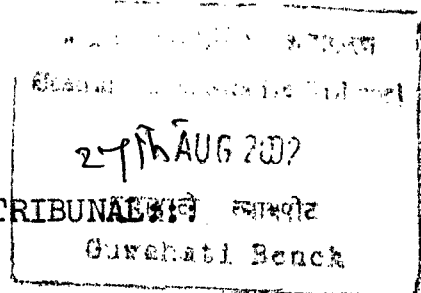
24/10/2002

Copy of the order has  
been sent to the office  
for issuing the same to the  
applicant as well as to the  
Govt. Advocate.

NS  
27/8/02

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI.



O.A. NO. 277 /2002

Sri Narandra Kr.Yadav & Ors..... applicants.

-Vs-

Union of India & Ors. ...Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Annexure</u>	<u>Page</u>
1.	Original application	-	1 - 8
2.	Verification	-	9
3.	Letter dt. 14/7/2002	I	10-11
4.	Letter dt. 16/7/2001	II	12
5.	Letter dt. 19/8/2001	III	13
6.	Letter dt. 19/8/2001	IV	14
7.	Letter dt. 2.2.2002	V	15
8.	Letter dt. 14.3.2002	VI	16
9.	Letter dt. 7.1.2002	VII	17

Filed by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

GUWAHATI

O.A 277 /2002

PARTICULARS OF THE APPLICANTS :

1. Sri Narendra Kumar Yadav  
Son of Ravi Pratap  
Resident of Vill - Amsing Jorabat  
P.O. Satgaon , Guwahati  
Dist - Kamrup , Assam .
2. Sri Jamala Kamraju  
Son of Sri Kalidas Kamraju  
Resident of Narangi  
P.O. Satgaon , Guwahati  
Dist - Kamrup , Assam .

PARTICULARS OF THE RESPONDENTS :

1. Commanding Officer  
14 Field Ammunition Depot  
C/O 99 A P O .
2. Union of India  
Represented by the Secretary to the  
Govt. of India , Ministry of Defence .  
New Delhi

Contd... 2

Narendra Kumar Yadav  
Jamala Kamraju

1. PARTICULARS FOR WHICH THIS APPLICATION IS MADE :-

This application is for appointment of the applicant as Fireman under 14 Field Ammunition Depot , C/O 99 APO in terms of their recruitment and as stated by the Commanding Officer , 14 FAD , C/O 99 APO vide his letter no. 1701/1/2026/EST issued to applicant no. 2 .

2. JURISDICTION OF THE TRIBUNAL :

This application is within the Jurisdiction of this Hon'ble Tribunal .

3. LIMITATION :

This application is within the period of limitation .

4. FACTS OF THE CASE :

(1) That the applicants are citizen of India having their permanent place of residence as indicated above . This application is with respect to a common cause of action for appointment of Fireman in 14 Field Ammunition Depot , C/O 99 APO . Both the applicants were selected for this post in terms of a recruitment test held in this behalf . Accordingly the applicants crave leave of this Hon'ble Tribunal under Rule 4 (5)(a) of Central Administrative Tribunal Procedure Rule 1987 to this joint application . The post of Fireman is a Civil post under 14 FAD , Ministry of Defence , Govt. of India .

Subra Kumar Yadav  
Tannala Kanaraju

(ii) The applicants are unemployed youth having their respective registration is concerned Employment Exchange .

(iii) That sometime in the year 2001 , the authority of 14 Field Ammunition Depot , ( 14 FAD ) C/O 99 APO , published an advertisement for recruitment in the post of Mazdoor , Telephone Operators , Fireman . This advertisement was published in local daily . The applicants , being eligible applied for the post of Fireman .

(iv) That in response to the application filed by the applicants , the respondent no 1 issued call letters to the applicants vide letter no. 1701/1/EST on 14-7-2001 and on 16-7-2001 directing them to report 14 Field Ammunition Depot C/O 99 APO on 25-7-2001 for the interview of Fireman with Original documents as mentioned in the call letters .

Copies of call letters vide 1701/1/EST dt. 14-7-2001 and 1701/1/EST dt. 16.7. - 2001 are annexed hereto and marked as Annexure I and II respectively .

(v) That accordingly the applicants appeared in the interview with original documents as mentioned in their call letters .

Abhishek Kumar Yadav  
Jannala Kaniraju

Naradita Kumar Yadav  
Jannala Kamraj

(vi) That, the applicants state that after the interview, on 19-8-2001 they were provisionally selected for the post of Firemen in 14 Field. Ammunition Depot, C/O APO by the Major, Administration officer for officiating commandant vide his letters 170/1/03/EST dt. 19-8-2001 and 1701/1/04/EST dt. 19-8-2001. In these letters the applicants were directed to report on 25-8-2001 along with some original documents as mentioned in these letter for further necessary action by the authority. It was stated that if any certificate is found incorrect, candidature of the person concerned would be rejected.

Copies of the letter dt. 19-8-2002 are annexed and marked as annexure III and IV.

Vii) That, accordingly, the applicants reported on 25-8-2001 with all original certificate. Thereafter all formalities like medical examination and police verification have been also done by the concerned authorities.

Viii) That, the applicants beg to state that though all formalities regarding the ~~posting~~ posting of the applicants were completed, the respondents have not taken necessary steps for posting of the applicants, the applicants submitted representations before the respondents requesting to take necessary steps in this regards. It was inter alia stated that they appeared in the test of recruitment of Fireman. They were also inform that

Contd...

they were selected and asked for medical examination and to produce relevant certificates which are duly complied with. Despite completion of all formalities they were not call upon to join this services.

Copies of representations dt. 2-2-2002 and 14-3-2002 are annexed hereto and marked as annexure V and VI of this application.

ix) That, the applicants state that responding to such an application dt. 28-12-2001, the respondent No.1 Vide his letter 1701/1/2026/EST dt. 7-01-2002 intimated one of the applicant Sri Jammala Kamraja that his appointment letter could not be issued due to unavoidable circumstances within the stipulated date and they further requested the higher authority to extant the stipulated date till 31st March 2002. It was also stated that the appointment letter would be issued to him accordingly .

Copy of the letter dt. 7-01-2002 is annexed hereto and marked as annexure VII.

x) That, though the authority gave written assurance to issue appointment letters within the month of March 2002, but till date no such appointment letter had been issued. The applicants are in great hardship. What prevented the concerned authority to issue the order of appointment is best known to them.

Contd. ...

Narendera Kumar Yadav  
Jammala Kamraja



xi) That, the applicants represented their case by submitting a number of representations for issuance of appointment letters. The authority concerned also assured that the order of appointment would be issued. Deposite that the applicants have not been appointed.

5) GROUND WITH LEGAL PROVISIONS:

Being highly aggrieved by the inaction of the respondent authority, the applicants prefer this application on the following grounds amongst other grounds.

i) That, the applicants were duly selected for the post of Fireman under 14 FAD in terms of the advertisement for appointment and the recruitment test held in this behalf. They were called upon to produce all original certificates, Medical test and the police verification as required for posting has also been held or completed.

They were further intimated that the appointment order would be issued to them within 31st March 2002.

In this circumstances action or inaction of the respondent authority in non issuing the order of appointment is based on no reason.

ii) That, the action of the respondent authority is not issuing of the order of appointment, even after assuring to issue the same, is arbitrary, whimsical and capricious. It opposes all basic ingredients of

Contd...

Art. 14 of the constitution of India.

Narendra Kumar Yadav

Jannala Kanraj

iii) That, all the due processes for recruitment and appointment have been complied with for filling up the post of Fireman in 14 FAD. After compliance of all procedure the authority concerned can not deprive the applicants to have their order of appointment without assigning any reason. The applicants can not be deprived of their appointment against the procedure established by law. Applicants right as guaranteed under Art. 16 have been grossly violated.

iv) That, the applicant have been deprived of to have their appointment against the procedure established by law. They have been deprived of to earn their livelihood against the procedure established by the law. The action of the respondent authority in not issuing the order of appointment has adversely effected the applicants to have their means of livelihood. There action is not supported by any reason or by established processes of law. In fact due to inaction of the respondent authority the applicants have been deprived of their livelihood against the procedure established by the law which violates the mandate of Art. 21 of the constitution of India.

Contd..

Navendra Kumar Yadav

Jammala Kanraju

6) DETAILS OF REMEDY EXHAUSTED:

The applicants preferred representation before the appointing authority to issue order of appointment, but till date nothing has been done.

7) MATERS NOT PENDING BEFORE ANY COURT/TRIBUNAL.

The applicants declare that they have not filed any application before any Court or Tribunal for adjudication of this Case.

8) RELIEF SOUGHT FOR:

The applicants, therefore pray that this Hon'ble Tribunal may be pleased to :

- 1) To admit this application.
- 2) To direct the commending officer 14 FAD to issue order of appointment for the applicants in terms of the selection made in this behalf.
- 3) or to pass any further order or orders as your honour may deem fit and proper.

9) INTERIM RELIEF PRAYED FOR :

The applicant does not pray for any interim relief.

10) PARTICULARS OF I.P.O.

I.P.O. number. 76. 576843

Date of issue 27-8-02.

To whom payable - The Registrar (AT payable at Payable at

11) DOCUMENTS :

Detailed particulars of the documents are indicated in the Index of this application.

Contd...

VERIFICATION

I, Sri Narandra Kumar Yadav, Son of Ravi Pratap  
, resident of vill- Amsing Jorabat, P.O. Satgaon,  
Guwahati, in the district of Kamrup (Assam) do hereby  
declare that all the statements made in paragraphs  
1 to 9 are true to the best of my knowledge, information  
and belief.

And I sign this Verification on this <sup>27<sup>th</sup></sup> day of  
August, 2002 at Guwahati.

Narendra Kumar Yadav ✓

ANNEXURE :- I

14 Field Ammunition Depot

C/O 99 APO

170171/Est

14 Jul 2001

Narandra Kumar Yadav

Vill Amling Jorabat

P.O. Satgaon

Dist. Kamrup (Assam)

EMPLOYMENT OF MAZDOOR/FIREMAN/TELE OPTR

1. Ref your application dated                      and Roll No. 1632
2. You are hereby directed to report to 14 FAD at 0900 on 25 Jul 2001 for interview for the post of Mazdoor/Fireman/Tele Optr . You are requested to bring the application form duly filled along with six passport size Photograph and all document as required in the application form in Original and one photo copy of each document duly attested . You are required to bring the following documents in original while reporting for interview :-

- (a) Caste/Cat certificate (ST/Sc/OBC/Ex-Servicemen
- (b) Educational qualification certificate
- (c) Domicile certificate or Ration Card .
- (d) Document proving date of Birth
- (e) Pension Book/Discharge Book
- (f) Proficiency/Trade/Experience certificate
- (g) Handicapped Certificate (Deaf only )

Attested  
B. Barinag,  
Advocate

Contd....2

Contd page-2, Annex-I .

3. Please note ~~that~~ your candidature will be rejected summarily, if you fail to produce the above certificate in original at the time of interview .

Sd/- Illegible .

(Suresh Kumar )

Major

Administrative Officer  
For Offg Commandant

14 Field Ammunition Depot

C/O 99 APO

1701/1/Est

Jul 2001

EMPLOYMENT OF MAZDOOR/FIREMAN/TELE OPTR

1. Ref your employment exchange letter No.ORD-7-11/2002/341 dt. 20 Jun 01 .
2. You are hereby directed to report to 14 FAD at 0900h on 25 Jul 2001 for interview for the post of Mazdoor/Fireman/Tele Optr . You are requested to bring the application form duly filled along with six passport size Photograph and all docu as required in the application form in original and one photo copy of each docu duly attested . You are required to bring the following documents in original while reporting for interview :-

Attested  
B. Beirao  
Advocate

ANNEXURE :- II

14 Field Ammunition Depot

C/O 99 APO

1701/1/Est

16 Jul 2001

Jammala Kamraju

S/O. Sh. Kalidas, T No. 15

S/M Hrds , C/O 51 Sub Area

C/O 99 APO

EMPLOYMENT OF MAZDOOR/FOREMAN/TELE OPTR .

1. Ref. your application dated Nil and Roll No. 3745
2. You are hereby directed to report to 14 FAD at 0900h on 25 Jul 2001 for interview for the post of Mazdoor/Fireman/Tele Optr. You are required to bring the following documents in original while reporting for interview :-
  - (a) Caste/Cat certifi date (ST/SC/OBC/Ex-Servicemen).
  - (b) Educational qualification certificate.
  - (c) Domicile certificate or Ration Card .
  - (d) Document providing date of birth .
  - (e) Proficiency Trade Experience certificate
  - (f) proficiency/Trade Experience certificate.
  - (g) Handicapped certificate (Deaf only) .
  - (h) Encl 6 Photograph at the time of interview
3. Please note that your candidature will be rejected summarily if you fail to produce the above certificate in original at the time of interview .

*Attested -  
B. Bairagi  
Advocate*

Sd/- Illegible

(Suresh Kumar)

Major  
Administrative Officer  
For offg Commandant

13

10

ANNEXURE:- III

14 Field Ammunition Depot

C/O 99 APO

1701/1/03/Est

19 Aug 2001

Shri Narendra Kumar Yadav

S/O. Ravi Pratap

Vill Prasing Jorabat

P.O. Salgaon, Dist. Kamrup (Assam)

SELECTION FOR THE POST OF F/M

1. You are provisionally selected for the post of Mazdoor/Tele Optr/Fireman in this Depot .
2. You are hereby directed to report this office on 25 Aug 2001 alongwith the following certificate/Documents in original for our further necessary action .
  - (a) Educational Certificate
  - (b) Caste certificate
  - (c) Pension documents in case of Ex-Serviceman
  - (d) Domicile certificate/Ration Card .
  - (e) Birth Certificate (if any)
  - (f) Experience certificate
  - (g) Employment Exchange Registration Card(if any)
3. Any certificate form incorrect your candidature will be rejected .

Sd/- Illegible

Major

Administrative Officer

for Offg commandant.

Attested  
B. Bairagi  
Advocate



ANNEXURE :- IV

14 Field Ammunition Depot

C/O 99 APO

1701/1/04/EST

19 Aug 2001

Shri Jammalic Kamraju

S/O. Kali Das T.No. 154

Station Hq. Guwahati (ST Sub- Area)

SELECTION FOR THE POST OF F/M .

1. You are provisionally selected for the post of Fireman in this Depot .
2. You are hereby directed to report this office on 25 Aug 2001 alongwith the following certificate/Documents in original for our further necessary action .
  - (a) Educational certificate .
  - (b) Caste certificate
  - (c) Pension documents in case of Ex.serviceman .
  - (d) Domicile certificate/Ration Card
  - (e) Borth certificate (if any)
  - (f) Experience certificate
  - (g) Employment Exchange Registration Card (if any)
3. Any certificate form incorrect your candidature will be rejected .

Sd/- Illegible

Major

Administrative Officer

Sr Offg. Commandant

Attested  
B. Barua  
Advocate

ANNEXURE :- V E

To,  
The Officer Commanding  
14 FAD. C/O. 99 APO

Selection for the post of F/M

Dear Sir-

With due respect I the undersigned beg to state the following few lines for your kind consideration and necessary action in this regard please .

That Sir I appeared the test for recruitment of Fireman on 7th Aug 01 instead of 25 July 01 bearing my Roll No. 1632. Subsequently I was informed as Selected in the said test for the ~~xxx~~ post vide your letter No. 701/1/03/Est dt. 19 Aug 01 . Accordingly necessary medical examination and other relected document have been completed as directed but till to date I have been not called for joining my job .

Therefore it is requested that necessary order may kindly be given so that I can join my duty at an early date .

Thanking you,

Yours faithfully

Sd/-

(NARANDA KR YADAV)

Dated 02 Feb 02.2.2002 .

S/O. Ravi Pratap

Roll No. 1632 F/M

Vill Amsing Jorabat

P.O. Satgoan

Dist. Kamrup, Assam

Attested  
B. Biringi  
Advocate

ANNEXURE :- V II

To.  
Officer In Charge  
14 FAD  
C/O 99 APO

APPOINTMENT OF FIREMAN .

Dear Sir,

Kindly referred to my application dated  
2 Feb 02 in regard of above mentioned subject .

That Sir I had appeared in recruitment test  
for appointment of Fire man and informed me ~~selected~~  
selected in the said-test but till to date I have not  
been appointed so fare .

Therefore it is requested that appointment  
letter to this effect may please be issued at an early  
date .

Thanking you

Yours faithfully

Sd/-

Date 14.3.2002

(Narendra Kumar Yadav )

Will Jorabat Amsing

P.O. Jorabat Amsing

Via Satgaon, Guwahati

Attested  
B. Bainsi  
Advocate

17

20

ANNEXURE : - VII

14 Field Ammunition Depot

C/O. 99 APO

1701/1/2026/EST

07 Jan 2002

Shri Jammala Kamraju

C/O. HQ 51 Sub Area

C/O 99 APO

APPOINTMENT FIREMAN

1. Refer to your application dated 28.12.01
2. In response to your application cited under reference, it is intimated that your appointment letter could not be issued due to unavoidable circumstances, within the stipulated date . However, further extension has been requested for issue of appt letter till 31 Mar 2002 and the same will be issued to you accordingly,
3. Action to issue the same is in hand . Further communication will follow .

Sd/- Illegible

(WJS Talwar )

Administrative officer  
for offg. Commandant.

Attested  
B. Beirag,  
Advocate