

30/10/02

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 298/02

R.A/C.P No. 28/04

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SECTION OFFICER (Judl.)

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20/11/02

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
....

ORDER SHEET

Original Application No : 298/02

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant (s) Krishna Kanta Roy & ors (10)

-Vs-

Respondent (s) W.O.I Form

Advocate for the Applicant (s) D.C. Mahanta, R.C. Boroo Patra

Advocate for the Respondent(s) B. Pomagocherin, Miss A. Das
C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>OLU 20 NO NO A 76575120 6.8.02 By Reg. [Signature]</p>	12.9.02	<p>Heard Mr D.C.Mahanta, learned counsel for the applicant. Application is admitted. Issue notice. Call for the records. List on 11.10.02 for written statement and further orders.</p> <p>[Signature] Vice-Chairman</p>
<p>Steps along with envelopes taken Copy not yet served on respondents. [Signature] 11/9/02</p>	<p>pg 11.10.2002</p>	<p>Mr.B.C.Pathak, learned Addl. C.G.S.C. prayed for time to file written statement. Prayer allowed List on 22.11.2002 for ord</p> <p>[Signature] Member</p> <p>[Signature] Vice-Ch.</p>

bb

2
Notices prepared
and sent to D-Section
for issuing of the
same to the respondents
through Regd.
Post with A.D.
vide D.No. 2630 to 2633
Dtd. 19.9.02

20
18.9.02

No. W/S has been
filed.

22.11.02 Heard Mr. R.C. Borpatragochain,
learned counsel for the applicant and
also Mr. B.C. Pathak, learned Addl. C.
G.S.C. for the respondents.

On the prayer of Mr. B.C. Pathak,
learned Addl. C.G.S.C. for the respon-
dents further four weeks time is
allowed to the respondents for filing
written statement.

List on 23.12.2002 for orders.

18 18.9.02
Member

18
Vice-Chairman

mb

23.12.02 Heard Mr. R.C. Borpatragochain,
learned counsel for the applicant and
also Mr. B.C. Pathak, learned
Addl. C.G.S.C. for the respon-
dents.

Mr. B.C. Pathak, learned
Addl. C.G.S.C. for the respondents
stated that he is yet to obtain full
instructions on the matter and sought
for time for filing written statement.
Prayer is allowed. List on 29.1.2003
for orders.

18 18.9.02
Member

18
Vice-Chairman

mb

29.1.2003 Present : The Hon'ble Mr. Justice D.N.
Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra,
Administrative Member.

Heard Mr. R.C. Borpatragocha-
in learned counsel for the applicant.
Mr. B.C. Pathak, learned Addl. C.G.S.C.
for the respondents stated that the
written statement in the process of
filing. Accordingly, the case is adjour-
ned and posted for written statement and
further orders on 27.2.2003.

18
Member

18
Vice-Chairman

mb

No. Written Statement
has been filed.

20
10.10.2002

No. W/S has been
filed.

20
26.2.03

Notes of the Registry

Date

Order of the Tribunal

27.2.2003

List on 17.3.2003 for order. In the meantime, respondents are directed to file written statement.

No written statement has been filed.

27
13.3.03


Vice-Chairman

mb

17.3.2003

The respondents are yet to file written statement. List on 22.4.2003 to enable the respondents to file written statement as a last chance.

29-4-03

W/S submitted by the Respondent No. 1, 2, 3, & 4.

29


Vice-Chairman

mb

20.4. Court did not sit today. The case is adjourned to 6/5/2003.

20
2

6.5.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

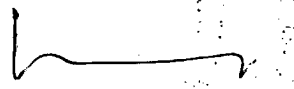
The Hon'ble Mr. S. Biswas Member (A).

No rejoinder has been filed.

28
28.5.03

Written statement has been filed. The case may now be listed for hearing on 29.5.2003. The applicant may file rejoinder, if any, within two weeks from today.

S. Biswas
Member


Vice-Chairman

mb

Notes of the Registry

29.5.2003

Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. S.K. Hajra, Member (A).

On the prayer of learned counsel for the both the parties, the case is adjourned and matter be posted for hearing on 26.6.2003.

Member

Vice-Chairman

mb

26.6. Div bench did not sit today. The case is adjourned to 24.7.2003.

ms
A. B. J.

24.7.2003

Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. The Hon'ble Mr. N.D. Dayal, Administrative Member.

On the prayer of Mr. R.C. Borpatra-gohain, learned counsel for the applicant the case is adjourned. Put up again on 31.7.2003 for hearing.

Member

Vice-Chairman

mb

31.7. Heard Mr. D.C. Mahanta, learned counsel for the appellants & Mr. R.C. Borpatra, Ad. C. G. C. for the respondents

Hearing concluded. Judgment reserved.

ms
A. B. J.

29/5/03

Rejoinder has been filed by the applicant.

ms
29/5/03

8.8.2003

Heard learned counsel for the parties. Judgment delivered in open Court. Kept in separate sheets. Application is dismissed. No order as to costs.

14.8.2003

Copy of the Judgment has been sent to the D/Sec. for issuing the same to the applicant as usual to the Addl. C.S.C.

HS

Received
Prepared
22/8/03

lm


Member


Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./RXX.No. 1111 298 of 2002.

DATE OF DECISION 8th Aug 2003

.....Sri Krishna Kanta Roy & ten Others.....APPLICANT(S).

.....D.C.Mahanta, B.Buragohain & R.C.Borpatragohain.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

.....Union of India & Others.....RESPONDENT(S)

.....Mr.B.C.Pathak, Addl.C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE MR.N.D.DAYAL, 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 ~~Member~~ Vice-Chairman.

Yes

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 298 of 2002.

Date of Order : This the 8th Day of August, 2003.

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

THE HON'BLE MR N.D.DAYAL, ADMINISTRATIVE MEMBER.

1. Sri Krishna Kanta Roy
S/o Late Priya Nath Roy
Vill: Botaghuli, P.O:- Panjabari
Guwahati - 781 037.
2. Sri Nripen Kakati
S/o Late Rajen Kakati
Vill. & P.O:- Pub Borka
District:- Kamrup, Assam.
3. Sri Jatin Chandra Das
S/o Late Joy Ram Das
Vill: & P.O:- Pandu Bazar
Guwahati - 781012.
District: Kamrup, Assam.
4. Sri Munindra Chandra Das
S/o Late Chuni Ram Das
Vill: Deharkuchi, P.O:- Shanikuchi
District:- Nalbari, Assam.
5. Sri Basanta Kumar Boro
S/o Late Bela Ram Boro
Vill: Bokrapara, Khanapara
District: Kamrup, Guwahati- 781 022.
6. Narendra Nath Sarma
S/o Late Rama Nath Sarma
P.O. & Vill:- Bongshar
District:- Kamrup, Assam.
7. Sri Bongshidhar Bayan
S/o Late Laghana Ram Bayan
Vill: & P.O:- Mugdi
District:- Nalbari, Assam.
8. Sri Puna Ram Murari
S/o Late Vhenda Ram Murari
Vill:- Tangabari Kalaigaon
P.O: Tangabari
District: Darrang, Assam.
9. Sri Sankar Basfore
S/o Late Bhuzan Basfore
Vill: & P.O: Kamlal
District: Darbhanga, Bihar.
10. Sri Nayan Baba Singh
S/o Late Hera Singh
Vill: & P.O:- Kamranga
District:- Cachar, Assam.
11. Sri Ramesh Chandra Daimary
S/o Late Tarani Daimary
Vill:- Lahoripar, P.O:- Rupohi
District: Barpeta, Assam.

All the applicants have been working under the Office of the Commissioner (Border), Govt. of India, Ministry of Home Affairs, Bhangagarh, Guwahati-781005. . . . Applicant.

By Sr. Advocate Mr.D.C.Mahanta, Mr.B.Buragohain & Mr.R.C. Borpatragohain.

- Versus -

1. Union of India
Represented by the Joint Secretary
Government of India
(15-11 & BM) Ministry of Home Affairs
North Block, New Delhi - 110 001.
2. The Desk Officer (B.F.-Desk)
Govt. of India, M.H.A., North Block
New Delhi.
3. The Commissioner (Border)
Government of India
Ministry of Home Affairs, Bhangagarh
Guwahati - 5.
4. The Administrative Officer
Office of the Commissioner (Border)
Govt. of India, Ministry of Home Affairs
'Bhangagarh, Guwahati - 781 005. . . . Respondents.

O R D E R

CHOWDHURY, J. (V.C.):

The applicants are eleven in number espousing a common cause. Considering the common interest in the matter and the nature of the reliefs prayed for, leave was granted to the applicants to present their grievances by this application.

1. The applicants are working in the office of the Commissioner (Border) Govt. of India, Ministry of Home Affairs, Bhangagarh, Guwahati i.e. respondent No.3. The office in question, was set up for the construction of Indo-Bangladesh border road and fencing. Pursuant to the above decision the applicants were appointed under the respondents in various posts like UDC, LDC, Peon, Chowkidar, Daftry, Safaiwala and Driver (Group 'C' & 'D') respectively ^{since} in the year 1984. These persons, since then, are working with the best of their abilities. The applicant No.1 was appointed as LDC in a purely temporary capacity w.e.f.30.3.1985 vide order dated 10.4.1985 and his service was extended upto 31.3.2007 vide order dated 23.8.2001. The applicant No.2 was appointed as Peon on temporary basis

w.e.f.16.10.1984. By order dated 2.6.1986 he was allowed to officiate as LDC for a period of one year. Thereafter his service was extended upto 31.3.2007 vide order dated 23.8.2001. The applicant No.3 was appointed as Peon w.e.f.21.1.1985 in temporary capacity. Thereafter he was promoted to officiate as LDC and UDC by order dated 16.10.2001. Similarly, the other applicants were appointed in Group-'D' as Peon, Driver, Safaiwala and Chowkidar. The applicant No.10 was appointed as Chowkider on 21.11.1986, and he was promoted to the post of LDC w.e.f.16.10.2001. The thematic song of this O.A. is for regularisation of the services of the applicants. In support of their contention the applicants referred to the communication sent by the Administrative Officer, Office of the Commissioner (Border) addressed to the Desk Officer (BF-Desk), Government of India for regularisation of their service. By the aforesaid letter the Administrative Officer indicated about the anxiety of the fourteen nos. of adhoc staff. ^{By the said communication} it was also requested in the event of winding up of the office on completion of the work to initiate absorption of these staff against regular posts in other offices of the Ministry of Home Affairs. The applicants also referred to the communication sent by the Commissioner (Border) addressed to the Joint Secretary (NE), Ministry of Home Affairs. The full text of the communication is reproduced below:-

"No.14013/29(00)93-CB Dated: November 13,2000

To

The Joint Secretary(NE)
Ministry of Home Affairs
North Block
New Delhi- 100 001.

Sub:- Regularisation of services of temporary staff of the Office of the Commissioner (Border), Ministry of Home Affairs, Guwahati.

Sir,

I am to state that the office of the Commissioner (border) has 14 nos. of directly recruited Group-C and Group-D staff appointed temporarily in the year 1985 at the time of creation of Office on the basis of the names

sponsored by the Employment Exchange, Guwahati. These staff continue to remain temporary even after completion of 14/15 years of service and there is a strong resentment among the staff for non-declaring their services to enable them to get promotion and other benefits under ACP scheme. The matter was discussed in the 34th HLEC meeting at New Delhi and on the advice of the HLEC a detailed note along with bio-data and service particulars of these staff were forwarded to the Min.of Home Affairs, New Delhi for taking necessary action. Recently, the Govt. has approved the additional work for construction of IBB road and fence and as such there is a likelihood of the office being continue for another 8 to 10 years.

It is, therefore, requested that steps may be taken for regularisation of the services of the temporary staff of this office an early date.

Yours faithfully,

Commissioner (Border)"

In response to the aforementioned communication Govt. of India by letter No.1/1/95-BF dated 24/28.11.2000 intimated as to the proposal for continuation of the 29 posts in the Office of the Commissioner (Border) including the 14 Group 'C' & 'D' staffs, beyond February, 2001 to March 2007 was referred to the Finance Commission. By the said communication the Govt. of India informed that the Office of the Commissioner (Border) was created temporarily for supervising the Indo-Bangladesh Border Roads and Fence Construction Project Work, which was scheduled to be completed by March, 2007, therefore, it would not be possible to declare the services of the 14 Group 'C' & 'D' temporary staff as parmanent. These applicants filed representation before the authority for their regularisation and finally knocked the door of the Tribunal for redressal of their grievances.

2. The respondents submitted its written statement. In the written statement the respondents asserted that the Office of the Commissioner (Border) was set up in May, 1984 to liaise with the various construction agencies and the State Government for the purpose of construction of

Indo-Bangladesh border road and fencing in Assam, Meghalaya, Mizoram, Tripura and West Bengal and it was to be wound up after the project was over. It was asserted that the office was a temporary one and all the posts were manned by deputationists from other offices except for 15 nos. of Group 'C' and 'D' staff who were directly recruited on purely temporary basis at the time of setting up the through Employment Exchange, Guwahati. The term of appointment of the applicants itself indicated about the temporary nature of the posts. Those posts were created on temporary basis and were extended from time to time. It was stated in the written statement that the first phase of Indo-Bangladesh Border works is nearing completion and Govt. of India approved additional work for construction of Indo-Bangladesh Border road and fence with the time frame of 2001-2007. In view of the nature of the appointments and character of the project, the respondents stated that the services of the applicants as well as the posts would come to an end alongwith the termination of the Scheme.

3. We have heard Mr.D.C.Mahanta, learned Sr. counsel for the applicants assisted by Mr. R.C.Borpatragohain, learned counsel and also Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents at length. Mr.Mahanta referring to the Constitutional Scheme of rendering justice - social, political and economy, contended that there was no justifiable ground on the part of the respondents in not taking any positive steps for regularisation of the services of the applicants. The learned Sr.counsel in support of his contention, also referred to various decisions rendered by the Supreme Court to humanise justice. Mr. B. C. Pathak, learned Addl.C.G.S.C did not dispute the legal policies for rendering justice and equity to all concerned. Mr.Pathak however, referred to the

ground realities and submitted that the applicants were appointed purely on temporary basis against project work. The posts are inextricably connected with the Scheme and since the project is temporary, question of creating permanent posts and for that purpose regularisation of services of the applicants does not arise, contended Mr.B.C.Pathak.

4. From the conspectus the following facts emerges:

The ten applicants were appointed during the period from 1.10.1984 to 24.11.1986. The applicant No.8 Sri Puna Ram Murari was appointed on 28.4.1987. The applicant Nos.7, 8 and 10 are ex-Home Guard personnels. Their recruitments were made through Employment Exchange. The persons were recruited for the task undertaken by the Govt. of India for the purpose of construction of Indo-Bangladesh border road and fencing in Assam, Meghalaya, Mizoram, Tripura and West Bengal. The Office of the Commissioner (Border) under Ministry of Home Affairs that was set up in May, 1984 is a temporary one created for the purpose to complete ^{the} mission undertaken. Materials indicated that the Office is a temporary one and the posts were manned by deputationists from other Offices save and except 15 nos. of Grade 'C' & 'D' staffs who were directly recruited through Employment Exchange. The posts were created on temporary basis and extended from year to year. Some of the applicants were given the benefits of promotion on temporary basis with the condition that the promotion would not bestow any right on them to claim regular appointment in the original temporary grade posts. The objective behind ^{is to} execute the construction of Indo-Bangladesh border road and fencing in the five border States. It thus appears that the appointments made were for the purpose of completing the project/scheme. Their appointments are therefore co-terminous of the Scheme itself. The objective of the

project was to meet the requirement. The appointments of the applicants shall continue with the project and the duration is to come to an end with the end of the project on fulfillment of the need.

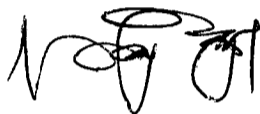
5. On consideration of all the aspects of the matter, it would not be appropriate for us to issue direction on the respondents as prayed for in aid of Section 19 of the Administrative Tribunals Act, 1985 for absorbing the applicants. Any such direction will be contrary to this Scheme as well as the legal policies laid down by the Supreme Court consistently in this regard right from *Jawaharlal Nehru Krishi Vishwa Vidyalaya vs. Bal Kishan Soni* (1997) 5 SCC 86 to *S.M.Nilajkar vs. Telecom, District Manager, Karnataka* (2003) 4 SCC 27; *Surendra Kumar Sharma vs. Vikas Adhikary and Another* 2003 SCC (L&S) 600 and *MD, U.P. Land Development Corporation and Another vs. Amar Singh and Others* 2003 SCC (L&S) 690.

6. Though we refrain from making any direction on the authority for regularisation of the services of the applicants, we feel it necessary to express our view that the case in hand, deserves consideration for keeping them in employment. We have said so in consideration of the basic foundation of legal policy which is to provide benefit and well being of the denizen - "salus poluli est suprema lake". The cardinal objective of legal policy is to render justice, equity and fair play. Our Republican Constitution does not countenance to do injustice. It is the basic policy of the consideration that law should afford equal direction for all signifying in the words of Prof.R.Dworkin - "equal concern and respect". There cannot be two opinions that law should be just. The Court or Tribunal is to assure that there is no failure of justice.

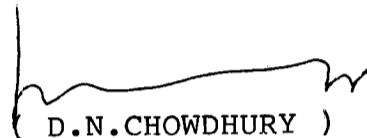
Considering all these aspects of the matter we leave the matter on the respondents to take care of the

situation. We hope and trust that the authority will continue to take the same care as it bestowed already on these persons for keeping the pot boiling. The Scheme is likely to be completed by 2007. Before drawing of the curtain and things fall apart, the respondents are to explore all possible measures to mitigate the situation with a healing touch either by devising a Scheme or other ^{suitable arrangement} as it deem fit and proper. With these observations we close the proceeding. The application thus stands disposed of.

There shall, however, be no order as to costs.

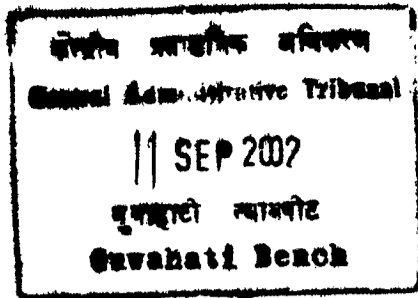


(N.D.DAYAL)
ADMINISTRATIVE MEMBER



(D.N.CHOWDHURY)
VICE CHAIRMAN

bb



16
Smt. Krishna Kanta Roy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

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

G.A. NO 288 OF 2002

Sri Krishna Kanta Roy & Others

...Applicants

-Versus-

Union of India & Others

...Respondents

I N D E X

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12
Sri Krishna Venkatesh Ray

Filed by:

Anjali Sen.
Advocate

11. 9. 2002

Filed by
Sri Krishna Kanta Roy & Ors.
- The applicants
Through Anjali Devi
Advocate.
11.9.2002

18

Sri Krishna Kanta Roy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A. NO. 298 OF 2002

Sri Krishna Kanta Roy & Others

.. Applicants

-Versus-

Union of India & Others

... Respondents

DETAILS OF THE APPLICATION

1. Particulars of the applicants :

1. Sri Krishna Kanta Roy

Son of Late Priya Nath Roy,

Village : Botaghuli, P.O. Panjabari,

Guwahati 781 037.

2. Sri Nripen Kakati,

Son of Late Rajen Kakati,

Village & P.O. Pub Borka,

District : Kamrup, Assam.

3. Sri Jatin Chandra Das,

Son of Late Joy Ram Das,

Village Pandu Bazar,

P.O. Pandu Bazar, Guwahati – 781 012,

District : Kamrup, Assam.

4. Sri Munindra Chandra Das,

Son of Late Chuni Ram Das,

Village Deharkuchi,

P.O. Shanikuchi, District : Nalbari, Assam.

5. Sri Basanta Kumar Boro,

Son of Late Bela Ram Boro,

Village Bokrapara, Khanapara,

District : Kamrup, Guwahati – 781 022.

Sri Krishna Kanta Roy

Contd.....

- 6. **Narendra Nath Sarma,**
 Son of Late Rama Nath Sarma,
 P.O. & Village : Bongshar,
 District : Kamrup, Assam.

- 7. **Sri Bongshidhar Bayan,**
 Son of Late Laghana Ram Bayan,
 Village : Mugdi, P.O. Mugdi,
 District : Nalbari, Assam.

- 8. **Sri Puna Ram Murari**
 Son of Late Vhenda Ram Murari,
 Village : Tangabari Kalaigaon
 P.O. Tangabari, District : Darrang,
 Assam.

- 9. **Sri Sankar Baspre,**
 Son of Late Bhuzan Basfore,
 Village and P.O. Kamdal
 District : Darbhanga, Bihar.

- 10. **Sri Nayan Baba Singh**
 Son of Late Hera Singh
 Village & P.O. Kamranga,
 District : Cachar, Assam.

Shri. Krishna Kanta Ray

11. Sri Ramesh Chandra Daimary,
 Son of Late Tarani Daimary,
 Village : Lahoripar, P.O. Rupohi,
 District : Barpeta, Assam.

All the appellants have been working under the Office of
 the Commissioner(Border), Govt. of India, Ministry of

Home Affairs, Bhangagarh, Guwahati 781 005.
 (All are Common Cause of Action)

2. Particulars of the Respondents :

1. Union of India, represented by the
 Joint Secretary, Govt. of India,
 (15-11& BM) Ministry of Home Affairs,
 North Block, New Delhi – 110 001.
2. The Desk Officer (B.F.- Desk),
 Govt. of India, M.H.A., North Block,
 New Delhi.
3. The Commissioner (Border),
 Government of India, Ministry of
 Home Affairs, Bhangagarh, Guwahati -5.
4. The Administrative officer,
 Office of the Commissioner (Border), Govt. of
 India, Ministry of Home Affairs, Bhangagarh,
 Guwahati – 781 005.

21
 Shri Ramesh Chandra Daimary

3. Particulars for which the application is made :

- I. Letter No.14011/22/(oo)94-CB dated 30.10.96 issued by the Commissioner (Border) to the Joint Secretary (NE), Ministry of Home Affairs, Govt. of India, for absorption of Temporary staff of office of the Commissioner (Border), M.H.A., Guwahati.
- II. Letter dated Administrative Officer letter No.14013/29(oo)93/CB dated 31.3.99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India for absorbing the employees against regular posts in other offices of the Government of India.
- III. Administrative officer's letter No.14013/29(oo)93-CB dated 03.9.99 with a request to take up the matter on priority basis.
- IV. Administrative Officer's letter No.14013/29(OO)93-CB dated 10.1.2000 forwarding the Written note regarding regularization of service of the existing staff of the Commissioner (Border) Ministry of Home Affairs, Guwahati.
- V. Commissioner (Border) letter No.14013/29(OO)93-CB dated 13.11.2000 addressed to the Joint Secretary (N.E.) Ministry of Home Affairs, for regularization of services of 14 numbers of Group 'C' and Group 'D' staff for

Shri Krishna Kantar Ray

enabling them to get promotion and other benefits under ACP Scheme.

VI. Deputy Secretary's (NEC) Ministry of Home Affairs Govt. of India, letter dated 24.11.2000 addressed to the Commissioner, (Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner(Border) Guwahati.

VII. The Deputy Commissioner (Border) letter No. letter No.14013/29(OO)93-CB dated 14.2.2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner (Border), Employee's Union on behalf of the staff members.

VII.A. The representation in Communication No.100/1/92-CBEU dated 1.2.2001 submitted on behalf of the Union praying interalia permanent absorbtion of the temporary staff of the office of the Commissioner (Border).

VIII. An appeal dated 20.6.2000 preferred by the applicant before the Joint Secretary (IS-11 & BM) Govt. of India, Ministry of Home Affairs, North Block, New Delhi - 1.

4. Jurisdiction of the Tribunal :

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

Smt. Krishnima Khandu Roy

5. Limitation:

The applicants further declares that the application is within the period of limitation under Section 21 of the Administrative Tribunals Act, 1985

6. Brief facts of the case:

I. That the appellants are the Citizen of India and as such they are entitled to all rights, protection and safeguards granted under the Constitution of India and the laws framed thereunder.

II. That all the appellants are working in the office of the Commissioner (Border) Govt. of India Ministry of Home Affairs, Bhangagarh, Guwahati and their grievances and sub matters are similar in nature and hence they craves leave of this Hon'ble Tribunal to join together in a single application invoking the power under Rule 4(5)(a) of Central Administrative Tribunals (Procedure) Rules of 1989.

III. The appellants state that the Govt. of India set up an establishment i.e. Office of the Commissioner (Border) on 25.4.1984 following Assam accord for construction of Indo Bangladesh Border Roads Fences and sanction for continuation of temporary posts is accorded on year to year basis. Accordingly, the appellants were duly appointed under the said establishment as U.D.C., L.D.C., Peon, Chowkidar, drafty, Safaiwala and Driver respectively i.e. group 'C' and 'D' staff in the year 1984.

IV. That the appellants state that since the date of joining in service they have been rendering sincere service to the satisfaction of all concerned without any blemish whatsoever in the entire period.

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Shri Krishna Kanti Ray

Shri Krishna Kaula Ray

V. That the appellants state that the Govt. of India, Ministry of Urban affairs and Employment Office of Indo Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal Migrant from Bangladesh border into the Indian territory. It may be mentioned here in that the office of the Commissioner(Border) is created for the construction as well as maintenance on the Indo Bangladesh Border Roads. The work of maintenance is a continuous process for an indefinite period of time even after the construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.

VI. That the appellant No.1 was appointed in the post of L.D.C. in a purely temporary capacity w.e.f. 30.3.85 vide office order dated 10.4.85 under the establishment of Commissioner (Border), Ministry of Home Affairs, Guwahati. Thereafter his service has been extended upto 31.3.2007 vide order dated 23.8.2001.

Copies of the order dated 10.4.85 and 23.8.01 are annexed herewith and marked as Annexure-I and II.

VII. That the appellant No.2 was appointed as peon a group D post in a temporary capacity w.e.f. 16.10.84 in the office of the Commissioner(Border) Guwahati until further order. Thereafter vide order dated 2.6.86 he was allowed to officiate as L.D.C. for a period of one year. Thereafter his service's has been extended upto 31.3.2007 vide office order dated 23.8.2001.

Copies of the Order dated 21.1.85, 2.6.86 and 23.8.2001 are annexed herewith and marked as Annexure - 3, 4 and 5 respectively.

VIII That the appellant No.3 was appointed as peon w.e.f. 20.1.85 in the office of the Commissioner (Border), Guwahati until further orders. Thereafter he was promoted to officiate L.D.C. and U.D.C. under the said establishment until further order.

Copies of the Office Order dated 21.1.85 and 16.10.2001 are annexed herewith and marked as Annexure - 6 and 7.

IX That the appellant No.4 was appointed as peon w.e.f. 1.10.84 under the said establishment until further order. Thereafter he was appointed in the post of ~~peon~~ w.e.f. 1.3.85 vide order dated 4.3.85.

Copies of the Order dated 21.1.84 and 4.3.85 are annexed herewith and marked as Annexure - 8 and 9.

X That the appellant No.5 was appointed as peon in Group - D post w.e.f. 2.1.85 under the said establishment until further order.

Shri Krishna Kanta Ray

A copy of the said Order dated 21.1.85 is annexed herewith and marked as Annexure - 10.

XI. That the appellant No.6 was appointed as peon under the said establishment w.e.f. 22.5.86 thereafter his services has been extended until further orders under the said establishment vide order dated 2.7.86.

Copies of the order dated 22.5.86 and 2.7.86 are annexed herewith and marked as Annexure - 11 and 12.

XII. That the appellant No.7 was appointed as Chowkidar under the establishment of office of the Commissioner (Border) Govt. of India, Ministry of Home Affairs, Guwahati at the dailywage basis on 5.3.85. Thereafter he was appointed as peon Group - D post w.e.f. 2.6.86 under the said establishment vide order dated 2.7.86.

Copies of the Order dated 5.3.85 and 2.7.86 are annexed herewith and marked as Annexure - 13 and 14.

XIII. That the appellant No.8 was appointed as peon in a temporary basis for a period of six months. Thereafter he was allowed to confirm in the said post vide order dated 26.5.87.

Shri Krishna Kaula Roy

Copies of the order dated 27.4.87 and 26.5.87 are annexed herewith and marked as Annexure - 15 and 16.

XIV That the appellant No.9 was appointed as safaiwala a group - D post on 27.10.86 under the said establishment on a temporary basis.

A copy of the said order dated 27.10.86 is annexed herewith and marked as Annexure - 17.

XV. That the appellant No.10 was appointed as Chowkidar on 21.11.86 under the establishment of office of the Commissioner (Border) Govt. of India, Ministry of Home Affairs, Guwahati until further order. Thereafter he was promoted to the post of L.D.C. w.e.f. 16.10.01 under the said establishment vide order dated 2.11.01.

A copy of the order dated 21.11.86 and 2.11.01 are annexed herewith and marked as Annexure - 18 and 19.

XVI. That the appellant No.11 was appointed as driver w.e.f. 1.3.85 vide Commissioner(Border) order dated 5.3.85.

A copy of the order dated 5.3.85 is annexed herewith and marked as Annexure - 20.

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Shri Krishna Kumar Ray

Shri Krishna Kanda Ray

XVII. That the appellants state that the office of the Commissioner (Border) is created for the construction as well as Maintenance of the Indo Bangladesh Border roads. The work of Maintenance is a continuous process for an indefinite period of time even after the construction is completed. In that view of the matter, the office of the Commissioner (Border) requires to be made a permanent establishment.

XVIII. That the appellants state that time and again they are making their earnest requests to the concerned authorities, Ministry of Home Affairs, Govt. of India, through proper channel for making the office of the Commissioner (Border) a permanent establishment and to regularize their services in the said office.

XIX. That the appellants state that on 31.3.99 the Administrative Officer, Govt. of India, Ministry of Home Affairs, Guwahati issued a letter to the Desk Officer (BF-Desk) Govt. of India, Ministry of Home Affairs, North Block, New Delhi for absorbing all the temporary employees against regular post in other offices of the Ministry of Home Affairs, wherein the names of the appellants were also appeared.

A copy of the said letter dated 31.3.99 is annexed herewith and marked as Annexure - 21.

~~XX~~ That the appellant state that again the Administrative Officer, Govt. of India, M.H.A. Guwahati issued a letter dated 3.9.99 with a request to take up the matter for regularizing the temporary staff on priority basis, but till date no action has been taken by the concerned authority for the reasons best known to them.

A copy of the said letter dated 3.9.99 is annexed herewith and marked as Annexure - 22.

Shri Krishna Kanda Ray

~~XXI~~ That the appellant state that in the month of February, 1992 the work measurement study team submitted a report which was forwarded by Ministry of Home Affairs, wherein the team justified continuation of all 23 posts. In 1994, a quality control cell with seven other posts were sanctioned by the Ministry of Home Affairs, and presently the office has 30 sanctioned posts. As per the recommendation of works study team 6 nos of directly recruited Grade D staff were declared surplus and their names were forwarded to the surplus cell of the Ministry of Labour Govt. of India. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal on permanent basis and presently they are servicing in Guwahati on being transferred.

(Handwritten marks: a large bracket on the left side of the page, and a vertical line with an arrow pointing upwards on the left side of the text block.)

~~XXII~~. That the appellants state that the entire matter was discussed in details in the 34th H.L.E.C.meeting under agenda item No.2 and accordingly the service particulars of the 14 nos. of temporary staff of the Commissioner (Border) office was again forwarded alongwith the notes to the Ministry of Home Affairs, New Delhi for taking appropriate action.

A copy of the said letter dated 10.1.2000 issued by the Administrative officer of Commissioner (Border) Guwahati is annexed herewith and marked as Annexure - 23.

~~XXIII~~. That the appellants state that on 13.11.2000 the Commissioner (Border) Ministry of Home Affairs, Guwahati issued a letter to the Joint Secretary (N.e.) M.H.A., New Delhi in the matter of regularization of 14 numbers group C and Group D and to accord promotion and other benefits under A.C.P. Scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the addl. Work for construction of Indo Bangladesh Border Roads and fences which is likely to continue for another 8 to 10 years.

Shri Krishna Kanta Ray

A copy of the said letter dated
13.11.2000 is annexed herewith
and marked as Annexure - 24.

XXIV/ That the appellants state that on 24.11.2000 the Deputy Secretary (N.E.C.), Govt. of India, M.H.A., New Delhi issued a letter to the Commissioner, Bhangagarh, Guwahati whereby it is stated that the office of the Commissioner (Border) has been created temporarily for supervising the Indo Bangladesh Border Roads and fence construction project work, which is scheduled to be completed by March 2007, it may not be possible to declare the services of 14 nos group - C and group - D temporary staff as permanent.

A copy of the said letter dated
24.11.2000 is annexed herewith
and marked as Annexure - 25.

XXV/ That the appellants state that the appellants several occasion requested the concerned authority for regularization of their service as well as permanently absorption in any other Central Govt. Department such as C.P.W.D. at Guwahati. Be it stated that one of such representation dated 1.2.2001 presented by the appellants union was submitted before the Commissioner (Border) Guwahati forwarded to the Joint Secretary (N.E.), M.H.A., New Delhi on 16.2.2001.

Shri. Anish Kumar Ruy

A copy of the said letter dated 16.2.2001 is annexed herewith and marked as Annexure - 26.

XXV. That the appellants state that on 20.6.2002 the appellants have been individually submitted appeal before the Joint Secretary (I.S.-II & B.M.) Govt. of India, M.H.A., New Delhi through proper channel in the matter of declaring the office of the Commissioner (Border) Guwahati, Assam as permanent establishment and regularization of the services of the employees working therein or alternatively to absorb them against permanent vacancies lying vacant in the C.P.W.D. office/ other Central Govt. office in Guwahati.

A copies of the appeal prepared by the appellants are annexed herewith and marked as Annexure - 27 to 37 respectively.

7. Relief sought for :

In fact and circumstances the appellants prays for the following reliefs :

- (a) That the appellants being appointed after going through the due selection process under the establishment of Commissioner(Border) M.H.A., Govt. of India,

gdm Koushima Kanda Roy

Bhangagarh Guwahati, and as they have been rendering 14/16 years services on temporary basis their services should be regularized by declaring the office of the Commissioner (Border) Guwahati as permanent establishment.

- (b) That impugned letter dated 24.11.2000 issued by the Deputy Secretary, (N.E.C.) Govt. of India, M.H.A New Delhi should be declared void and illegal.
- (c) That the appellants be extended all the facilities and service benefits as have been provided to other employees, similarly situated;
- (d) That the office of the Commissioner (Border) M.H.A., Guwahati should be declared permanent establishment or the services of the appellants may be absorbed against permanent vacancies lying vacant in the C.P.W.D office or other Central Govt. office, Guwahati.
- (e) That the appellants may be given all service benefits like as H.B.A. and M.C.A etc.

The above reliefs are sought for on the following amongst other :

Shree Krishnar Venkataray

GROUNDS

I. For that although all the appellants were duly appointed against the temporary posts in group C and group -D posts but their services have not been regularized by the respondent authority.

II. For that the act of respondents in attempting to deprive the appellants from the post which they have been holding by not declaring the establishment as permanent.

III. For that services of some other similarly situated employees have been regularized by absorbing them in other Central Govt. offices by depriving the appellants which is highly discriminatory besides being violative of the principles of natural justice.

IV. For that the appellants have already been rendering their services for more than 14/16 years but they have not get any job security.

V. For that the services of the appellants can be regularized alternatively against the posts lying vacant under C.P.W.D. office, Guwahati or any other Central Govt. offices in Guwahati but same has not been done by the authority till date.

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Shri Kri-shna Kanli Ray

8. Interim relief sought for :

The respondents may be directed to immediately stop the process of abolition of the office of the Commissioner (Border) Guwahati under the Ministry of Home Affairs, Govt. of India and not to oust the appellants from the service till to the disposal of the matter by this Hon'ble Tribunal.

9. Details of remedies :

This Hon'ble Tribunal may be pleased to declare the impugned act of the respondents to abolish the office of the Commissioner, Border, Guwahati as illegal and further be pleased to order the respondents to declare it as permanent and regularize the services of the appellants and/or a pass any other or further order/orders and directions as to this Hon'ble Tribunal may deem fit and proper on the above facts and circumstances of the matter.

10. Matters filed in any other Court :

No application or petition has been filed before any other Court.

11. The appellants have ~~preferred~~ an appeal before the authority.

However, no remedy have been found and remedies sought for before this Tribunal would be the only an appropriate remedy.

12. Particulars of the postal order :

Shri Krishna Kaula Ray

13. List of Documents :

As per Index.

VERIFICATION

I, Shri Krishna Kanta Ray, Son of Late priya Nath Ray, age about 41 years, resident of Panjabari, P.O. Panjabari in the district of Kamrup, Assam do hereby verify that the statements

in paragraph I to XVIII & XXI

Are true to my knowledge belief and those made in paragraph

XIX, XX, XXI, XXII, XXIII to XXVI Are true to my information

derived from the records and the rest of my humble submission

and I sign this Verification on ...day of September 2002 at

Guwahati.

Shri Krishna Kanta Ray

(Signature)

No. 13012/18/84-CB
Govt. of India
Ministry of Home Affairs
Office of the Commissioner (Border)
Guwahati-5

10 APR 1985

Appointment Order

Shri Krishna Kanta Ray, is hereby appointed in the post of L.D.C. in a purely temporary capacity initially for a period of 45 days only in the pay scale of Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400/-PM. plus other allowances as admissible as per Central Govt. rules with effect from 30-3-85 (FN) in the office of the Commissioner (Border) Guwahati until further order.

Sd/Dr. J. K. Barthakur
Commissioner (Border)

Memo No. 13012/18/84-CB

Copy to:-

- (1) The accounts Officer, Regional pay & Accounts Office (IB) Govt. of India, Ministry of Home Affairs, Shillong.
- (2) Drawing & disbursing Officer/Bill. Asstt.
- (3) Personal file of Shri Krishna Kanta Ray.
- (4) Shri Krishna Kanta Ray, He is directed to produce original certificates at the time of joining.
- (5) Office order file.

Certified To Be True Copy
ADVOCATE
GAUHATI HIGH COURT

(N. K. Ray)
Section Officer
Office of the Commissioner (Border)

No.14011/12/(00)90-CB
 GOVERNMENT OF INDIA
 MINISTRY OF HOME AFFAIRS
 OFFICE OF THE COMMISSIONER (BORDER)
BHONGAGARH, GUWAHATI-5.

OFFICE ORDER

In continuation of this office order No.14011/12/(00)-90-CB dated 21-03-2001, the term of temporary appointment in respect of the following employees in the office of the Commissioner (Border) M.H.A. Guwahati is hereby extended for a further period and continue upto 31-03-2007,

1. Shri Krishna Kanta Roy, U.D.C.
2. Shri Jatin Chandra Das, L.D.C.
3. Shri Nripen Kakati, L.D.C.
4. Shri Ramesh Chandra Sarma, L.D.C.

The extension of purely temporary appointment will not bestow any claim for regular appointment and service rendered on temporary basis in the grade of U.D.C./L.D.C. will not make incumbent eligible to any of the benefits from regular appointment of person in the same grade.

M.K.T.
Commissioner (Border) (Border)

Govt. of India

Dt.: 23.8.2006
 Ministry of Home Affairs
 Guwahati-781 001

Memo No.14011/12/(00)90-CB.

Copy to:-

1. The Senior Accounts Officer, Regional pay and Accounts Office (IB), Govt. of India, M.H.A. Shillong.
2. Accounts section.
3. Person concerned/Personal file.
4. Desk Officer (BF) M.H.A. North Block, New-Delhi-110001.
5. Office copy.

L(1-1)
23/8/2006
Administrative Officer.

Administrative Officer.

Office of the Commissioner (Border) M.H.A.
 Guwahati-5.

Certified To Be True Copy

[Signature]
 ADVOCATE
 GUWAHATI HIGH COURT

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ANNEXURE-3

NO. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

A P P O I N T M E N T O R D E R

Shri Nripen Kakoti is appointed as Peon a Group D post in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect from 16.10.84 F.N. in the office of the Commissioner (Border), Gauhati until further orders.

His pay will be fixed in accordance with the rules.

He will be on probation for a period of two years.

(Dr. J. K. Barthakur)
Commissioner (Border)

Copy to :-

1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay & Accounts Office (IB), M.H.A., Shillong-3.
5. Office order file.
6. Shri Nripen Kakoti.

21/1
(Dr. J. K. Barthakur)
Commissioner (Border)

ADVOCATE
GAUHATI HIGH COURT

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No. 14011/12(00)86-CB
 GOVERNMENT OF INDIA
 No. 14011/12(00)86-CB
 Government of India
 Ministry of Home Affairs
 Office of the Commissioner(Border)
 Bhongagarh, Guwahati-5.

2 JUN 1986

OFFICE ORDER

Shri Nripen Kakati, Peon of this office is hereby allowed to officiate as Lower Division Clerk for a period of one year in the pay scale of Rs.260-6-290-EB-6-325-8-366-EB-8-390-10-400/-p.m. plus other allowances as admissible as per Central Government Rules with effect from 02-06-86 (F.N.).

(Dr. J.K. Barthakur),
 Commissioner(Border).

Memo No. 14011/12(00)86-CB-A dt.

Copy forwarded to:-

The Accounts Officer, Regional Pay & Accounts Office(IB), Government of India, Ministry of Home Affairs, Shillong-3.

2. The Drawing and Disbursing Officer.
3. The House keeping Assistant/Bill Assistant/-Cash Assistant.
4. ✓ Shri Nripen Kakati, peon. He must attain the required typing speed of 40 words per minute within four months from the date of his appointment. After one year his performances will be reviewed.
5. Personal file of person concerned.
6. Office order file.

(R.K. Das)
 Section Officer.

T. R. Das
 Section Officer.
 Office of the Commissioner (Border)
 Bhongagarh, Guwahati-5.

Certified To Be True Copy
 ADVOCATE
 GAUHATI HIGH COURT

No.14011/12/(00)90-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER(BORDER)
BHONGAGARH, GUWAHATI-5.

OFFICE ORDER

In continuation of this office order No.14011/12/(00)-90-CB dated 21-03-2001, the term of temporary appointment in respect of the following employees in the office of the Commissioner(Border)M.H.A. Guwahati is hereby extended for a further period and continue upto 31-03-2007,

1. Shri Krishna Kanta Roy, U.D.C.
2. Shri Jatin Chandra Das, L.D.C.
3. Shri Nripen Kakati, L.D.C.
4. Shri Ramesh Chandra Sarma, L.D.C.

The extension of purely temporary appointment will not bestow any claim for regular appointment and service rendered on temporary basis in the grade of U.D.C./L.D.C. will not make incumbent eligible to any of the benefits from regular appointment of person in the same grade.

M. N. T.
Commissioner(Border) (Border)
Govt. of India
Ministry of Home Affairs
Guwahati-181005

Memo No.14011/12/(00)90-CB.

Copy to:-

1. The Senior Accounts Officer, Regional pay and Accounts Office (IB), Govt. of India, M.H.A. Shillong.
2. Accounts section.
3. Person concerned/Personal file.
4. Desk Officer (BF) M.H.A. North Block, New-Delhi-110001.
5. Office copy.

1/11/07
23/18/07
Administrative Officer.
Administrative Officer,
Office of the Commissioner (Border),
Guwahati-5.

Certified To Be True Copy
ADVOCATE
GUWAHATI HIGH COURT

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ANNEXURE-6

43 (118)

NO. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

A P P O I N T M E N T O R D E R

Shri Jatin Chandra Das is appointed as Peon a Group D post in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect from 20.1.85 F.N. in the office of the Commissioner (Border), Gauhati until further orders.

His pay will be fixed in accordance with the rules.

He will be on probation for a period of two years.

(Dr. J. K. Barthakur)
Commissioner (Border)

Copy to :-

1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay Accounts Office (IB), M.H.A., Shillong-3.
5. Office order file.
6. Shri Jatin Chandra Das.

21/1
(Dr. J. K. Barthakur)
Commissioner (Border)

Certified To Be True Copy
ADVOCATE
GAUHATI HIGH COURT

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Annexure-7

No.14029/3(00)86-CB
 Government of India
 Ministry of Home Affairs
 Office of the Commissioner(Border)
 Bhangagarh:: Guwahati-5.

OFFICE ORDER

Dtd. 16-10-2001

Shri Jatin Ch.Das, LDC is hereby promoted to officiate as U.D.C. in the Scale of pay of Rs.4000-100-6000/- P.M. plus other allowances as admissible as per the Central Government rules & w.e.f. 16-10-2001 temporarily and until further order.

He will be on probation for two years from the date of his promotion.

On his promotion, he is required to exercise option, if any, in the matter of fixation of pay within one month in terms of G.I.O. No.16 below FR 22(1)(a)(1).

The temporary appointment will not bestow any claim for regular appointment and service rendered on temporary basis in the grade of U.D.C. will not make the incumbent eligible to any of the benefits from regular appointment of person in the same grade.

Sd/- Illegible
 Deputy Commissioner (Border)

Memo No.14029/3(00)86-CB

Dtd. 16-10-2001

Copy to :-

1. The Sr.Accounts Officer,Regional Pay and Accounts office (IB), Govt.of India,M.H.A., Shillong.
2. The Desk Officer (BF),Ministry of Home Affairs, North Block, New Delhi-110 001.
3. Accounts Section.
4. Shri Jatin Ch.Das.
5. Personal file of Shri J.C.Das.
6. Office copy..

Sd/- Illegible
 Deputy Administrative Officer.

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(B)

ANNEXURE-8

NO. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS,
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

A P P O I N T M E N T O R D E R

Shri Mumindra Chandra Das is appointed as Peon a Group D post in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect from 1.10.84 F.N. in the office of the Commissioner (Border), Gauhati until further orders.

His pay will be fixed in accordance with the rules.

He will be on probation for a period of two years.

(Dr. J. K. Barthakur)
Commissioner (Border).

Copy to :-

- ✓ 1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay & Accounts Office (IB), M.H.A., Shillong-3.
5. Office order file.
6. Shri Mumindra Chandra Das.

21/11
(Dr. J. K. Barthakur)
Commissioner (Border).

Certified To Be True Copy

ADVOCATE
GAUHATI HIGH COURT

: : : :

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Government of India
Ministry of Home Affairs,
Office of Commissioner(Border)
Guwahati-781005.

.....

-OFFICE ORDER

No 13012/11/84-CB/62

Dated Guwahati the 4th March '85

Shri Munindra Chandra Das, the seniormost peon (Group D post) of this office is hereby appointed temporarily in the post of draftsman in the scale of pay of Rs200-2-206-4-234-EB-4-250/PM, plus other allowances as admissible as per Central Govt. rules w.e.f.1.3.85(F.N.).

Sd/-(Dr.J.K.Borthakur)
Commissioner(Border).

Memo.No.13012/11/84-CB/62 A. Dated Guwahati the 4th March '85.

Copy forwarded to :-

1. The Accounts Officer, Regional Pay and Accounts Office, (IB), Ministry of Home Affairs, Shillong-3.
2. The Drawing & Disbursing officer. (three copies for House keeping/bill/Cash Asstt.).
3. Personnel file of person concerned.
4. Shri Munindra Chandra Das, office peon.

(R.K.Das)
(R.K.Das)
Section Officer,
Office of the Commissioner(Border)

4/3/85

Certified To Be True Copy
ADVOCATE
GUWAHATI-HIGH COURT

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Receipt
4-3-85

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NO. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

27

A P P O I N T M E N T O R D E R

Shri Basanta Kumar Boro is appointed as Peon a Group D post in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect from 2.1.85 F.N. in the office of the Commissioner (Border), Gauhati until further orders.

His pay will be fixed in accordance with the rules.

He will be on probation for a period of two years.

(Dr. J. K. Barthakur)
Commissioner (Border)

Copy to :-

1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay & Accounts Office (IB), M.H.A., Shillong-3.
5. Office order file.
6. Shri Basanta Kumar Boro.

21/11
(Dr. J. K. Barthakur)
Commissioner (Border)

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ADVOCATE
GAUHATI HIGH COURT

-1-
NO. 14029/1100086-CB/5
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI-48
DUPLICATE

Date- 20.5.86

With reference to his application dated 1st August, 1984 Shri Narendra Nath Sharma is offered a temporary post of _____ in the scale of pay of Rs. 106-3-220-EB-3-232/PM plus usual allowances sanctioned by the Government of India. His appointment will be subject to the following terms and conditions.

i) The appointment is purely temporary and will be governed by the C.C.S. (T.C.) Rules, 1965 and is liable to termination without assigning any reasons under Rule 5 ibid.

ii) He is liable to be posted/transferred to any place in India or abroad on such terms and conditions as may be decided by the Government of India.

iii) He will be junior to the juniormost official serving in the grade in the cadre Group "D". In the event of separation of the cadre he will be junior to those of the cadre who are allocated to the office of the Accountant General, Assam.

iv) He will have to comply with the requirements of the C.C.S. (Conduct) Rules, 1964 and the Plural Marriage Act. All Rules or cadres already in existence or issued from time to time regarding Attendance, duties, discipline, conditions of service etc. will automatically be applicable to him.

v) If he belongs to a Scheduled Caste and professes the Hindu/Sikh religion, he should report any change of religion to the appointing authority immediately such a change take place.

vi) He should give a declaration of his home town for the purpose of L.C. within six months from the date of entry in to services.

2. If the offer is accepted by him, he should sign the acceptance of the offer in the form enclosed and report personally to the office of the Commissioner (Border), Assam, Gauhati immediately but in any case not later than fifteen days from the date of receipt of this offer. This offer is liable to lapse, if he does not join on or before the stipulated date.

Contd...2.

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ADVOCATE
GAUHATI HIGH COURT

3. He should bring with his the original matriculation certificate and or other certificates in support of age, educational qualification etc. and other certificate showing domicile. He should also submit the following documents with his letter of acceptance.

i) Certificate of character with the form enclosed from the Head of the Educational Institution last attended or in case such a certificate cannot be obtained, a certificate in the same form from a gazetted officer (in both cases, duly attested by a District Magistrate), Sub-Divisional Magistrate or Stipendiary First Class Magistrates). The certificate should have reference to the 2 years immediately preceeding.

ii) Attestation form (enclosed) duly completed in duplicate.

iii) A Scheduled Castes/Tribes certificate in the form enclosed from a District Magistrate, Additional District Magistrate, Collector, Deputy Commissioner, Additional Deputy Commissioner, Deputy Collector, First Class Stipendiary Magistrate, City Magistrate, Sub-Divisional Magistrate not below the rank of First Class Stipendiary Magistrate, Taluka Magistrate, Executive Magistrate, Extra Assistant Commissioner, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, Presidency Magistrate, Revenue Officer not below the rank of Tahsildar, Sub-Divisional Officer of the area where he or his family normally resides.

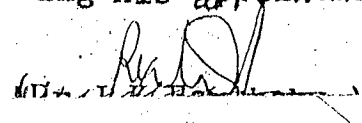
iv) A declaration in form enclosed indicating whether he/her husband has more than one wife living.

v) No objection certificate from his previous employer and release order from his accepting his resignation from that service.

vi) Displaced person certificate from a Gazetted Officer of the Central Govt. or from a District Magistrate and or eligibility certificate issued by the Govt. of India or Citizenship Certificate as a proof of registration as an Indian Citizen.

4. This offer of appointment is further subject to his being found medically fit for Government service by the Civil Surgeon or a District Medical officer of the equivalent status at Guwahati to whom he will be sent after he accepts the offer and report to the office of the Commissioner (Border), Gauhati and taking on oath of allegiance to the Constitution of India.

5. He will not be paid T.A. for joining his appointment.



12
50

No. 14011/13/(00)86-CB.

dt.

1986

Government of India,
Ministry of Home Affairs,
Office of the Commissioner(Border),
Bhongagarh Guwahati-5.

OFFICE ORDER

Shri Narendra Nath Sarma is hereby appointed as Peon, a Group 'D' post, in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-BH-4-232/-pm. plus other allowances as admissible as per Central Government rates W.B.F. 22-05-86(F.N.) in the office of the Commissioner(Border), Government of India, Guwahati until further orders.

Shri N.N.Sarma has joined in this post on 22-05-86(F.N.)

Shri sarma will draw his next increment on 01-05-87.

Sdt
(R. Kherlukhi)
Commissioner (Border)

Memo No. 14011/13(00)86-CB. dt.

- (1) The Accounts officer, Regional pay & Accounts office (IB), Ministry of Home Affairs, Government of India, Laitumkhrub, Shillong-3.
- (2) The D.D.O.
- (3) House Keeping/Bill/Accounts Asstts.
- (4) Shri Narendra Nath Sarma,
- (5) Personal file.
- (6) Office order file.

(R.K.D.S.)/2/7/86

Administrative officer.

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ADVOCATE
GAUHATI HIGH COURT

No. 13012/24/84-OB
Govt. of India
Ministry of Home Affairs
Office of the Commissioner, (Border),
Dhongagarh, Guwahati-781005.

5 MAR 1985

Shri Bongshidher Bayan, Assam Home Guard is hereby engaged against a contingency post of Chowkidar in the office of the Commissioner, (Border), Govt. of India, Ministry of Home Affairs, Guwahati at the daily wages basis @ Rs. 12/- (Rupees twelve) only per day with effect from the date of reporting to duties.

Sd/-Dr. J.K. Bartholomew,
Commissioner, (Border).

Memo. No. 13012/24/84-OB

Dated, Guwahati, the 5-3-85.

Copy forwarded to :-

- 1). The Accounts Officer, Regional Pay and Accounts Office (IB), Ministry of Home Affairs, Shillong-793003.
- 2). The Drawing & Disbursing Officer,
(Three copies for House Keeping/Bills/Cash Asstt.)
- 3). The D.S.P., Police Reserve, (Home Guard), Govt. of Assam Guwahati-1, with a request to release the above named personnel immediately to enable him to join in this office.
His substitute may be posted early -
- 4). Personnel file of the person concerned.
- 5). Shri Bongshidher Bayan, AIRI.

(R.K. Das),
Section Officer,
Office of the Commissioner,
(Border), Guwahati-5.

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ADVOCATE
GUWAHATI HIGH COURT

Annexure-14

No.14011/13(00)86-CB.

Government of India,
Ministry of Home Affairs,
Office of the Commissioner(Border)
Bhangagarh, Guwahati-8.

2 JUL 1986

OFFICE ORDER

Shri Bangahidhar Bayan is hereby appointed as peon, a Group 'D' post in a temporary capacity in the pay scale of Rs.196-3-208/220-EB-4-232/- p.m. plus other allowances as admissible as per Central Government rates W.E.F. 02-06-86 (F.N.) in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders.

Shri Bangahidhar Bayan has joined in this post on 02-06-86 (F.N.).

Shri Bayan will draw his next increment on 01-06-87.

Sd/- R.Kherlukhi,
Commissioner (Border)

Memo No.14011/13(00)86-CB. dt.

1. Accounts officer, Regional pay & Accounts Office (IB), Government of India, Ministry of Home Affairs, Lait....., Shillong-3.
2. The D.D.O.
3. House Keeping/Bill/Acctts Asstts.
4. Shri Bangahidhar Bayan,
5. Personal file.
6. Office order file.

Sd/- Illegible
Administrative Officer.

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ADVOCATE
GUWAHATI HIGH COURT

36

591

No. 14011/13(00)86-CB
Government of India,
Ministry of Home Affairs,
Office of the Commissioner (Border),
Bhongagarh, Guwahati-5.

O F F I C E O R D E R

27 APR 1987

Shri Iua Ram Murari, Assam Home Guard Personnel is hereby appointed as peon, Group 'D' post in a purely temporary basis for a period of 6 (six) months in the scale of pay of Rs. 750-8-790-EB-10-940/- P.M. plus other allowances as admissible under the central Government rules with effect from the date of joining in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders.

Sd/-
(Major N. Dhal)
Director (Survey)
for Commissioner (Border)

Memo No. 14011/13(00)86-CB

dt.

Copy forwarded to:-

1. The Accounts Officer, Regional Pay & Accounts office (IB), Government of India, Ministry of Home Affairs, Shillong-3.
2. The D. D. O. for information.
3. The Accounts/Bill/House keeping Assistant.
4. Shri Iua Ram Murari, Assam Home Guard, Police Reserve, city, Guwahati-781001.
5. The Reserve Inspector, Guwahati City, for information and necessary action. He is requested to release Shri Iua Ram Murari, Home Guard immediately.
6. Office order file.

(Major N. Dhal)
Director (Survey)
for Commissioner (Border)

R. Sarmah

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ADVOCATE
GAUHATI HIGH COURT

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ANNEXURE - 16

No. 14011/13(00)86-CB
Government of India,
Ministry of Home Affairs,
Office of the Commissioner (Border),
Bhongagarh, Guwahati - 5.

26 MAY 1987

Date:-

In continuation of temporary appointment vide No. 14011/13/ (00)86-CB dt. 27-4-87 Shri Pua Ram Murari peon is hereby allowed to continue in temporary post of peon in the scale of pay of Rs. 750-8-79 OEB-10-940/- p.m. plus usual allowances sanctioned by the Government of India. His appointment will be subject to the following terms and conditions.

- (i) The appointment is purely temporary and will be governed by the C.C.S. (T.C.) Rules, 1965 and is liable to termination without assigning reasons under rules 5 ibid.
- (ii) He is liable to be posted/transferred to any place in India or abroad on such terms and conditions as may be decided by the Government of India.
- (iii) He will be junior to the juniormost official serving in the grade in the cadre of peon. In the event of separation of the cadre he will be junior to those of the cadre who are allocated to the office of the Accountant General, Assam.
- (iv) He will have to comply with the requirements of the C.C.S. (Conduct) Rules, 1964 and the plural Marriage Act. All Rules or cadres already in existence or issued from time to time regarding Attendance, duties, discipline conditions of service etc. will automatically be applicable to him.
- (v) He should give a declaration of his town for the purpose of L.T.C. within six months from the date of entry in to services.

2. He should bring with his the original matriculation ~~CER~~ Certificate/School Certificate and or other certificates in support of age, educational qualification etc. and other certificate showing domicile. He should also submit the following documents with his letter of acceptance.

- (i) Certificate of character with the form enclosed from the Head of the Educational Institution last attended or in case such a certificate cannot be obtained, a certificate in the same form a gazetted officer (in both cases, duly attested by a District Magistrate), Sub-Divisional Magistrate or Stipendiary First class Magistrates). The certificate should have reference to the 2 years immediately preceding.
- (ii) Attestation form (enclosed) duly completed in duplicate.

(M) Dhal

(Maj. N. Dhal), 26/5/87
Director (Survey),
Office of the Commissioner (Border).

26/5

QC

7499

Date 26-5-87

Initial of the officer

Contd /-2

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ADVOCATE
GUWAHATI HIGH COURT

38 -

(75)

(7)

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- 2 -

Encle:-

1. Candidates statement and declaration form (in duplicate).
2. Attestation form (in duplicate).
3. Form of Identity certificate (in duplicate).
4. Form of Character certificate - do -
5. Form of Medical certificate - do -
6. Form of declaration - do -

No.14011/33/(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner(Border),
Bhongagarh, Guwahati-5.

56-2

A P P O I N T M E N T O R D E R

Shri Sankar Basfor, a contingency staff of this office is hereby appointment as Safaiwala, a Group 'D' post, on a purely temporary basis in the scale of Rs. 190-3-200 & Rs. 220-EB-232/-p.m.plus other allowances as admissible as per Central Government rules with effect from the date of his joining in the office of the Commissioner(Border), Government of India, Ministry of Home Affairs, Guwahati until further orders. Shri Basfor has joined in the post on 23-10-86(F.N.)

Shri Sankar Basfor, will draw his next increment on 01-10-87 as per rule.

R.K. Datta
27.10.86
-(R.Kharlukhi)
Commissioner(Border).

Memo No.14011/33/(00)86-CB dt.
Copy to:-

- 1. The Accounts Officer, Regional Pay & Accounts Office(IB), Ministry of Home Affairs, Shillong-3.
- 2. The Drawing & Disbursing Officer.
- 3. House keeping/Bill/Accounts Branch.
- 4. Shri Sankar Basfor.
- 5. Personnel file.
- 6. Office order file.

(R.K. Datta)
Administrative Officer.
Ministry of Home Affairs
GUWAHATI.

17.85.245000, 57
29-10-86

ooOoo

K.K.R.

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[Signature]
ADVOCATE
GUWAHATI HIGH COURT

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ANNEXURE - 18

57

No.14029/1(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner (Border)
Bhongagarh, Guwahati-5.

10 1 NOV 1986

A P P O I N T M E N T O R D E R

Shri Nayan Singh, Assam Home Guard personnel is hereby appointed as Chowkidar Group 'D' Post in a purely temporary basis for a period of 6 (six) months in the scale of pay Rs.750-8-790-EB-10-940/-p.m. plus other allowances, as admissible under the Central Government Rules with effect from the date of joining in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders.

His pay will be fixed in accordance with the Rules.

Sd/-
(Major N. Dhal)
Survey Officer.
For Commissioner (Border)

Memo No.14029/1(00)86-CB dt.

Copy to:-

1. The Accounts Officer, Regional Pay & Accounts Office (IB), Government of India, Ministry of Home Affairs, Shillong-3.
2. The Drawing and Disbursing Officer for information.
3. Accounts/House Keeping/Mail Assistant.
4. Shri Nayan Singh.
5. The Reserve Inspector, Guwahati City, Guwahati for information and necessary action please.
6. Spare copy.

(Signature)
(M. Bordoloi)
Section Officer.
2/14

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ADVOCATE
GUWAHATI HIGH COURT

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No.14013/36(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner(Border)
Jhansiagarh : Guwahati-5

OFFICE ORDER :Dtd. 2 ¹¹/₀₇

Consequent upon his promotion to the post of LDC and on having exercised his option under FR 22(1)(a)(1), the pay of Shri Nayan Babu Singh has been fixed at Rs. 3050/- w.e.f. 16-10-2001 i.e. the date of promotion to the post of LDC in the Scale of Pay of Rs.3050-75-3950-60-4590/- which is again refixed at Rs. 3200/- w.e.f. 01-11-2001 as under :-

Pay in the lower post on the date of promotion	=	Rs.3020/-
Pay in the higher post on the date of promotion		
i.e. w.e.f. 16-10-2001	=	Rs.3050/-
Pay in the lower post on 01-11-2001	=	Rs.3080/-
Pay after notional increase by one increment or		
Rs. 100/- whichever is more	=	Rs.3180/-
Pay in the Promoted post of LDC	=	Rs.3200/-

His date of next increment will be on 01-11-2002.

By. Commissioner(Border).

Memo No.14013/36/(00)86-CB
Copy to:-

Dtd.

1. The Jr. Accounts Officer, Regional Pay and Accounts Office (IB), Shillong-3.
2. The Accounts Section.
3. Shri Nayan Babu Singh, LDC.
- ✓ 4. Office copy/personal file.

Hwt
2/11/2007
Administrative Officer.

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ADVOCATE
GAUHATI HIGH COURT

No. 13012/30/85-CB/

Dated Guwahati, the 5-3-85.

OFFICE ORDER

Shri Ramesh Chandra Daimari, is hereby appointed temporarily and purely on adhoc basis as a Driver in the scale of pay of Rs. 260--6--290--EB--6--326--8--366--EB--8--390--10--400/- P.M. plus other allowances as admissible as per Central rules for a period of 45 days v.e.f. 1-3-85 to 14-4-85 or till the post is filled up on recommendation of the selection Board whichever is earlier.

The ad-hoc appointment will not bestow any claim for regular appointment and the services rendered on adhoc basis in the grade of driver will not make the incumbent eligible to any of the benefits that results from regular appointment of a person in the same grade.

Sd/- Dr. J.K. Barthakur,
Commissioner, (Border).

Memo.No. 13012/30/85-CB/5

Dated Guwahati, the 5-3-85.

Copy forwarded to:-

- 1). The Accounts Officer, Regional Pay And Accounts Office, Ministry of Home Affairs, Shillong-793003.
- 2). The Drawing & Disbursing Officer, (Three copies, for House Keeping/Bills/Cash Asstt.).
- 3). Shri Ramesh Chandra Daimari.

(R.K. Das),
Section Officer,
Office of the Commissioner, (Border)
Guwahati-781005.
and
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ADVOCATE
GAUHATI HIGH COURT

- 43 -

ANNEXURE 21

का कार्यालय
वाहाटी-७८१००५
Telephone 560411
560316

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
Ministry of Home Affairs

Office of the Commissioner (Border)
Bhangagarh, GUWAHATI-781005

No. 14013/29/(00)93-CB.
दिनांक Date... 31-03-99.....

To

The Desk Officer (BF-Desk),
Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110001.

SUB:- ABSORPTION OF TEMPORARY STAFF OF THE OFFICE
OF THE COMMISSIONER (BORDER), MINISTRY OF HOME
AFFAIRS, BHONGAGARH, GUWAHATI-5.

Sir,

I am directed to invite a reference to the
Agenda item No.9 of the 33rd H.L.E.C. Meeting and
to state that in the event of the winding up of the
Office on completion of the work of the on-going I.B.B.
Project by March '2001, the fate of the 14 Nos. of adhoc
staff of this Office will be uncertain. To initiate
the absorption of these staff against regular posts
in other Offices of the Ministry of Home Affairs,
bio-data and service particulars are forwarded herewith
for further necessary action at your end.

Yours faithfully,

Mal
31/3/99
(L. P. Das)
Administrative Officer.

204
31-3-99
[Signature]

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ADVOCATE
GUWAHATI HIGH COURT

42

Sl. No.	Name & Designation	Scale	Date of birth as per service book.	Qualification academic/Technical	Date from which in continuous Govt. service.	Date from which working in the present grade.	Whether recruited through Employment Exchange/S.S.C. etc.	Remark
1	2	3	4	5	6	7	8	9
1.	Shri K. K. Roy, U.D.C.	Rs. 4000-6000/-	11-12-59	Matriculate with typing work both English & Hindi.	30-03-85 as L.D.C.	02-06-86 as U.D.C.	Employment Exchange/D.P.C.	General
2.	Shri Ramesh Ch. Sarma, L.D.C.	Rs. 3050-4590/-	01-04-64	Matriculate with typing work both English & Hindi.	18-03-85 as Peon.	02-06-86 as L.D.C.	Employment Exchange/D.P.C.	General
3.	Shri Jatin Ch. Das, L.D.C.	-do-	21-10-58	Matriculate with typing work (English).	20-01-85 as Peon.	02-06-86 as L.D.C.	Employment Exchange/D.P.C.	S/C
4.	Shri Nripen Kakoti, L.D.C.	-do-	01-02-65	Matriculate with typing work in (English).	16-10-84 as Peon.	02-06-86 as L.D.C.	-do-	General
5.	Shri Dwigen Das, Driver.	-do-	01-11-60	Read upto Class VIII.	09-11-87	09-11-87	-do-	General
6.	Shri R.C. Daimary, Driver.	-do-	01-06-66	Read upto IX	01-03-85	01-03-85	-do-	S/T
7.	Shri B. S. Das, Despatch Rider.	-do-	31-12-43	Read upto Class VII	19-02-87	19-02-87	Ex-defence Employee	S/T
8.	Shri M.C. Das, Daftry.	Rs. 2610-3540/-	28-02-56	Read upto Class VIII.	01-10-84 as peon.	01-03-85 as Daftry.	Employment Exchange.	General
9.	Shri N.H. Sarma, Peon.	Rs. 2550-3200/-	01-09-59	Read upto Class X	22-05-86	22-05-86	-do-	General
10.	Shri P.R. Murari, Peon.	-do-	30-03-65	Read upto Class VIII.	28-04-87	28-04-87	Ex-Home Guard	General
11.	Shri B. B. B. B. B., Peon.	-do-	24-10-59	Read upto Class V.	02-06-86	02-06-86	-do-	General
12.	Shri B.K. Soro, Peon	-do-	01-01-62	Read upto Class VIII.	02-01-85	02-01-85	Employment Exchange.	S/T
13.	Shri N.B. Singh, chowkidar/LDC	4000-6000/- 3050-4590/-	15-03-63	Initially upto IX and subsequently P.U. passed read B.A.	24-11-86	24-11-86	Ex-Home Guard	General
14.	Shri Senkar Basfor, Safaiwalla.	-do-	01-01-63	Not indicated.	23-10-86	23-10-86	Through Daily Wages.	S/C.
15.	Shri Bapom reat Driver	3050-4590/-			1-8-2000			

Committee

Sl. No. Agent to staff of the Project in other Office bio-data and staff for further need

204
31-3-99

M.P.
3/13/99
(L. P. Das)
Administrative Officer.
L. P. DAS
Administrative Officer,
O/O the Commissioner (Border)
MHA, Bhongagarh, City-5

युक्त (सोमास्त) का कार्यालय
असम गड, गुराटो-७८१००४
दूरभाष Telephone (560411
560316

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
Ministry of Home Affairs

45
ANNEXURE-22
SPEEDPOST
Office of the Commissioner (Border,
Bhangagarh, GUWAHATI-781005

No. 14013/29/(00)93-CB.

दिनांक Date 03-9-99

To

The Desk Officer (B.F.),
Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

Sub:- Absorption of temporary Staff of the O/o the
Commissioner(Border), Ministry of Home Affairs,
Bhangagarh, Guwahati-5.

Sir,

I am directed to invite a reference to this office letter No.14013/29/(00)93-CB dt. 31-3-99 on the subject cited above and to state that there is a strong resentment among the 14 nos. of direct recruited temporary staff (Gr-C and Gr.D) of this office for non-declaring their services as Permanent though they have completed more than 13/14 years of services and pressing hard for regularisation of their services to enable them to get promotion and other benefits.

It is requested that the proposal for absorption of temporary staff as detailed in the office letter dt. 31-3-99 may kindly be taken up on priority.

The outcome of the action initiated in this regard may kindly be informed to this office.

Yours faithfully,

M. P.
3/9/99
(L.P. Das)
Administrative-Officer.

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ADVOCATE
GUWAHATI HIGH COURT

-46-

Detailed notes regarding regularisation of service of the existing staff of the office of the Commissioner (Border), M.H.A. Guwahati.

The office of the Commissioner (Border) under the Ministry of Home Affairs was set up in May '84 under Assam Accord to liaise with the various construction agencies & the state Govts. for the purpose of construction of Indo Bangladesh Border Road and Fence and will wind up after the project is over. The office is a temporary one and as such all the posts are manned by the deputationist from other offices except for some Gr. 'D' and 'C' posts which were not available on deputation basis. For smooth functioning of the office these posts had to be filled up temporarily by direct recruitment on adhoc basis from the names sponsored by the Employment Exchange, Guwahati.

The Ministry of Home Affairs created 44 Posts for this office from September '84 to June '87. The matter for making recruitment of staff sanctioned by the M.H.A. was taken up by this office and it was informed by the M.H.A. that in the absence of recruitment rules adhoc appointment and recruitment on deputation basis may be made.

The sanction for continuation of these 44 posts were being given by the M.H.A. till February '93. However, a work measurement study team of M.H.A. visited this office in the month of February '92 to determine the surplus staff, if any. The reports of the work measurement study team was forwarded by the M.H.A. to this office vide their letter No. 1/10/91-BF dt. 07-07-92. The work measurement study team has justified in all 23 posts for continuation. Moreover in the year 1994 a quality control cell was created and another 7 posts were also sanctioned by the M.H.A. At present the office has 29 sanctioned posts.

As per recommendation of the works study team six ~~more~~ of directly recruited Gr. 'D' staff were declared surplus and their names were forwarded to the surplus cell of the Ministry of Labour. The six surplus Gr. 'D' staff were reemployed in the C.P.W.D. at Malda and Balurghat Divisions in West Bengal.

Now, the office of the Commissioner (Border), M.H.A. Guwahati has 14 No of Gr. 'C' and Gr. 'D' staff who were directly recruited at the time of creation of office and they are still remain as temporary even after completion of 14 years of service. and there is a strong resentment among these staff for non-declaring their services as permanent one and pressing this office very hard for

P.T.O.

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regulation of their service to enable them to get promotion and other benefits.

The matter was discussed in the 34th. H.L.E.C. meeting under Agenda item No-2. The service particulars of the 14 Nos of temporary staff of the Commissioner(Border) office is again forwarded along with this notes to the M.H.A. New-Delhi for taking appropriate action.

U.O.No.14013/29/(00)93-CB.

Copy to -

The Desk Officer(BF).
Ministry of Home Affairs
North Block, New-Delhi.

10/11/2000

(L. P. DAS.)
Administrative Officer.

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ANNEXURE - 24

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सत्यमेव जयते

P.L THANGA, IAS
Commissioner (Border)

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
Commissioner (Border)
Bhangagarh, Guwahati - 781005
Fax No.: 0361-529421
Tele No.: 0361-529421

NO. 14013/29(00)93-CB

Dated: November 13, 2000.

To

The Joint Secretary (NE),
Ministry of Home Affairs,
North Block,
New Delhi-100 001.

Sub:- Regularisation of services of temporary staff of the Office of the
Commissioner (Border), Ministry of Home Affairs, Guwahati.

Sir,

I am to state that the office of the Commissioner (border) has 14 nos. of directly recruited Group-C and Group-D staff appointed temporarily in the year 1985 at the time of creation of Office on the basis of the names sponsored by the Employment Exchange, Guwahati. These staff continue to remain temporary even after completion of 14/15 years of service and there is a strong resentment among the staff for non-declaring their services as permanent one and are pressing this office very hard for regularisation of their services to enable them to get promotion and other benefits under ACP scheme. The matter was discussed in the 34th IILEC meeting at New Delhi and on the advice of the IILEC a detailed note along with bio-data and service particulars of these staff were forwarded to the Min. of Home Affairs, New Delhi for taking necessary action. Recently, the Govt has approved the additional work for construction of IBB road and fence and as such there is a likelihood of the office being continued for another 8 to 10 years.

It is, therefore, requested that steps may be taken for regularisation of the services of the temporary staff of this office an early date.

Yours faithfully,

(P.L. Thanga)
Commissioner (Border)

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GUWAHATI HIGH COURT

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ANNEXURE - 25

No.1/1/95-BF
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi, Dated the 24.11.2000.

To

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The Commissioner(Border),
Bhongagarh,
Guwahati.

Subject:- Regularisation of services of temporary staff of the Office of the
Commissioner(Border), Ministry of Home Affairs, Guwahati.

Sir,

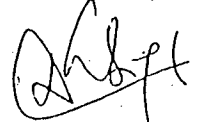
I am directed to refer to your letter No.14013/29(00)93-CB dated the 13th November, 2000 on the above subject and convey that a proposal for continuation of the 29 posts in the Office of Commissioner(Border) including the 14 Group 'C' & 'D' staffs, beyond February, 2001, to March 2007, was referred to the Finance Division.

2. The Finance Division have opined that as the present approval expires on 28.2.2001 the proposal for continuation of the temporary posts may be taken up next year.

3. As the Office of the Commissioner(Border) has been created temporarily for supervising the Indo-Bangladesh Border Roads and Fence Construction Project Work, which is scheduled to be completed by March 2007, it may not be possible to declare the services of 14 Group 'C' & 'D' temporary staff as permanent.

With regards,

Yours sincerely,



(D.K. SINGH)

DEPUTY SECRETARY(NEC)

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GAUHATI HIGH COURT

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सुप्रीम (सोमाम्ता) का कार्यालय
भङ्गागढ़ गुवाहाटी - 781 005
दूरभाष Telephonic { 529421
529516

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
Ministry of Home Affairs

Office of the Commissioner (Border)
Bhangagarh. GUWAHATI - 781 005
No. 14013/29/(00)93-CB.
दिनांक Date. 14-02-2001.

To,

The Joint Secretary(NE)
Ministry of Home Affairs
North Block, New-Delhi-110001.

1 FEB 2001

16 FEB 2001

Sub.: Regularisation of services of temporary
Staff of the Office of the Commissioner(Border)
M.H.A. Guwahati.

Sir,

I am to forward herewith a copy of the represen-
tation submitted by the temporary staff of this office
for further necessary action at your end.

Yours faithfully,

(P. K. DEB.)

Dy. Commissioner (Border).

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GUWAHATI HIGH COURT

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COMMISSIONER (BORDER) EMPLOYEES' UNION

N.E. REGION, GUWAHATI-5,
Office of the Commissioner(Border), MHA, Govt. of India,
Bhangagarh, Guwahati-5.
Phone No. 529421, 529516.

No. 100/1/92 CBEU

Dated 01-02-2001.

✓ To

The Commissioner(Border)
Government of India
Ministry of Home Affairs
Bhangagarh,
Guwahati-5

Sub: Prayer for permanent Absorption of Temporary Staff.

Sir,

We take the opportunity of your being generous to the staff to present before you the following facts for favour of your kind consideration and sympathetic action.

That sir, we the temporary staff of your establishment ,have been serving the department for the last 14to 15 years with utmost sincerity and dedication. But it disappoints us to note that even after rendering so many years of dedicated service ,no step has been initiated by the administration to make us permanent thus incapacitating us to avail certain basic facilities like HRA,MCA, etc. as are normally available to all the permanent staff of the Central Government .This stepmotherly and high handed attitude of the administration has also left a question mark on the security and future prospect of our job.

That sir, after getting appointment in the department, we have not applied for any other jobs with the hope that we would be made permanent in due course of time as is done with all the temporary staff of Central Government .But to our utter despair, it has not yet been done for reasons better known to the administration even though we are having the requisite length of service and other qualifications to be made so, the details of which are enclosed herewith for your kind perusal .Considering the period & below

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nature of our service, we should have been made permanent much before as per normal rules applicable to make the temporary staff as permanent Central Government servant.

That sir, you will appreciate that we have patiently waited for so many years for our logical demands. But it appears that the administration has turned a deaf ear to our rightful claims.

We, therefore, urge upon your benignself to be kind enough to take immediate step to make us permanent at the earliest.

With thanks.

Yours faithfully,

R. C. Sarma
11/2/2001

(Shri. R. C. Sarma)

General Secretary

On behalf of Union.

General Secretary.

Commissioner (Border) Employees' Union

N.E. Region, Bongaichh Guwahati-5

Encl: As stated above

Copy to :

The Deputy Secretary(NEC),Ministry of Home Affairs, North Block, New Delhi-110 011 for information and necessary action please.

(Shri. R. C. Sarma)

To
The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated:- Guwahati the 20th June'2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No.DGW/BFR/35-92-A/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No.14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No.14013/29/(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No.14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

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GUWAHATI HIGH COURT

(6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.

(7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.

(7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

(1) That I am serving in this office as WDC/UDC for last 18 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period

(2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.

(3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

(4) That, after getting no reply the Administrative Officer, vide his letter No.14013/29(00)93-CB dated 03-09-99 sent a reminder requesting to take up the matter on priority basis. But up till now no information as to what decision taken from that end towards regularizing the services of these temporary employee's has been made known to us.

(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

Page-4.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the MORC (Kellu) caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 30-3-85 as LDC in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully,

Shri Koushna Kanki Ray

J.D.C

21-6-2002

The Joint Secretary(IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner(Border).

Dated:- Guwahati the 20th June'2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER(BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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- (3) Administrative Officer's letter No.14013/29/(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No.14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner(Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary(N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

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(6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.

(7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.

(7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

(1) That I am serving in this office as Pen/LDC for last 18 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period

(2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.

(3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

(4) That, after getting no reply the Administrative Officer, vide his letter No.14013/29(00)93-CB dated 03-09-99 sent a reminder requesting to take up the matter on priority basis But up till now no information as to what decision taken from that end towards regularizing the services of these temporary employee's has been made known to us.

(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated, 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the O.B.C. caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 16.10.84 as peon in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully,

Sri Nripin Kakoti
L.D.C.

21-6-2002

To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated:- Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No. DGW/BFR/35-92-A/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No. 14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No. 14013/29/(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No. 14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

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- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
 - (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
 - (7) A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as Peon/LDC/UDC for last 17 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

(4) That, after getting no reply the Administrative Officer, vide his letter No.14013/29(00)93-CB dated 03-09-99 sent a reminder requesting to take up the matter on priority basis But up till now no information as to what decision taken from that end towards regularizing the services of these temporary employee's has been made known to us.

(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A, M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the Schedule caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my joining on 20.01.1985 as Peon in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay, taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully,
 Shri Jatin Ch Das.
 U.D.C.

21-6-2002

(SHRI. JATIN CH. DAS)
 U.D.C.

To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated:- Guwahati the 20th June'2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

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GUWAHATI HIGH COURT

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- (7) A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as Deputy for last 18 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
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As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

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In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the Kochhujak caste of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 01-10-54 as P.C.M. in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards

Yours faithfully,

Sri. Meenishan Ch. Das
21/6/2002
Rabry

To

The Joint Secretary (IS-II & BM),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).


Dated - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my joining on 02-01-85 as PEON. in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

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With kind regards.

Yours faithfully,

Sizi Basanta km. Boro.

Peon.

21/6/2002

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ADVOCATE
GUWAHATI HIGH COURT

- 78 -

To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the General caste of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 22/6/86 as PCO II in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay, taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully,

Sri Nataraj Nath

Satendra
Jeevan
21-6-2002

*To

The Joint Secretary (IS-II & BNL),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated: - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order. No. DGW/BFR/35-92-A/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No. 14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No. 14013/29/(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No. 14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

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- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
- (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
- (7) A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as peon for last 17 1/2 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

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(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the General caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 02-05-86 as PCAN in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay, taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully,

SSI Bongshikhan Baryam
21/6/02
Poon

To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated: - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
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 - (7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindself the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as 1987 for last 15 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
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In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

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It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 28-11-57 as ACM in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay, taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards,

Yours faithfully,

Sri Pua Ram Maitra
PCOM. 21-4-2002

To

The Joint Secretary (IS-II & BML),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as Sub-inspector for last 16 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
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(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the General caste/ of community which is constitutionally safeguarded under reserved categories and as such, my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 23-10-86 as Secretary in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay, taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully,

SANKAR BASTIA
Sankar Bastia

21-6-2002

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To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated: - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No. DGW/BFR/35-92-A/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No. 14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No. 14013/29/(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No. 14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

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GUWAHATI HIGH COURT

- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
- (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
- (7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindself the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as ^{Assistant Commissioner / LDC} for last 11 years, after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

(4) That, after getting no reply the Administrative Officer, vide his letter No.14013/29(00)93-CB dated 03-09-99 sent a reminder requesting to take up the matter on priority basis But up till now no information as to what decision taken from that end towards regularizing the services of these temporary employee's has been made known to us.

(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly, service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A, M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the General caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 24-11-86 as Chaikidan in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay, taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully.

Sri Nayan Babu Singh
L.D.C

21-6-2022

To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No. DGW/BER/35-92-A/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No. 14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No. 14013/29(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No. 14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

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ADVOCATE

GUWAHATI HIGH COURT

- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
- (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
- (7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as Deputy for last 17 years after I had been duly selected and appointed by the concerned authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mentioned that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

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(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter, dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the S.T. (R) caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 01-03-85 as Junior in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Ranish Ch. Daimary

Yours faithfully.

केन्द्रीय प्रशासनिक प्रधिकारण
Central Administrative Tribunal
29th APR 2003
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI
Guwahati Bench
O.A.NO.298/2002

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Shri Krishna Kant Roy & OthersApplicants

-VS-

Union of India & OthersRespondents.

(Written statement filed by the respondents No.1,2,3 and 4)

The written statements of respondents are as follows:

1. That a copy of the O.A. No.298/2002 (referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof.
2. That the statements made in the application, which are not specifically admitted are hereby denied by the respondents.
3. That before traversing the various paragraphs of the application, the answering respondents gives a brief background of the facts and circumstances of the case as under:

That the Office of Commissioner (Border) under the Ministry of Home Affairs was set up in May 1984 to liaise with the various construction agencies and the State Government for the purpose of construction of Indo-Bangladesh border road and fencing in Assam, Meghalaya, Mizoram, Triipura and West Bengal and it was to be wound up after the project was over. The office is a temporary one and as such all the posts are manned by deputationists from other offices except for 15 Nos. of Group 'C' and Group 'D' staff who were directly recruited on purely temporary basis at the time of setting up the office through Employment exchange, Guwahati.

Filed by:-
Be Pathak
(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

The terms of appointment of the applicants are such that they may be terminated at any time from service. The Government of India, Ministry of Home Affairs vide sanction order no.VI.17019/8/84-G&Q/FP.IV dated 29.9.84 created some posts in the establishment of Commissioner (Border), Guwahati. The Govt. of India also created some posts vide order F.No.4/2/93-BF dated 7.6.1993. These post were created on temporary basis and were extended from time to time (year to year basis).

The first phase of Indo-Bangladesh Border works is nearing completion . Government of India has approved additional work for construction of Indo-Bangladesh Border road and fence with the time frame of 2001-2007, the work of which has started.

Ministry of Home Affairs vide their letter no.1/12000-BF dated 29.12.2000 and no.4/2/90/93-BF dated 14.8.2001 has abolished the post of Commissioner (Border) and Executive Engineer & Asstt. Engineer (Quality Control). As per the provisions of Govt. of India No.7 (7)-E(Co-ord)/93, whenever higher level posts are abolished, junior level posts are also to be abolished as a consequence thereof. In the financial year 2002-03, the posts of Administrative Officer, one UDC and one Assistant have already been abolished vide letter no.11013/3/2002-BM.III dated 28.6.2002. Only 21 posts out of 29 posts are existing at present.

The copies of the sanction of posts, some copies of the appointment letters, Order of extension of service and a statement of services of the applicants are annexed as Annexure-R1 (series).

The temporary services of the applicant were extended from time to time depending upon the functional needs of the temporary establishment. By the conditions laid down

in the appointment letters issued from time to time to the applicant, it was made clear that the appointment is made on purely temporary basis and the same would not confer any right for regular appointment. Moreover, appointments were made to be regulated by the provision of CCS(TS) Rules, 1965. Some of the applicants were given promotion on temporary basis on the condition that such promotion would not bestow any right on them to claim regular appointment in the original temporary grade/post.

4. That with regard to the statements made in para 3. the respondents state that in view of the facts of the case and the law to regulate temporary services, there is no cause of action to challenge these orders and hence the application is liable to be dismissed with cost.

5. That with regard to the statements made in paras 4,5, and 6 (i), 6 (ii) of the application, the respondents have no comments to offer.

6. That with regard to the statements made in para 6 (iii), the respondents state that the office of the Commissioner (Border) was set up as a temporary establishment with an office at Guwahati to co-ordinate and supervise the work relating to the Indo-Bangladesh border road and fence construction project and sanction for continuation of temporary posts is being accorded on year to year basis. Last sanction was accorded for continuation of posts up to 28th February, 2003.

7. That the statements made in para 6(iv) being matter of records, nothing is admitted beyond such record.

8. That with regard to the statements made in para 6(v), the respondents state that the office of the Commissioner (Border) was set up on a temporary basis to co-ordinate and supervise the construction of roads and fencing along the Indo-Bangladesh border. The actual work of construction and maintenance is done by the executing agencies like CPWD and BRO and not by this office which only

had a co-ordination role as a subordinate office of Ministry of Home Affairs. It is not correct to say that construction and maintenance of fencing and road works requires a permanent establishment. This function can be directly performed by the Ministry as is being done by the Ministry in respect of fencing/road project on Indo-Pak Border. Sanction for continuation of posts in this office is being accorded on a year to year basis and last sanction has been accorded till 28.2.2003.

9. That with regard to the statements made in para 6 (vi) and 6(xvi), the respondents state that sanction for continuation of applicants on a temporary basis is accorded on year to year basis. In the letter No. 14011/12/9(00)90-CB dated 23.8.2001 of Commissioner (border), cited by applicants, it has been mentioned that the applicants will not have any claim for regular appointment and service rendered on temporary basis with grade of UDC/LDC will not make the incumbents eligible to any of the benefit for regular appointment of the person in the same grade. No right accrues to the applicants from this letter.

10. That with regard to the statements made in para 6 (xvii), the respondents state that the incumbents were appointed on temporary basis with the stipulation that the temporary appointment will not bestow any claims for regular appointment and service rendered on temporary basis will not make the incumbent eligible to any of the benefits from regular appointment of person in the same grade. The appointments were made on purely temporary basis and the Ministry of Finance was doing their continuation on year to year basis. The actual work of construction and maintenance is done by the executing agencies like CPWD and BRO and not by this office, which only had a co-ordination role as a subordinate office of Ministry of Home Affairs. It is not correct to say that construction and maintenance of fencing and road works requires a permanent establishment. This function can be directly performed by the Ministry as is being done by the Ministry in respect of fencing/road project on Indo-Pak Border.

11. That with regard to the statements made in para 6 (xviii) to 6 (xxvi) the respondents state that the incumbents were appointed on temporary basis with the stipulation that the temporary appointment will not bestow any claims for regular appointment and service rendered on temporary basis will not make the incumbent eligible to any of the benefits from regular appointment of person in the same grade. The appointment was made on purely temporary basis and its continuation was being done on year to year basis by the Ministry of Finance. However, it was informed by this Ministry vide letter No.1/1/95-BF dated 28th November, 2000 that as the Office of the Commissioner (Border), has been created temporarily for supervising the Indo-Bangladesh Border Roads and Fence Construction Project Work, which is scheduled to be completed by March, 2007, it may not be possible to declare the services of 14 Group 'C' & 'D' temporary staff as permanent (Copy enclosed). in O A .

12. That with regard to the statements made in para 6(vii) to 6(ix), the respondents state that since the Office of the Commissioner (Border) was created on temporary basis to co-ordinate and supervise the construction work along the Indo-Bangladesh Border, it cannot be declared as permanent.

13. That with regard to the statements made in para 6 (x) to 6 (xiii), the respondents re-iterate and re-assess the forgoing statements made in the written statements. They could do under the provisions of CCS(TS) Rules, 1965.

14. That with regard to the statements made in para 7 (a) to (e) and 8 the respondents state that the creation and abolition of posts is an executive prerogative. The creation of the establishment of Commissioner (Border) is also a matter involving policy decision of the Govt. of India connecting with some definite objectives. Moreover, the establishment was created against the expenditure to be charged against the project of Border Roads and Fencing along the Bangladesh. Hence the applicants were only work charged employees and therefore, they cannot be brought to regular establishment in the Ministry of Home Affairs. The said project works are also going to be over very soon. The applicants accepted the terms and conditions of their appointment with their knowledge. Hence, they cannot seek any such relief under any provisions of law.

Therefore, the applicants are not entitled to any relief as sought for and the application is liable to be dismissed with cost.

15. That with regard to the statements made in para 1 to V under heading "Grounds", the respondents, state that in view of the facts of the case and the provisions of law, the grounds set up by the applicants are not tenable in law , particularly in the given facts of the case. Hence, the application is liable to be dismissed.


16. That with regard to the statements made in para 9,10 and 11, the respondents state that there is nothing to comments to these statements and the respondent re-asserts the foregoing statements.

In the premises aforesaid, it is, therefore, prayed that your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall also be pleased to dismiss the application with cost.

VERIFICATION

I, Shri Sushil Kumar, at present working as Under Secretary (BM.III), who is taking steps in the case and being competent and duly authorized, do hereby solemnly affirm and state that the statements made in para 1, 2, 4 to 10, 12 to 15 and 16 - are true to my knowledge and belief, those made in para 3 and 11 - being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this Verification on this 24th day of April, 2003
at Guwahati.



DESPONENT

-8-
No.VI.17019/8/84-G&Q/FP.IV
Government of India
Ministry of Home Affairs

New Delhi, the 29th September, 1984

To

Commissioner (Border),
Ministry of Home Affairs,
Gauhati.

Sub: Creation of temporary posts in the Organisation
of Commissioner (Border), Gauhati.

Sir,

I am directed to convey the sanction of the President to the creation of the following temporary posts from the date(s) they are filled in till 28.2.85 in the first instance for the Headquarters of the Organisation of Commissioner (Border), Ministry of Home Affairs, Gauhati:-

<u>Name of the post</u>	<u>No. of posts</u>
1. Dy. Commissioner (Border) (Rs.1500-2000)	1
2. Survey Officer (Rs.1500-2000)	1
3. Section Officer (Rs.650-1200)	1
✓ 4. Stenographer Gr.B (Rs.650-1040)	1
✓ 5. Stenographer Gr.C (Rs.425-800)	2
✓ 6. Assistant (Rs.425-800)	3
✓ 7. Draughtsman (Rs.330-560)	1
✓ 8. U.D.C. (Rs.330-560)	1
✓ 9. L.D.C. (Rs.260-400)	4
10. Drivers (Rs.200-250)	4
11. Peon (Rs.196-232)	1
	4
Total:	19

2. Sanction of the President is also conveyed to the purchase of one jeep and four more Typewriters for the Headquarters of the Organisation of Commissioner (Border).

-9-

: 2 :

3. The jeep and typewriters should be purchased on D.G.S.&D. rate contract in accordance with the prescribed procedure.

4. The expenditure will be met from the sanctioned budget grant of the Organisation of the Commissioner (Border) in Demand No. 53 - Police for the year 1984-85.

5. This issues with the concurrence of the Integrated Finance Division vide their Dy.No. dated

Yours faithfully,

Sd/-

(Smt. Sarojini Dasgupta)

Deputy Secretary to the Government of India

No.VI.17019/8/84-G&Q/FP.IV

DATED: 29th Sept., 1984

Copy to:

1. Principal Accounts Office, M.H.A., New Delhi.
2. Pay & Accounts Office (IB), Shillong.
3. Director of Audit, A.G.C.R., New Delhi.
4. Finance III Branch, M.H.A., New Delhi.

Sd/-

(Smt. Sarojini Dasgupta)

Deputy Secretary to the Government of India

319
has been
taken in
new
file
no. 1616

F.NO.4/2/93-BF

IMMEDIATE

(116)
320
(2)

Government of India
Ministry of Home Affairs

New Delhi, dated 10th March, 1993.

To
C. Borah

The Commissioner (Border),
Ministry of Home Affairs,
Office of Commissioner (Border),
Bhongagarh, Guwahati-ASSAM.

Subject:- Creation of Quality Control Unit for inspection
of Indo-Bangladesh Border roads/fence under
Commissioner (Border).

Handwritten signature/initials

I am directed to refer to Office of Commissioner
(Border)'s letter No.14012/2/(00)90-91 dated 9-2-93 on the
subject noted above and to convey the sanction of the Govt.
for creation of the following posts for the Quality Control
Unit which will monitor the quality of work of the Project
for construction of roads/fence on IBB :-

S.No.	Name of Post	Scale of Pay	Post required
1.	EX. Engineer (QC)	Rs.3000-4500	1
2.	Asstt. Engineer (QC)	Rs.2000-3500	2
3.	Steno Grade 'D'	Rs.1200-2040	1
4.	UDC	Rs.1200-2040	1
5.	LDC	Rs. 950-1500	1
6.	Peon	Rs. 750-940	1

2. The expenditure involved would be debitable to Major
Head "5054" - CC-Capital Outlay on Roads and Bridges CO.1-
Strategic and Border Roads CC.1(1)-Road Works CC.1.(1)(2)-
Construction of Roads on Indo-Bangladesh Border under Grant
No.44 - POLICE for the Ministry of Home Affairs for the
year 1992-93.

3. This issues with the concurrence of Integrated
Finance vide their Dy.No. 340/Fin.III D.I dated 9-3-1993.

Yours faithfully,

(Randhir Singh)
Desk Officer

Dairy No. 4157
Date. 28-3-93
Initial. [Signature]

ANNEXURE 1
117
B
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- 2A -

11

No. 13012/18/84-OB
Govt. of India
Ministry of Home Affairs
Office of the Commissioner (Border)
Guwahati-3

10 APR 1985

Appointment Order

Sri Krishna Kanta Ray, is hereby appointed in the post of L.D.C. in a purely temporary capacity initially for a period of 45 days only in the pay scale of Rs. 260-6-290-EB-6-326-8-366-EB-8-390-10-400/-PM, plus other allowances as admissible as per Central Govt. rules with effect from 30-3-85 (IN) in the office of the Commissioner (Border) Guwahati until further order.

Sd/Dr. J. K. Barthakur
Commissioner (Border)

Memo No. 13012/18/84-OB

Copy to:-

- (1) The accounts Officer, Regional pay & Accounts Office (IB) Govt. of India, Ministry of Home Affairs, Shillong.
- (2) Drawing & disbursing Officer/Bill Asstt.
- (3) Personal file of Sri Krishna Kanta Ray.
- (4) Sri Krishna Kanta Ray, He is directed to produce original certificates at the time of joining.
- (5) Office order file.

(*[Signature]*)
N. K. Nayak

Section Officer
Office of the Commissioner (Border)

12

118
MAY 1985
136

No.13012/18/84-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner(Border)
Bhongagarh, Guwahati-5

ORDER

Services of Shri Krishna Kanta Ray, who was appointed in a purely temporary capacity as L.D.C. in the scale of pay of Rs.260-6-290-EB-6-325-8-366-EB-8-390-10-400/-PM. plus other allowonces as admissible from time to time, under order of even number date 10th April'85, is heraby extended for a further period of 2 (two) months with effect from 15th May'85.

Sd/-(Dr.J.K.Barthakur)
Commissioner(Border)

Memo No.13012/18/84-CB ,

Date.....

Copy to:-

1. The Accounts Officer, Regional pay & Accounts office(IB), Govt. of ~~Mess~~ India Ministry of Home Affairs, Shillong-3
2. Accounts/Bill/Cash
3. Personal file of Shri Krishna Kanta Ray L.D.C.
4. Shri Krishna Kanta Ray, L.D.C. for information.
5. Office order file.

(R.R.Das)

Section Officer

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No.13012/18/84-CB/92
Government of India
Ministry of Home Affairs
Office of the Commissioner(Border)
Bhongagarh, Guwahati-5.

OFFICE ORDER

Shri Krishna Kanta Roy, L.D.C. of this Office who was appointed in a purely temporary capacity in the scale of Rs.260-6-290-EB-6-325-8-366-EB-8-390-10-400/- PM plus other allowances as admissible under the rule, is hereby extended for a further period till 31-08-85 with effect from 15-07-85.


Sd/-(Dr,J.K.Barthakur)
Commissioner(Border)

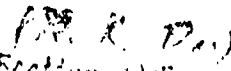
Memo No.13012/18/84-CB/92

dt.

Copy forwarded to:-

1. The Account Officer, Regional pay & Accounts Office(IB) Government of India, Ministry of Home Affairs, Shillong-3.
2. Accounts/Bill/cash section.
- ✓ 3. Personal file of Shri Krishna Kanta Roy, L.D.C.
4. Shri Krishna Kanta Roy, L.D.C.for information.
5. Office order file.


(R.K.Das)
Section Officer


Section Officer
Office of the Commissioner (Border)
Ministry of Home Affairs
Guwahati

120
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No.13012/18/84-CB/12
Government of India
Ministry of Home Affairs
Office of the Commissioner(Border)
Bhonggarh, Guwahati-5.

OFFICE ORDER

The services of Shri Krishna Kanta Roy, L.D.C. of this office who was appointed in a purely temporary capacity in the scale of Rs.260-6-290-EB-6-325-8-366-EB-8-390-10-400/-PM plus other allowances as admissible under the Rule; is hereby extended for a further period till 28-02-86 with effect from 01-09-85.

(Dr.J.K.Barthakur)
Commissioner(Border)

Memo No.13012/18/84-CB/12-A-Dt.24-09-85.

Copy to :-

1. The Accounts Officer, Regional Pay & Accounts Office(IB), Government of India, Ministry of Home Affairs, Shillong-3.
2. Accounts/Bills/Cash Section.
3. Personal file of Shri Krishna Kanta Roy, L.D.C.
4. Shri Krishna Kanta Roy, L.D.C. for information.
- ✓ 5. Office order file.
6. Guard file.

Copy No 1004, 1005, 1006, 1007, 1008, 1009
Date 25.09.85
Initials: [Signature]

o/e

(R.K.Das)
Section Officer.

(R. R. Das)
Section Officer,
Office of the Commissioner (Border)
Ministry of Home Affairs,
GUWAHATI

121

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(S)

No.14011/11(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner(Border)
Bhongagarh, Guwahati-5.

130 MAY 1986

O F F I C E O R D E R

Shri Krishna Kanta Roy, L. D. C. of this office is hereby allowed to officiate against the vacant post of U. D. C. for a period of one year in the pay scale of Rs. 330-10-370-EB-12-500-EB-15-560/-p.m. plus other allowances as admissible as per Central Government Rules with effect from 02-06-86 (F.N.).

scb-
(Dr. J.K. Barthakur)
Commissioner(Border).

Memo No.14011/11(00)86-CB-A

dt.

Copy to forwarded to:-

The Accounts Officer, Regional Pay & Accounts Office(IB), Government of India, Ministry of Home Affairs, Shillong-3.

2. The Drawing and Disbursing Officer.
3. The House keeping Assistant/Bill Assistant/-Cash Assistant.
4. Shri K.K.Roy, L D C. His performance will be reviewed after one year for regularisation of the appointment.
5. Personal file of the person concerned.
6. Office order file.

R.K. Das
(R.K. Das)
Section Officer.

R.K. Das
Section Officer.

16

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No.18010/33(00)86-CB/13
Government of India
Ministry of Home Affairs
Office of the Commissioner(Border)
Bhongagarh, Guwahati-5.

OFFICE ORDER

18 APR 1986

The services of Shri Krishna Kanta Roy, L.D.C. of this office who was appointed in a purely temporary capacity in the scale of Rs.260-6-290-EB-6-325-8-366-EB-8-390-10-400/-p.m. plus other allowances as admissible under the Rules, is hereby extended for a further period till 28-02-87 with effect from 01-03-86.

Sd/-(Dr.J.K.Barthakur)
Commissioner(Border).

Memo No.14010/33(00)86-CB/13-A dt.

Copy to:-

The Accounts Officer, Regional Pay & Accounts Office(IB), Government of India, Ministry of Home Affairs, Shillong-3.

2. Accounts/Bill/Cash Section.
3. Shri Krishna Kanta Roy, L.D.C. for information.
4. Office order file.
5. Guard file.

(R.K. Das)
Section Officer.

(R. R Das)
Section Officer,
Office of the Commissioner (Border)
Ministry of Home Affairs,
Guwahati-5.

o/c

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123 ANNEXURE-3

NO. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

13

DATE

A P P O I N T M E N T O R D E R

Shri Nripen Kakoti is appointed as Peon
a Group D post in a temporary capacity in the pay
scale of Rs. 196-3-208-4-220-EB-4-232 with effect
from 16.10.84 F.N. in the office of the Commissioner
(Border), Gauhati until further orders.

His pay will be fixed in accordance with
the rules.

He will be on probation for a period of
two years.

(Dr. J. K. BarthaKur)
Commissioner (Border)

Copy to :-

1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay &
Accounts Office (ID), M.H.A., Shillong-3.
5. Office order file.
6. Shri Nripen Kakoti.

21/1
(Dr. J. K. BarthaKur)
Commissioner (Border)

24 (124)

ANNEXURE-4

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(A)

No.14011/12(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner(Border)
Bhongagarh, Guwahati-5.

2 JUL 1986

OFFICE ORDER

Shri Nripen Kakati, Peon of this office is hereby allowed to officiate as Lower Division Clerk for a period of one year in the pay scale of Rs.260-6-290-EB-6-325-8-366-EB-8-390-10-400/-p.m. plus other allowances as admissible as per Central Government Rules with effect from 02-06-86 (F.N.).

(Dr.J.K.Barthakur),
Commissioner(Border).

Memo No.14011/12(00)86-CB-A

dt.

Copy forwarded to:-

The Accounts Officer, Regional Pay & Accounts Office(IB), Government of India, Ministry of Home Affairs, Shillong-3.

2. The Drawing and Disbursing Officer.
3. The House keeping Assistant/Bill Assistant/- Cash Assistant.
4. Shri Nripen Kakati, peon.
He must attain the required typing speed of 40 words per minute within four months from the date of his appointment. After one year his performances will be reviewed.
5. Personal file of person concerned.
6. Office order file.

(R.K.Das)
Section Officer.

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ANNEXURE 6
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NO. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

A P P O I N T M E N T O R D E R

Shri Jatin Chandra Das is appointed as Peon a Group D post in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect from 20.1.85 F.N. in the office of the Commissioner (Border), Gauhati until further orders.

His pay will be fixed in accordance with the rules.

He will be on probation for a period of two years.

(Dr. J. K. Barthakur)
Commissioner (Border)

Copy to :-

1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay Accounts Office (IB), M.H.A., Shillong-3.
5. Office order file.
6. Shri Jatin Chandra Das.

21/1
(Dr. J. K. Barthakur)
Commissioner (Border)

126

MM

2 JUN 1986

No14011/12(00)86-CB
 Government of India
 Ministry of Home Affairs
 Office of the Commissioner(Border)
 Bhongagarh, Guwahati-5.

14

O F F I C E O R D E R

Shri Jatin Chandra Das, Peon of this office is hereby allowed to officiate as Lower Division Clerk for a period of one year in the pay scales of Rs.260-6-290-EB-6-325-8-366-EB-8-390-10-400/-p.m. plus other allowances as admissible as per Central Government Rules with effect from 02-66-86 (F.N.).

(Dr.J.K.Barthakur),
 Commissioner(Border).

Memo No.14011/12(00)86-CB-A

dt. *[Signature]*

Copy forwarded to:-

The Accounts Officer, Regional Pay & Accounts Office(IB), Government of India, Ministry of Home Affairs Shillong-3.

2. The drawing and disbursing officer.
3. The House keeping Assistant/Bill Assistant/- Cash Assistant.
4. Shri Jatin Chandra Das, Peon.
 He must attain the required typing speed of 40 words per minute within four months from the date of his appointment. After one year his performances will be reviewed.
5. Personal file of the person concerned.
6. Office order file.

[Signature]
 (R.K.Das)
 Section Officer.

[Signature]
 (R.K.Das)
 Section Officer.

Office of the Commissioner,

Ministry of Home Affairs,

Guwahati

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Annexure-7

No.14029/3(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner (Border)
Bhangagarha: Guwahati-5.

OFFICE ORDER

Dtd. 16-10-2001

Shri Jatin Ch. Das, LDC is hereby promoted to officiate as U.D.C. in the scale of pay of Rs.4000-100-6000/- P.M. plus other allowances as admissible as per the Central Government rules & w.e.f. 16-10-2001 temporarily and until further order.

He will be on probation for two years from the date of his promotion.

On his promotion, he is required to exercise option, if any, in the matter of fixation of pay within one month in terms of G.I.C. No.16 below FR 22(1)(a)(1).

The temporary appointment will not bestow any claim for regular appointment and service rendered on temporary basis in the grade of U.D.C. will not make the incumbent eligible to any of the benefits from regular appointment of person in the same grade.

SD/- Illegible
Deputy Commissioner (Border)

Memo No.14029/3(00)86-CB

Dtd. 16-10-2001

Copy to :-

1. The Sr. Accounts Officer, Regional Pay and Accounts office (IR), Govt. of India, M.H.A., Shillong.
2. The Desk Officer (BF), Ministry of Home Affairs, North Block, New Delhi-110 001.
3. Accounts Section.
4. Shri Jatin Ch. Das.
5. Personal file of Shri J.C. Das.
6. Office copy.

SD/- Illegible
SMA Administrative Officer.

22

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ANNEXURE 8

No. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

A P P O I N T M E N T O R D E R

Shri Munindra Chandra Das is appointed as
Peon a Group D post in a temporary capacity in the
pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect
✓ from 1.10.84 P.N. in the office of the Commissioner
(Border), Gauhati until further orders.

His pay will be fixed in accordance with
the rules.

He will be on probation for a period of
two years.

(Dr. J. K. Barthakur)
Commissioner (Border).

Copy to :-

- ✓ 1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay & Accounts
Office (IN), M.H.A., Shillong-3.
5. Office order file.
6. ✓ Shri Munindra Chandra Das.

(Dr. J. K. Barthakur)
Commissioner (Border).

23

ANNEXURE - 4

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Government of India
Ministry of Home Affairs,
Office of Commissioner (Border)
Guwahati-781005.

.....

- O F F I C E O R D E R

No 13012/11/84-CD/62

Dated Guwahati the 4th March '85

Shri Munindra Chandra Das, the seniormost peon (Group D post) of this office is hereby appointed temporarily in the post of draftsman in the scale of pay of Rs200-2-206-4-234-EB-4-250/PM, plus other allowances as admissible as per Central Govt. rules w.e.f. 1.3.85 (F.N.).

Sd/- (Dr. J. K. Borthakur)
Commissioner (Border).

Memo. No. 13012/11/84-CD/62 A. Dated Guwahati the 4th March '85.

Copy forwarded to :-

1. The Accounts Officer, Regional Pay and Accounts Office, (IB), Ministry of Home Affairs, Shillong-1.
2. The Drawing & Disbursing officer. (Three copies for House keeping/bill/Cash Asstt.).
3. Personnel file of person concerned.
4. Shri Munindra Chandra Das, office peon.

R. K. Das
(R. K. Das)
Section Officer,
Office of the Commissioner (Border)
and for
4/3/85

.....

Recd. by
4-3-85

(130)

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ANNEXURE 102

NO. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

APPOINTMENT ORDER

Shri Basanta Kumar Boro is appointed as Peon a Group D post in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect from 2.1.85 F.N. in the office of the Commissioner (Border), Gauhati until further orders.

His pay will be fixed in accordance with the rules.

He will be on probation for a period of two years.

(Dr. J. K. Barthakur)
Commissioner (Border)

Copy to :-

1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay & Accounts Office (IB), M.H.A., Shillong-3.
5. Office order file.
6. Shri Basanta Kumar Boro.

(Dr. J. K. Barthakur)
Commissioner (Border)

23 - 131
25
ANNEXURE 12
149
1986

No. 14011/13/(00)86-CH.
Dt.

Government of India,
Ministry of Home Affairs,
Office of the Commissioner (Border),
Dhongaguri Guwahati-5.

OFFICE ORDER

Shri Narendra Nath Sarma is hereby appointed as Peon, a Group 'D' post, in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-5B-4-232/-pm. plus other allowances as admissible as per Central Government rates H.E.F. 22-05-86(F.N.) in the office of the Commissioner (Border), Government of India, Guwahati until further orders.

Shri N.N.Sarma has joined in this post on 22-05-86(F.N.)
Shri sarma will draw his next increment on 01-05-87.

Sd/-
(R. Kherlukhi)
Commissioner (Border)

Memo No. 14011/13(00)86-CH. Dt.

- (1) The Accounts officer, Regional pay & Accounts office (IB), Ministry of Home Affairs, Government of India, Laitumkhrab, Shillong-3.
- (2) The D.D.O.
- (3) House Keeping/Bill/Accountants Assst.
- (4) Shri Narendra Nath Sarma,
- (5) Personal file.
- (6) Office order file.

R.K.D./2/7/86
(R.K.D.)

Administrative officer.

26-32 - (132)

ANNEXURE II

NO. 14029/1(00)86-CB/5
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI-

DUPLICATE

Date- 20.5.86

With reference to his application dated 18th August, 1984, Sri Narendra Nath Sharma is offered a temporary post of _____ in the scale of pay of Rs. 196-3-220-EB-3-232/PM plus usual allowances sanctioned by the Government of India. His appointment will be subject to the following terms and conditions.

- i) The appointment is purely temporary and will be governed by the C.C.S. (T.C.) Rules, 1965 and is liable to termination without assigning any reasons under Rule 5 ibid.
- ii) He is liable to be posted/transferred to any place in India or abroad on such terms and conditions as may be decided by the Government of India.
- iii) He will be junior to the juniormost official serving in the grade in the cadre Group "D". In the event of separation of the cadre he will be junior to those of the cadre who are allocated to the office of the Accountant General, Assam.
- iv) He will have to comply with the requirements of the C.C.S. (Conduct) Rules, 1964 and the Plural Marriage Act. All Rules or cadres already in existence or issued from time to time regarding Attendance, duties, discipline, conditions of service etc. will automatically be applicable to him.
- v) If he belongs to a Scheduled Caste and professes the Hindu/Sikh religion, he should report any change of religion to the appointing authority immediately such a change takes place.
- vi) He should give a declaration of his home town for the purpose of L.C.C. within six months from the date of entry in to services.

2. If the offer is accepted by him, he should sign the acceptance of the offer in the form enclosed and report personally to the office of the Commissioner (Border), Assam, Gauhati- immediately but in any case not later than fifteen days from the date of receipt of this offer. This offer is liable to lapse, if he does not join on or before the stipulated date.

Contd...2.

He should bring with him the original matriculation certificate and or other certificates in support of age, educational qualification etc. and other certificate showing domicile. He should also submit the following documents with his letter of acceptance.

- i) Certificate of character with the form enclosed from the Head of the Educational Institution last attended or in case such a certificate cannot be obtained, a certificate in the same form from a gazetted officer (in both cases, duly attested by a District Magistrate, Sub-Divisional Magistrate or Stipendiary First Class Magistrates). The certificate should have reference to the 2 years immediately preceding.
 - ii) Attestation form (enclosed) duly completed in duplicate.
 - iii) A Scheduled Castes/Tribes certificate in the form enclosed from a District Magistrate, Additional District Magistrate, Collector, Deputy Commissioner, Additional Deputy Commissioner, Deputy Collector, First Class Stipendiary Magistrate, City Magistrate, Sub-Divisional Magistrate not below the rank of First Class Stipendiary Magistrate, Taluka Magistrate, Executive Magistrate, Extra Assistant Commissioner, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, Presidency Magistrate, Revenue Officer not below the rank of Tahsildar, Sub-Divisional Officer of the area where he or his family normally resides.
 - iv) A declaration in form enclosed indicating whether he/his husband has more than one wife living.
 - v) No objection certificate from his previous employer and release order from his accepting his resignation from that service.
 - vi) Displaced person certificate from a Gazetted Officer of the Central Govt. or from a District Magistrate and or eligibility certificate issued by the Govt. of India or Citizenship Certificate as a proof of registration as an Indian Citizen.
4. This offer of appointment is further subject to his being found medically fit for Government service by the Civil Surgeon or a District Medical officer of the equivalent status at Guwahati to whom he will be sent after he accepts the offer and report to the office of the Commissioner (Border), Gauhati and taking on oath of allegiance to the Constitution of India.
5. He will not be paid T.A. for joining his appointment.



28-357-

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ANNEXURE-13

No. 13012/24/84-OB
Govt. of India
Ministry of Home Affairs
Office of the Commissioner, (Border),
Dhongagarh, Guwahati-781005.

57
5 MAR 1985

Shri Dongsaidhar Dayan, Assam Home Guard is hereby engaged against a contingency post of Chowkidar in the office of the Commissioner, (Border), Govt. of India, Ministry of Home Affairs, Guwahati at the daily wages basis @ Rs. 12/- (Rupees twelve) only per day with effect from the date of reporting to duties.

Sd/-Dr. J.K. Barthalpur,
Commissioner, (Border).

Memo. No. 13012/24/84-OB

Dated, Guwahati, the 5-3-85.

Copy forwarded to :-

- 1). The Accounts Officer, Regional Pay and Accounts Office (ID), Ministry of Home Affairs, Shillong-793003.
- 2). The Drawing & Disbursing Officer,
(Three copies for House Keeping/Bills/Cash Asstt.)
- 3). The D.S.P., Police Reserve, (Home Guard), Govt. of Assam Guwahati-1, with a request to release the above named personnel immediately to enable him to join in this office.
His substitute may be posted early.
- 4). Personnel file of the person concerned.
- 5). Shri Dongsaidhar Dayan, A.M.G.

(R.K. Das)
Section Officer,
Office of the Commissioner,
(Border), Guwahati-5.

2/3

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- 285 -

(135)

153

(26)

Annexure-14

No. 14011/13(00)86-CN.

Government of India,
Ministry of Home Affairs,
Office of the Commissioner (Border)
Bhangagarh, Guwahati-5.

2 JUL 1986

OFFICE ORDER

Shri Bangahidhar Bayan is hereby appointed as peon, a Group 'D' post in a temporary capacity in the pay scale of Rs. 196-3-208-⁴⁻220-ES-4-232/- p.m. plus other allowances as admissible as per Central Government rates W.E.F. 02-06-86 (F.N.) in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders.

Shri Bangahidhar Bayan has joined in this post on 02-06-86 (F.N.).

Shri Bayan will draw his next increment on 01-06-87.

Sd/- R. Kherlukhi,
Commissioner (Border)

Memo No. 14011/13(00)86-CN.

dt.

1. Accounts officer, Regional pay & Accounts Office (IB), Government of India, Ministry of Home Affairs, Lait....., Shillong-3.
2. The D.D.O.
3. House Keeping/Bill/Accounts Asstts.
4. Shri Bangahidhar Bayan,
5. Personal file.
6. Office order file.

Sd/- Illegible
Administrative Officer.

No. 14011/13(00)86-CB
 Government of India,
 Ministry of Home Affairs,
 Office of the Commissioner (Border),
 Bhongagarh, Guwahati-3.

OFFICE ORDER

27 APR 1987

Shri Rus Ram Murari, Assam Home Guard Personnel is hereby appointed as peon, Group 'D' post in a purely temporary basis for a period of 6 (six) months in the scale of pay of Rs. 750-8-790-EB-10-940/- P.m. plus other allowances as admissible under the central Government rules with effect from the date of joining in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders.

Sd/-
 (Major N. Dhal)
 Director (Survey)
 for Commissioner (Border)

Memo No. 14011/13(00)86-CB

Copy forwarded to:-

dt.

1. The Accounts Officer, Regional Pay & Accounts office (IB), Government of India, Ministry of Home Affairs, Shillong-3.
2. The D. D. O. for information.
3. The Accounts/Bill/House keeping Assistant.
4. Shri Rus Ram Murari, Assam Home Guard, 16100 Reserve, city, Guwahati-781001.
5. The Reserve Inspector, Guwahati City, for information and necessary action. He is requested to release Shri Rus Ram Murari, Home Guard immediately.
6. Office order file.

(Major N. Dhal)
 Director (Survey)
 for Commissioner (Border)

(137)

ANNEXURE - 16

31

No. 14011/13(00)86-CB
Government of India,
Ministry of Home Affairs,
Office of the Commissioner(Border),
Dhongagarh, Guwahati - 5.

26 MAY 1987

Date:-

In continuation of temporary appointment vide No. 14011/13/ (00)86-CB dt. 27-4-87 Shri Pun Ram Murari peon is hereby allowed to continue in temporary post of peon in the scale of pay of Rs. 750-8-79 OEB-10-940/- p.m. plus usual allowances sanctioned by the Government of India. His appointment will be subject to the following terms and conditions.

- (i) The appointment is purely temporary and will be governed by the C.C.S. (T.C.) Rules, 1965 and is liable to termination without assigning reasons under rules 5 ibid.
- (ii) He is liable to be posted/transferred to any place in India or abroad on such terms and conditions as may be decided by the Government of India.
- (iii) He will be junior to the juniormost official serving in the grade in the cadre of peon. In the event of separation of the cadre he will be junior to those of the cadre who are allocated to the office of the Accountant General, Assam.
- (iv) He will have to comply with the requirements of the CC.S. (Conduct) Rules, 1964 and the plural Marriage Act. All Rules or cadres already in existence or issued from time to time regarding Attendance, duties, discipline conditions of service etc. will automatically be applicable to him.
- (v) He should give a declaration of his town for the purpose of L.T.C. within six months from the date of entry in to services.

2. He should bring with his the original matriculation ~~and~~ Certificate/School Certificate and or other certificates in support of age, educational qualification etc. and other certificate showing domicile. He should also submit the following documents with his letter of acceptance.

- (i) Certificate of character with the form enclosed from the Head of the Educational Institution last attended or in case such a certificate cannot be obtained, a certificate in the same form a gazetted officer (in both cases, duly attested by a District Magistrate), Sub-Divisional Magistrate or Stipendiary First class Magistrates). The certificate should have reference to the 2 years immediately preceding.
- (ii) Attestation form (enclosed) duly completed in duplicate.

(N) Dhal

(Naj. N. Dhal),
Director (Survey),
Office of the Commissioner (Border).

26/5/87

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Enclo:-

1. Candidates statement and declaration form (in duplicate).
2. Attestation form (in duplicate).
3. Form of Identity certificate (in duplicate).
4. Form of Character certificate - do -
5. Form of Medical certificate - do -
6. Form of declaration - do -

33
33 - (139)

No.14011/33/(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner(Border),
Bhongagarh, Guwahati-5.

70

APPOINTMENT ORDER

Shri Sankar Basfor, a contingency staff of this office is hereby appointment as Safaiwala, a Group 'D' post, on a purely temporary basis in the month of March 1987 at Rs. 190-3-2000 + 220-EB-232/-p.m. plus other allowances as admissible as per Central Government rules with effect from the date of his joining in the office of the Commissioner(Border), Government of India, Ministry of Home Affairs, Guwahati until further orders. Shri Basfor has joined in the post on 23-10-86(F.N.)

Shri Sankar Basfor, will draw his next increment on 01-10-87 as per rule.

R.K. Bora
27.10.86
-(R.Kharlukhi)
Commissioner(Border).

Memo No.14011/33/(00)86-CB
Copy to:-

dt.

1. The Accounts Officer, Regional Pay & Accounts Office (IB), Ministry of Home Affairs, Shillong-3.
2. The Drawing & Disbursing Officer.
3. House keeping/Bill/Accounts Branch.
4. Shri Sankar Basfor.
5. Personnel file.
6. Office order file.

R.K. Bora
(R.K. Bora)
Administrative Officer.
G. U. H. A. I.

K.K.R.

17.8.83
29-10-86

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ANNEXURE - 18

158 (16)

No.14029/1(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner (Border)
Bhongagarh, Guwahati-5.

NOV 1986

A P P O I N T M E N T O R D E R

Shri Nayan Singh, Assam Home Guard personnel is hereby appointed as Chowkidar Group 'D' Post in a purely temporary basis for a period of 6(six) months in the scale of pay Rs.750-8-790-EB-10-940/-p.m. plus other allowances, as admissible under the Central Government Rules with effect from the date of joining in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders.

His pay will be fixed in accordance with the Rules.

Sd/-
(Major N. Dhal)
Survey Officer.
For Commissioner (Border)

Memo No.14029/1(00)86-CB dt.

Copy to:-

1. The Accounts Officer, Regional Pay & Accounts Office (IB), Government of India, Ministry of Home Affairs, Shillong-3.
2. The Drawing and Disbursing Officer for information.
3. Accounts/House Keeping/Bill Assistant.
4. Shri Nayan Singh.
5. The Reserve Inspector, Guwahati City, Guwahati for information and necessary action please.
6. Spare copy.

(M. Bordoloi)
Section Officer.

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No. 14022/3(90)86-C1
Government of India
Ministry of Home Affairs
Office of the Commissioner (Border)
Bhanujagarh : Suwahati-5.

OFFICE ORDER :

Dtd. 16-10-2001

Shri Nayan Babu Singh, Chowkidar is hereby promoted to officiate as L.D.C. in the Scale of Pay of Rs. 3050-75-3950-80-4590/- P.M. plus other allowances as admissible as per Central Government Rules w.e.f. 16-10-2001 temporarily and until further order.

He will be on probation for two years from the date of his promotion.

On his promotion, he is required to exercise option, if any, in the matter of fixation of Pay within one month in terms of G.I.D No.16 below FR 22(1)(a)(1).

The temporary appointment will not bestow any claim for regular appointment and service rendered on temporary basis in the grade of L.D.C. will not make the incumbent eligible to any of the benefits from regular appointment of person in the same grade.

Deputy Commissioner (Border).

Dtd. 16-10-2001

Memo No. 14022/3(90)86-C1

Copy to:-

1. The Sr. Accounts Officer, Regional Pay and Accounts office (IB), Govt. of India, H.H.A., Shillong.
2. The Desk officer (BF), Ministry of Home Affairs, North Block, New Delhi-1.
3. Accounts Section.
4. Shri Nayan Babu Singh.
5. Personal file of Shri N.B. Singh.
6. Office copy.

16/10/2001
Administrative Officer.

No. 13012/30/85-CB/

Dated Guwahati, the 5-3-85.

OFFICE ORDER

Shri Ramesh Chandra Daimari, is hereby appointed temporarily and purely on adhoc basis as a Driver in the scale of pay of Rs. 260--6--290--EB--6--326--8--366--EB--8--390--10--400/- P.M. plus other allowances as admissible as per Central rules for a period of 45 days w.e.f. 1-3-85 to 14-4-85 or till the post is filled up on recommendation of the selection Board whichever is earlier.

The ad-hoc appointment will not bestow any claim for regular appointment and the services rendered on adhoc basis in the grade of driver will not make the incumbent eligible to any of the benefits that results from regular appointment of a person in the same grade.

Sd/- Dr. J.K. Barthakur,
Commissioner, (Border).

Memo.No. 13012/30/85-CB/5

Dated Guwahati, the 5-3-85.

Copy forwarded to:-

- 1). The Accounts Officer, Regional Pay And Accounts Office, Ministry of Home Affairs, Shillong-793003.
- 2). The Drawing & Disbursing Officer, (Three copies, for House Keeping/Dills/Cash Asstt.).
- 3). Shri Ramesh Chandra Daimari.

(R.K. Das),
Section Officer,
Office of the Commissioner, (Border)
Guwahati-781005.
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ANNEXURE-2

161 (4)

No.14011/12/(00)90-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER(BORDER)
BIONGAGARH, GUWAHATI-5.

OFFICE ORDER

In continuation of this office order No.14011/12/(00)-90-CB dated 21-03-2001, the term of temporary appointment in respect of the following employees in the office of the Commissioner(Border)M.H.A. Guwahati is hereby extended for a further period and continue upto 31-03-2007,

1. Shri Krishna Kanta Roy, U.D.C.
2. Shri Jatin Chandra Das, L.D.C.
3. Shri Nripen Kakati, L.D.C.
4. Shri Ramesh Chandra Sarma, L.D.C.

The extension of purely temporary appointment will not bestow any claim for regular appointment and service rendered on temporary basis in the grade of U.D.C./L.D.C. will not make incumbent eligible to any of the benefits from regular appointment of person in the same grade.

M. N. T.
Commissioner(Border) (Border)
Govt of India
Ministry of Home Affairs
Guwahati-181101

Dt: 23.8.2006

Memo No.14011/12/(00)90-CB.

Copy to:-

1. The Senior Accounts Officer, Regional pay and Accounts Office(IB), Govt. of India, M.H.A. Shillong.
2. Accounts section.
3. Person concerned/Personal file.
4. Desk Officer(BF) M.H.A. North Block, New-Delhi-110001.
5. Office copy.

M. N. T.
23/8/2006
Administrative Officer.
Administrative Officer
Office of the Commissioner (Border) M.H.A.
Guwahati-5.

162 38

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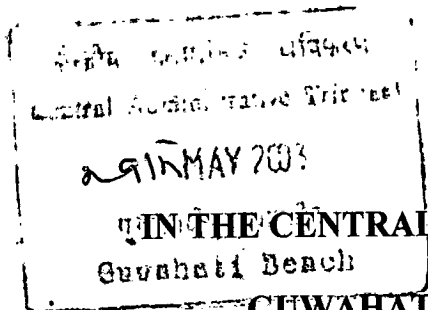
ANNEXURE-I

PARTICULARS OF TEMPORARY STAFF OF THE OFFICE OF THE COMMISSIONER (BORDER), MINISTRY OF HOME AFFAIRS, BHANGAGARH, GUWAHATI-5.

Sl. No.	Name & Designation	Date of birth as per service book.	Qualification academic/ Technical.	Date from which in continuous Govt. Service.	Date from which working in present grade.	Whether recruited through Employment Exch./SSC.	Caste
1	2	3	4	5	6	7	8
1.	Shri K.K.Roy, UDC.	11-12-59.	Matriculate with typing work both English and Hindi.	30.03.85 as L.D.C.	02.06.86 as U.D.C.	Employment Exchange/DPC.	General
2.	Shri J.C.Das, UDC.	21-10-58.	Matriculate with typing work in(English).	20-01-85 as Peon.	02-06-86 as LDC., UDC. wef. 16.10.2001.	Employment Exchange/DPC.	S/C
3.	Shri N.Kakoti, LDC.	01-02-65.	Matriculate with typing work in (English).	16-10-84 as Peon.	02-06-86 as L.D.C.	-do-	General.
4.	Shri N.B.Singh, LDC.	15-03-63.	Initially upto IX and subsequently P.U. passed, read B.A.	24-11-86 as Chowkidar.	L.D.C. with effect from 16.10.-2001.	Ex-Home Guard.	O.B.C.
5.	Shri R.C.Daimary, Driver.	01-06-66.	Read upto Class-IX.	01-03-85.	01-03-85.	Employment Exchange.	S/T
6.	Shri M.C.Das, Daftry.	28-02-56.	Read upto Class-VIII.	01-10-84 as Peom.	01-03-85 as Daftry.	-do-	General.
7.	Shri B.K.Boro, Peon.	01-01-62.	Read upto Class-VIII.	02-01-85.	02-01-85.	-do-	S/T
8.	Shri N.N.Sarma, Peon.	01-09-59.	Read upto Class-X.	22-05-86.	22-05-86.	-do-	General.
9.	Shri B.Bayan, Peon.	24-10-59.	Read upto Class-V.	02-06-86.	02-08-86.	Ex-Home Guard.	General.
10.	Shri P.R.Murari, Peon.	30-03-65.	Read upto Class-VIII.	28-04-87.	28-04-87.	-do-	General.
11.	Shri S.Basfor, Safai-wala.	01-01-63.	Not indicated.	23-10-86.	23-10-86.	Through daily wages.	S/c

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P.P. Choudhury
(P.P.Choudhury.)
Section Officer(Desk).



GUWAHATI BENCH AT GUWAHATI

O.A.NO. 298/2002

Shri Krishna Kanta Roy & OthersApplicants

VS.

Union of India & OthersRespondents

(A rejoinder filed by the applicants against the written statement of the respondents Nos. 1,2,3 and 4)

The re-joinder of the applicants is as follows:

1. That a copy of the written statement filed by the respondents has been served on the applicants. The applicants have gone through the same and understood the contents thereof.
2. That save and except whatever have been specifically admitted in this re-joinder, the other statements made in the written statement filed by the respondents have been deemed to be denied by the applicants.
3. That with regard to the statements made in paragraph 3 of the written statement, such as - that the office is a temporary one and as such all the posts are manned by deputationists from other

Filed by: Bishnu Baruah
Through: Bishnu Baruah
Advocate
29/5/02

Shri Krishna Kanta Roy

offices except for 15 Nos. of Group 'C' and Group 'D' who were directly recruited on purely temporary basis at the time of setting up of the office through employment office, Guwahati, are not fully true and as such the applicants denied them to the extent of the incorrect part of it. The applicants with a view to giving a correct position of the matter beg to reiterate and re-affirm the statements made in para 6 of the application.

It is also pertinent to mention that the Central Civil Services (Temporary Services) Rules, 1965 does not apply in the instant case.

4. That with regard to the statements made in para 4 to the written statement, the applicants beg to strongly deny those statements and reiterate and re-affirm the statements made by the applicants in the instant original application.
5. That with regard to the statements made in para 5 of the written statement, that makes a reference to paras 4,5,6(i) and 6(ii) of the application, the applicants beg to states that those are based on statutory provisions.
6. That with regard to the statements made in para 6 of the written statement, the applicants beg to deny them and reiterating and re-affirming the statements made in para 6(iii) of the application. The

Shri Krishna Kauli Ray

applicants further beg to state that the works relate to the Indo-Bangladesh border road and fence construction and also its maintenance which is a continuous process. As such the Government of India, with a view to depriving the applicant from their bonafide claim, have been taking resort to year to year extension method. The malafide intention of the respondents is quite clear from the above.

7. That with regard to the statements made in para 7 of the written statement, which makes a reference to para 6(iv) of the application, the applicants beg to state that those are based on official records.
8. That with regard to the statements made in para 8 of the written statement, the applicants beg to deny them and reiterate and re-affirm the statements made in para 6(v) of the application.
9. That with regard to the statements made in para 9 of the written statement, the applicants beg to deny them and further reiterate and re-affirm the statements made in para 6(vi) and 6(xvi) of the application. Further, the applicants beg to submit that the doctrine of legitimate expectancy will squarely be applicable in the instant case and the respondents can not avoid their responsibility by merely saying that the entire arrangement is temporary and as such the services of the applicants may be terminated at any time. It may

Shri Krishna Kaula Aery

be mentioned that the applicants have already contributed their valuable part of the life in rendering sincere service with the hope of regularization and the security of livelihood.

10. That with regard to the statements made in para 10 of the written statement, the applicants beg to deny them and reiterate and re-affirm the statements made in para 6(xvii) of the application. The applicant further beg to submit that the Indo-Bangladesh border road and fencing construction works is carried out in compliance to the provisions of the historic Assam Accord of 1985. Therefore, it can not be equated with the fencing/road project on Indo-Pak border. Moreover, the work is of permanent nature for which the respondents have to extend the period time and again. The tripartite talks between the Govt. of India, the state of Assam and the All Assam Students Union have been continually held pertaining to the road and fencing construction of Indo-Bangla Border with the view to checking the threat to the security of the country.
11. That with regard to the statements made in para 11 of the written statement, the applicants deny them and reiterate and re-affirm the statements made in paras 6(xviii) to 6(xxvi) of the application. The applicants further beg to state that if at all, for any reason the

Shri Krishna Kaula Ray

respondents decide to close down the office of the Commissioner (Border), they can not evade the responsibility of regularizing the services of the applicants in some other establishments with all consequential benefits, which is normally done in number of cases.

12. That with regard to the statements made in paras 12 and 13 of the written statement, the applicants beg to deny them and reiterate and re-affirm the statements made in paras 6(vii) to 6(xiii) of the application. The applicants further beg to reiterate and re-affirm the statements made in para 6(xxi) of the application. The applicants beg to state that the CCS(TS) Rules 1965 does not apply in the instant case.
13. That with regard to the statements made in para 14 of the written statement, the applicants categorically deny them and beg to reiterate and re-affirm the statements made in paras 7(a) to (e) and 8 of the application. The applicants further beg to state that they are not work charged employees as alleged by the respondents. After rendering 16 to 18 years of continuous service, with consequential benefits including the promotional benefits provided by the respondents, the applicants can not be termed as work charged employees. In this regard the applicants beg to reiterate the statements made in para 6(xxi) of the application, whereby it is

Shri Krishna Kaula Ray

clear that 6 Nos. of directly recruited Grade 'D' staff were declared surplus and their names were forwarded to the surplus cell of the Ministry of Labour, Government of India and accordingly they were employed in the C.P.W.D. and presently they are serving in Guwahati. As such the applicants have far better claim than to those 6 Nos. of Grade 'D' staff, who were originally recruited directly in the quality control cell under the office of the Commissioner(Border)

Shri Krishna Kaula Ray

The applicants are entitled to all the reliefs sought for in the application and the demand of the respondents that the application be dismissed with court has no legal basis.

14. That with regard to the statements made in para 15 of the written statement, the applicants deny them and beg to submit that the "Grounds" in para I to V of the application are good grounds and are based on facts and law and the demand of the respondents that the application is liable to be dismissed, is illegal.
15. That with regard to the statements made in para 16 of the written statement, the applicants beg to submit that the prayers made to the Hon'ble Tribunal in paras 9,10,and 11 for granting appropriate remedy as the Hon'ble Tribunal may deem fit and proper on the

above facts and circumstances of the matter, are genuinely made by the applicants to the Hon'ble Tribunal.

It is therefore, prayed that your Lordship would graciously be pleased to hear the parties and after perusing the records, further be pleased to allow the instant application, granting the due reliefs to the applicants.

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

VERIFICATION

I Shri Krishna Kanta Roy, son of late Priya Nath Roy aged about 41 years, resident of Panjabari, P.O. Panjabari in the district of Kamrup, Assam, do hereby verify that the statements made in paragraphs 1, 2, 4, 5 & 6... are true to my knowledge and those made in paragraphs 3, 7, 8, 9, 10, 11, 12, 13 are true to my information derived from records and the rest are my humble submission before this Hon'ble Tribunal and I signed this verification on this... 29th... Day of May, 2003 at Guwahati.

Shri Krishna Kanta Roy

(Signature)