

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 1131/2002

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SECTION OFFICER (Judl.)

CENTRAL

FORM NO. 4
(See Rule 42)

ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Orginal No. 113/2002

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s)

Respondent(s)

C. S. Chatterjee

U.O. T. Gony

Advocate for Applicant(s) B.K. Sharma, S. Sarma, U.K. Deka

D.K. Goswami, Mrs. U. Deka

Advocate for Respondent(s) Addl. C. A. A. K. Chudhury

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

18.4.02

Heard Mr. S. Sarma, learned counsel for the applicant.

The application is admitted. Call for the records.

List on 22.5.2002 for orders.

6/8/02

Vice-Chairman

Not later than Petition for
Credit Notice. 2.5.02

11/5/02

Three weeks time is allowed to the respondents to take necessary steps.

List on 7.5.02 for orders.

Not yet later.
Tell today. 16/5/02

Member

Vice-Chairman

lm

Two copy short record
today 10/5/02

(3)

Excess money for the 2001-
deposited vide RINo.757
dd. 7/5/02. Bills & Envelopes
were received. Notice
prepared and sent to
D/S. for issuing the respon-
dent No. 1 to 43 by Regd. Ad.

7.5.02 Steps were already taken by the
applicant. Office to proceed accordingly.

List the matter for orders on
22/5/2002.

I.C.Usha

Member

Vice-Chairman

DINo. # 1411151442

mb

Dtd. 14/5/02.

22.5.02 Put up again on 19.6.2002 for orders

① Service report are
still awaited.

22/5/02

mb

19.6.02 Service of notice is complete, save
and except the respondent Nos. 11, 17, 23, 38
and 43. The notice on respondent No. 11
is returned unserved and it was reported
that the said respondent had gone for an
voluntary retirement. Similarly, the noti-
ces on respondent Nos. 11, 17, 23, 38 and 43
are returned unserved due to incomplete
addresses. Accordingly, Mr. S. Sarma, is
learned counsel for the applicant is gran-
ted three weeks time to obtain necessary
instructions and to take further steps
on the respondents. On the prayer of Mr.
A. Deb Roy, learned Sr. C.G.S.C. for the
respondents further four weeks time is
allowed to the official respondents to
file written statement.

Vice-Chairman

① Service completed
on T. No. 28

29/5/02

Respondent No 11.
Notice delivered due
to Shri Damodar Prakash
TAS has retired from the
service voluntarily.

31/5/02

Notice returned to 1/0
respondent No. 17, 23, 38
& 43 due to incomplete
address.

4/6/02

① Service completed on
A.W.B. by letter No.
688.

mb

I.C.Usha

Member

Vice-Chairman

30
18/6/02

18/6/02

O.A.No.113/2002

Notes of the Registry

Date

Order of the Tribunal

4.7.2002
Agartala

Heard Mr S. Sarma, learned counsel for the applicant and Mr B.P. Kataki, learned Government Advocate, Tripura assisted by Mr P.K. Paul. Mr Kataki prays for four weeks time to file written statement on behalf of respondents No.3. Mr S. Sarma, on the other hand, prays for passing over the matter to enable him to obtain some instructions ~~as~~ as regards notices on respondents No.17, 23, 28, and 38, and 43.

Let the matter be passed over for the day.

The prayer of Mr Kataki for granting time shall be taken into consideration tomorrow.

K. C. Shaha

Member

Vice-Chairman

nkm

5.7.2002

The applicant is allowed three weeks time for taking steps for service of notice on respondents 11, 17, 23, 28, 38 and 43. The other respondents, namely Union of India, UPSC and State of Tripura and State of Manipur may file written statement within ~~six~~ two weeks. List again on 9.8.02 for further orders.

K. C. Shaha

Member

Vice-Chairman

nkm

No. written statement
has been filed.

23.7.02

<u>Notes of the Registry</u>	<u>Date</u>	<u>Order of the Tribunal</u>

(47)

Notes of the Registry

O.A. 113/2002

Date

Order of the Tribunal

24.7.2002

No steps taken so far. The applicant is allowed to complete the steps on or before 26.7.2002.

List on 26.7.2002 for order.

No steps taken by
The Counsel of the
Applicant

Vice-Chairman

bb.

26.7.02

Mr. U.K. Mair, learned counsel appearing on behalf of the Applicant has stated that as per order dated 24.7.2002 he is to take steps in course of the day.

List on 30.7.2002 for further orders.

Steps taken on
26.7.02

K. K. Sharma

Member

Vice-Chairman

R.D.

30.7.2002

It has been stated steps were taken by the applicant. Mr. S. Sarma, learned counsel for the applicant prayed for deletion of the name of the respondent No. 11, who has retired from service as well as the name of respondent No. 43, who has since expired. The learned counsel for the applicant also submitted that the notices on respondent Nos. 17, 23, 28 and 38 be served through the respondent No. 3, the State of Tripura.

Prayer is accepted. The applicant may take necessary steps accordingly. List the case again for order on 22.8.2002.

Notice prepared
and sent to D. Section
for issuing of the
same to the Respondent
No-17, 23, 28 and
38 through respondent
No-3.

Vide D.No.

Dtd -

6.8.02

K. K. Sharma

Member

Vice-Chairman

bb

(5)

O.A. 113/2002

Notes of the Registry	Date	Order of the Tribunal
	22.8.02	Respondents are yet to file written statement though time granted earlier. List the matter for hearing on 11.9.2002. The Respondents may file written statement within three weeks from today. The applicant may also exchange rejoinder, if any. <i>Abdul</i> 22/8/02 Member
	22.8.02	Put up on 11.9.2002 for further orders. <i>I.C.Usha</i> Member
	11.9.02	Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the Respondents stated that Respondent Nos. 1 and 2 are not filing written statement and it will watch the proceedings. Prayer has been made on behalf of Mr. M.R. Pathak, learned counsel for the Respondent No.3 for some time for filing written statement. Prayer is allowed. The other respondents may file written statement within four weeks from today. List on 9.10.2002 for orders. <i>Vice-Chairman</i>
Wb. written statement has been filed. <i>8/10/02</i>	9.10.02	The respondent No3 is yet to file written statement. Further four weeks time is allowed to the said respondent for filing written statement on the prayer made on behalf of the State of Tripura. List on 20.11.02 for orders. <i>I.C.Usha</i> Member
Wb. written statement has been filed. <i>18.11.02</i>		<i>Vice-Chairman</i>

Note of the Registry

Date

Order of the Tribunal

20.11.02 Heard Ms. U.Das, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents. Put up the matter on 26.11.02 in presence of the counsel for the State of Tripura for orders.

U. Khan
Member

Vice-Chairman

26.11.02

Heard Mr. S.Sarma, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondent Nos. 1 and 2 and Mr. M.R. Pathak, learned counsel for the respondent No.3. The respondent No.3 has submitted the written statement. Services on the ~~to~~ other respondents through registered post is accepted. The respondents may file written statement, if any within four weeks from today. Put up the matter thereafter for fixing the date of hearing.

List on 3.1.2003 for further orders.

mb

Vice-Chairman

28.11.02

*V.S. Aggarwal
in Rep. No. 3*

3.1.2003

Due to vacation, the case is adjourned to 6.1.2003.

*MO
A2*

6.1.03

Present : The Hon'ble Mr Justice V.S. Aggarwal, Chairman.

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

On 30.7.2002 this Tribunal had directed ~~the~~ for service of notices on respondents 17, 23, 28 and 38 be affected through respondent No.3. There is no report as to whether the services has been affected. Learned counsel for the respondent No.3, ~~should~~ intimated as to whether the said direction had been

Note of the Registry	Date	Order of the Bench
	6.1.03	complied with or not. Meanwhile the applicant may file registered cover for service on the above respondents. List on 11.2.03 for order.
① As per Court's order dtd. 6/1/03 the applicant may not file Regd. Cover for services of notices.	pg 11.2.2003	KIC Shadur Member M Ag xx-Chairman
② Order dtd. 11/2/03 communicated to the parties concerned. 11/2/03.		Office note did not indicate as to whether the applicant took the necessary steps as ordered by this Bench on 6.1.2003. The applicant is ordered to take necessary steps within two days from today. Put up the matter again on 13.2.03 for orders. Office to act accordingly.
Steps taken. Notice served in bfo respondent No. 17, 23, 28 and 38. and sent to D/S for issuing H.O. same by registered. 18/2/03 DINo 25515253 dtd 19/2/03.	mb 13.2.2003	Vice-Chairman It has been stated by Sri S. Sarma, learned counsel for the applicant that the applicant has already taken the necessary steps. Office to act accordingly. Put up the matter again on 11.3.2003 for further orders.
Respondent No 23 notice delivered on 28/2/03 as a mark of "Crossed" by the postman. In C file. 28/2/03	xx-xx-xx-xx 11.3.2003	Vice-Chairman Ruk xix Put up the matter on 25.3.2003. In the meantime, Office to clarify as to the service.
Service incomplete in bfo respondent No. 17, 28 & 38. and in bfo respondent No. 23. notices delivered as a mark of a Crossed & EOL by the postman. 24/3/03	bb	Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

25.3.2003

Perused the office note. It

seems that the service is incomplete on respondent Nos. 17, 23, 28 and 38. The applicant may take fresh steps on the said respondent through respondent No. 3. The respondent No. 3 is requested to cause service on notices on the said respondents from ~~xxx~~ his end to complete service. The applicant may take necessary steps within one weeks from today.

List again on 30.4.2003

for orders.

S. S. Member

Vice-Chairman

mb

30.4.2003

Put up again on 21.5.2003 for orders in presence of Mr. M.R. Pathak, learned counsel for the State of Tripura. Office to show the name of Mr. M.R. Pathak, as counsel for the respondent.

Vice-Chairman

mb

Respondent filed on behalf of the applicant.

30
17.6.03.

Notes of the Registry

Date

Tribunal

Rejoinder filed on
behalf of the applicant.

30
17.6.03

21.5.2003 Present : The Hon'ble Mr. Justice
D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra,
Member (A)

Heard Mr. S.Sarma, learned
counsel for the applicant and also
seen the Office note. The notices
were sent the respondents through
the Chief Secretary, Govt. of Tripura.
However, the same were returned on
16.4.2003 with endorsement. The case
may now be listed for hearing on
18.6.2003. Office to proceed accordingly.

The respondent No.3 has already
submitted written statement. The
U.O.I. is not filing written statement.

Member

Vice-Chairman

mb

18.6.2003 Present : The Hon'ble Mr. Justice D.
N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. R.K. Upadhyaya
Member (A).

It has been stated by Mr. M.R.
Pathak, learned counsel for the State
of Tripura that he has received rejoinder
today and wants to go through the
same. Prayer is allowed.

List again on 17.7.2003 for
hearing.

Member

Vice-Chairman

mb

Notes of the Registry

Date

Orders of the Tribunal

12.8.2003

17.7.2003

Copy of the Judgment
has been sent to the
D.P.C.C. for issuing the
same to the applicant
as well as to the
Add. C.G.S.C.

sent

Recd. copy
of judgment
for Chairman
12/8/03

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

Y
Member

nkm

Vice-Chairman

✓
Notes of the Registry

Date

Orders of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / XXXX No. 113 of 2002

17.7.2003
DATE OF DECISION

Shri Chandra Sekhar Chattopadhyay

APPLICANT(S).

Mr B.K. Sharma, Mr S. Sarma, Mr U.K. Nair,

Mr U.K. Goswami and Ms U. Das

ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

The Union of India and others

RESPONDENT(S).

Mr A.K. Chaudhuri, 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 Ho'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.113 of 2002

Date of decision: This the 17th day of July 2003

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

The Hon'ble Mr N.D. Dayal, Administrative Member

Shri Chandra Sekhar Chattopadhyay
Commissioner-cum-Secretary
Government of Tripura,
Agartala.

.....Applicant

By Advocates Mr B.K. Sharma, Mr S. Sarma,
Mr U.K. Nair, Mr U.K. Goswami and
Ms U. Das.

- versus -

The Union of India and 44 othersRespondents
By Advocate Mr A.K. Chaudhuri, Addl. C.G.S.C.

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The controversy relates to the legitimacy of the action of the respondents in the matter of appointment of the applicant to the Indian Administrative Service in the following circumstances:

The applicant originally belonged to the Tripura Civil Service. In the year 1990 the applicant was appointed alongwith two other members of the State Civil Service of Tripura to the Indian Administrative Service (IAS for short) in accordance with the provisions contained in Sub-rule (1) of Rule 8 of the IAS (Recruitment) Rules, 1954 read with Sub-regulation (1) of Regulation 9 of the IAS (Appointment by Promotion) Regulations, 1955, vide Notification dated 11.5.1990. The applicant was allotted 1985 as the year of allotment.

According to the applicant he ought to have been appointed to the IAS in the year 1984 in accordance with his seniority. According to the applicant even persons junior to him in the Tripura Civil Service (TCS for short) were promoted to the IAS for non-finalisation of his seniority in the TCS in the right time. In the application the applicant mentioned the name of those persons who superseded him and they were impleaded as party respondent.

2. From the pleadings it appears that the applicant joined in the TCS on 24.7.1973 pursuant to the notice inviting applications of the UPSC for a combined competitive examination for recruitment to different services including the service of TCS. The applicant applied for a post in TCS. The applicant accordingly appeared in the examination in 1969 and he was selected and recommended by the UPSC for appointment in the TCS Grade-II. The appointment did not come in time and no posting was offered. He left for Ghana, West Africa for higher studies under Common Wealth Scholarship and Fellowship Plan on nomination by the Government of India. During his study in Ghana he received a letter from the Government of Tripura dated 9.11.1971 offering him the post of TCS Grade II. The applicant sought for sometime and accordingly he was given extension of time of joining. Thereafter the applicant joined as TCS Grade II on 24.7.1973. The applicant also pleaded that other than Shri Om Prakash and Shri R.D. Bhusan, the two Emergency Commissioned/Short Service Commissioned Officers, there was no other member in the TCS save and except the applicant and one Shri Lalvohliana joined TCS in 1973. The Tripura Civil Service at the relevant time was manned

by.....

by persons purely on ad hoc basis and ex-cadre Deputy Collectors from time to time.

3. The other grievance of the applicant was that the applicant's seniority was undetermined and all along the same was cited as provisional. It was finally determined on 29.10.1998 determining his seniority in the TCS Grade I (Selection Grade) with retrospective effect from 15.11.1980, i.e. the date on which his junior Shri Lalvohliana was appointed in the TCS Grade I (Selection Grade). Non-fixation of his seniority in the right time finally affected his appointment in the All India Service in aid of IAS (Recruitment) Rules read with the IAS (Appointment by Promotion) Regulations. The applicant, therefore, sought for a direction for holding the review selection for the years 1984, 1986 and 1988 and accordingly postpone his year of allotment. The applicant submitted a representation before the authority and finally by the impugned order dated 26.2.2001 his representation was rejected. Hence this application praying for quashing of the impugned order and holding review selection to render him full justice.

4. The State of Tripura- Respondent No.3, contested the case and submitted its written statement. The Union of India as well as the Union Public Service Commission- respondent Nos.1 and 2 though did not file any written statement they represented their case through Mr A.K. Chaudhuri, learned Addl. C.G.S.C. and adopted the stand taken by the State of Tripura. In the written statement the State of Tripura asserted that the inter se seniority TCS Grade II Officers, promotees and direct recruits, were finalised in the year 1975. In the said seniority list the name of the applicant was shown provisionally

vide.....

at serial No.65 with the remark that the seniority would be determined in consultation with TPSC. Another Officer namely Lalvohliana who was also recommended by the UPSC was also shown in the said seniority list at serial No.7 with the same comments as because both the officers were selected by the UPSC as Triopura did not attain Statehood at that point of time. Accordingly for determination of the seniority of the applicant, full particulars of his case were sent to the TPSC. The TPSC was also informed that the applicant was initially issued offer of appointment on 9.11.1971, which was kept on being extended and finally the applicant joined TCS on 24.7.1973. It was also pointed out that as the validity of the panel recommended by the Commission of Selection Board remains valid for a period of one year only and as the applicant had joined his duties after the expiry of such period he would be given seniority with reference to the date of his joining. On examination of the case of the applicant, the TPSC did not give a conclusive opinion and asked the State Government to seek legal advice. The case of the applicant was referred to the Law Department, but in the meantime, in the year 1980, the applicant went to the Court of Law for finalisation of his seniority. However, the applicant, in the year 1984 withdrew the application, In the year 1981 the seniority of Lalvohliana- respondent No.45 was finalised by the Government, but the seniority of the applicant could not be finalised at that time since the case filed by the applicant at that time was subjudice. On fixation of the seniority of Shri Lalvohliana by the Government, two TCS officers filed a case against the Government challenging the fixation of seniority of Shri Lalvohliana in the year

1981. In the said case the applicant was not a party. The said case was dismissed in the year 1992. In the year 1989, a seniority list of officers in the TCS was published and in the said list the seniority of Shri Lalvohliana was shown at serial No.2 with the remark that the seniority would be subject to the final decision of the Court. In the said list the name of the applicant was shown at serial No.31, but the claim of refixation of the seniority of the applicant could not be finalised before 1992 since the case filed by the two TCS officers was subjudiced at that time. In the year 1998 the Government duly considered the representation filed by the applicant for refixation of his seniority and finalised the seniority of the applicant by appointing him to TCS Grade I (Selection Grade) with retrospective effect from 25.11.1980. The respondents in the written statement also asserted that the name of the applicant was sent to the UPSC for inclusion of his name in the Select List and the Selection Committee also considered his name alongwith others, but his name was not recommended by the Selection Committee to be included in the Select List for those years. The State Government in the written statement asserted that though the provisional seniority of the applicant was finalised in the year 1989, his name was sent to the UPSC for consideration of his case for inclusion in the Select List when he became eligible, i.e. when he completed eight years of service in TCS. The name of the applicant was considered alongwith others by the Selection Committee, but his name was not recommended by the Selection Committee to be included in the Select List for that year. The applicant was, however, promoted to the IAS in the year 1990 from the 1989 seniority list. The respondents also denied that the

applicant.....

was superseded by his juniors from the year 1982 to the date of appointment in IAS since none of the officers appointed before the applicant whose date of continuous officiation in the duty post of TCS or equivalent post was later than the date of continuous officiation in the duty post of TCS or equivalent post.

5. We have heard Mr S. Sarma, learned counsel for the applicant assisted by Ms U. Das, at length. The learned counsel for the applicant strenuously urged that the respondent authority acted in an unlawful manner by sitting over the seniority list till 1990 which denied the applicant his appointing to the All India Service in the right time. The learned counsel submitted that the applicant submitted that the applicant was eligible for consideration in the year 1982. Had his seniority been determined in the right time he would have been entitled for consideration for appointment by promotion in the All India Service in the year 1982 itself. The learned counsel for the applicant, in course of the arguments submitted that the meeting of the Selection Committee was held in 1983, 1984, 1986 and 1988. Mr S. Sarma contended that the name of the applicant was only sent in 1983, but, in 1984, 1986 and 1988 his name was not sent which denied him the opportunity for being considered for appointment to the All India Service.

6. The respondents, on the other hand, contended that the applicant's name was forwarded to the Selection Committee even in 1984, 1986 and 1988, but the Selection Committee did not select him. This is a disputed issue. At any rate on the own showing of the applicant no persons junior to the applicant were promoted to the IAS prior to the applicant, save and except Shri Lalvohliana,

which.....

which was also subsequently modified on the concession of Shri Lalbohliana. The other persons cited before us were appointed prior to the applicant. Mr S. Sarma contended that those persons, in fact were not in the cadre and were rendering ad hoc service. But, nonetheless, their services were finally regularised as full members of the TCS. The delay in determining the seniority of the applicant was duly explained. Though it was apparent that the name of the applicant was forwarded to the Selection Committee and the Selection Committee considered his case and found him suitable only in the year 1990.

7. The applicant failed to show and establish any infraction of any statutory provision of the rules relating to recruitment of persons to the IAS from amongst the members of the State Civil Service affecting the decision making process. As alluded earlier, the delay in determination of the seniority list was properly explained. At any rate no illegality in the action of the respondents was discernible. As per the recruitment rules and the scheme of the Constitution, a person has a right to be considered for appointment and promotion, but he has no right to be appointed and/or promoted. The materials on record clearly indicated that the case of the applicant was considered lawfully and on earlier occasion also since he was not found suitable prior to 1990, the question of his appointment in the All India Service prior to it did not arise. No illegality is discernible requiring judicial review.



7. In view of the above we find no merit in this application and the same is accordingly dismissed. There shall, however, be no order as to costs.


(N. D. DAYAL)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm

BEFORE MARIE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH
Guwahati

Title of the case : O.A. No. 113 of 2002

BETWEEN

Shri Chandra Sekhar Chattopadhyaya ... Applicant.

AND

Union of India & Ors. ... Respondents.

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Filed by : *Misha Das*

Regn. No. :

File. No. :

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

D.A.No. 113 of 2002

BETWEEN

Shri Chandra Sekhar Chattopadhyay,
Commissioner cum Secretary,
Govt of Tripura,
Agartala.

..... Applicant.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt. of India,
Ministry of Personnel and, Public Grievances and
Pension,
Department of Personnel & Training,
New Delhi.
2. The Chairman,
Union Public Service Commission, (UPSC)
1, Dholpur House, Shahjahan Road,
New Delhi-110011.
3. The State of Tripura, :
Through the Chief Secretary to the
Govt of Tripura, Agartala.
4. The State of Manipur,
Through the Chief Secretary to the
Govt of Manipur, Imphal.
5. Shri R.C.Mishra,
Executive Director, Ministry of
Information and Broadcasting, New Delhi.
6. Shri Anil Mishra,
Joint Secretary, Department of Ocean Development,
New Delhi.
7. Sri D.S Poonia,
Chief Electoral Officer, Govt of Manipur,
Imphal.
8. Sri P.B.O.Warjri,
Principal Secretary, Home, Planning, and Power
Govt of Manipur, Imphal.
9. Ms. C. Raikhan Chibber,
Principal Secretary, SE/TD & Hills,
Government of Manipur, Imphal.
10. Shri P.S. Lawmkunga,
Registrar, Mizoram University, Aizawl.

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Filed by
the applicant through
Alsha Das
Advocate
26/3/02

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Replied voluntarily

11. Shri Damodar Prakash,
C/O Secretary, General Administration
(P&T) Department, Government of
Tripura.
12. Shri Basant Kishore Bal,
C/O Secretary, GA (P&T), Government of
Tripura, Agartala.
13. Shri Neeraj Kr. Jain,
C/O, Chief Secretary, Government of
Manipur, Imphal.
14. Shri Sanjay Kumar Panda,
Joint Secretary, Ministry of Social
Justice & Empowerment, Shastri Bhawan,
New Delhi.
15. Shri Pravin Srivastava,
Joint Secretary, Ministry of Home
Affairs, Government of India, North
Block, New Delhi.
16. Shri Dinesh Kumar Tyagi,
Custodian, Department of Economic
Affairs, New Delhi.
17. Shri Ameising Luikham,
Chief Managing Director, Ministry of Social
Justice & Empowerment, Shastri Bhawan, New Delhi. Not Served.
18. Shri Vinod Kumar Tjakrai,
Director, Ministry of Coal, New Delhi.
19. Ajay Kumar Jha,
Principal Secretary, Election
Commission, Nirvachan Bhawan, New
Delhi.
20. Shri Kasthala Venkata Satyanarayan,
Chief Executive Officer, T.T.A.A.D.C.,
Government of Tripura, Agartala.
21. Shri L. Gangte,
D.G., SAT, Government of Manipur,
Imphal.
22. Shri P. Sharatchandra Singh,
Resident Commissioner, Manipur Bhawan,
New Delhi.
23. Shri Rajani Rashmi,
Advisor ITC, Brussel, Ministry of
Commerce, New Delhi. X
24. Shri Liangsi Paul Gonmei,
C/O Chief Secretary, Government of
Manipur, Imphal.
25. Shri Debasish Sircar,
Chief Electoral Officer, Government of
Tripura, Agartala.

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26. Shri G. Kameswar Rao,
Commissioner-cum-Secretary, Urban & ARD
Department, Government of Tripura,
Agartala.

27. Shri S. Kunjbihari Singh,
Divisional Commissioner, Government of
Manipur, Imphal.

28. Shri Yashpal Singh,
Health & Family Welfare Department,
Government of Tripura, Agartala.

29. Shri R.P. Meena,
Commissioner-cum-Secretary, Revenue
Department, Government of Tripura,

30. Shri Dinam Nabakishore Singh,
C/O Chief Secretary, General
Administration Department, Government
of Manipur, Imphal.

31. Shri Nikhilesh Jha,
Co Chief Secretary, General
Administration Department, Government
of Manipur, Imphal.

32. Ch. Birendra Singh,
Divisional Commissioner, Government of
Manipur, Imphal.

33. Shri K. Henry Henry,
Commissioner, Rural Development
Department/Health & Family Welfare
Department, Government of manipur,
Imphal.

34. Shri H. Devasekhar Sharma,
Divisional Commissioner, C/O Chief
Secretary, Government of Manipur,
Imphal.

35. Md. Abdul Sattar,
Director, National Commission for SC &
ST, Ministry of Social Justice &
Empowerment, Shastri Bhavan, New Delhi.

36. Shri Willis Laltinchon Hamashing,
Director, Ministry of Social Justice &
Empowerment, New Delhi.

37. Shri Ramgaaning Muivaj,
Director, Banking Division, Department
of Economic Affairs, New Delhi.

38. Shri Rajesh Kumar Singh,
C/O Chief Secretary, GA (P&T)
Department, Government of Tripura,
Agartala. X

39. Shri Sanjeev Ranjan,
P.S. to Ministry of Health & Family
Welfare, New Delhi.

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Deletet

40. Shri A.R. Khan, Commissioner, Commerce & industries, Government of Manipur, Imphal.

41. Shri P. Bharat Singh, Commissioner, DP & AR, Government of Manipur, Imphal.

42. Shri S. Buddhachandra Singh, Commissioner, IPR/Transport, Government of Manipur, Imphal.

43. Shri N.G. Luikham, C/O Chief Secretary, Government of Manipur, Imphal.

44. Shri L Ibomcha Singh, Secretary, Higher education, Government of Manipur, Imphal.

45. Shri Lalvohliana, Commissioner-cum-Secretary, Jail (Home) Department, Government of Tripura, Agartala.

***** Respondents.

14.4.71

PARTICULARS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:

This application is directed against letter bearing No.F.35(2)-GA (P&T)/62 dated 2.4.2001 issued by the Under Secretary, Govt.of Tripura communicating the decision of the Respondent No.1 that the representation of the applicant for fixing the seniority under IAS Regulation of Seniority Rules, 1987 has no merit.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

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4. FACTS OF THE CASE:

4.1. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protection guaranteed by the Constitution of India and laws framed thereunder.

4.2. That the State of Tripura was part State after the Constitution of India come into force in 1950. As per the Govt. of Union Territories Act, 1950, Tripura became an Union Territory from 1.7.63 and the State of Tripura attained Statehood with effect from 21.1.97. As part-C State there was a Chief Commissioner as the executive Head of the State of Tripura (Part-C). After attaining the status of Territory an administrator was appointed as the executive Head of Tripura as Lieutenant Governor. The State of Tripura attained statehood by virtue of North Eastern Areas (Recognition) Act, 1971 and Government become the Head of the State. While Tripura was in the status of Part-C State and the Union Territory, the Public Service Commission for Tripura was the Union Public Service Commission.

4.3. That the Union Public Service Commission held a combine competitive Examination (IAS, etc.) examination, 1969 commencing on 4.10.69 for recruitment to the different services. Tripura Civil Service (TCS) was one of such Class-II services under category-III.

A type copy of the advertisement made to that effect is annexed herewith and marked as Annexure-A/1.

4.4. That the applicant appeared in the said examination in 1969 and he was selected and recommended by the UPSC for his appointment to TCS, Grade-II. The Department of Personnel, Cabinet Secretariat prepared a select list and forward same

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to the Ministry of Home, Government of India, New Delhi on 14.4.71.

Copies of the Admit Card issued to the applicant as well as the select list are annexed herewith as Annexure-A/2 & A/3 respectively.

4.5. That the applicant after aforesaid selection was waiting for his posting but since no posting was offered to him he left for Ghana, West Africa for studying Ph.D course under Common Wealth Scholarship and Fellowship Plan on nomination by Government of India. During his aforesaid study in Ghana he received a letter from the Govt. of Tripura dated 9.11.71 offering him the appointment as TCS, Grade-II.

A copy of the said offer of appointment dated 9.11.71 is annexed herewith and marked as Annexure-A/4

4.6. That the applicant on receipt of the aforesaid offer of appointment dated 9.11.71, made a request for extension of joining time. The Govt. of Tripura on receipt of such prayer made by the applicant allowed him the extension time upto 30th July, 1973. Accordingly, applicant joined the TCS, Grade-II on 24.7.73 and to the effect a formal letter of appointment was issued to the applicant by the Appointment and Service Department, Govt. of Tripura on 7.8.73 with effect from 24.7.73 and as per the provision of TCS, Rule, 1977, he was put on probation with effect from 24.7.73. Subsequently his service was confirmed since the TCS post was a substantive one.

A copy of the said appointment letter dated

7.8.73 is annexed herewith and marked as Annexure-A/5.

4.7. That the President of India framed a Rule as the Tripura Civil Services Rules, 1967 under Article 369 of the Constitution of India and to that effect Gazette Notification was published in the extra ordinary issue of Tripura gazette vide notification dated 16.3.67. The said Service Rules came into force from its date of publication, i.e. 4.3.67.

A copy of the said Service Rule of 1967 is annexed herewith and marked as Annexure-A/6.

4.8. That under the said Service Rules of 1967 a central Civil Service known as Tripura Civil Services was constituted, bearing 2 grades, namely Grade-I (Selection grade) and grade-II. The Tripura Civil Service was initially constituted under Part-V of the said Service Rules, 1967 and 2 more officers were taken as short service commissioned/Emergency service commissioned officers. As per the said Service Rules, 1967 there were two modes of recruitment to the TCS, (i) direct recruitment under Part-IV and (ii) recruitment by selection under Part-V of the said Rules. The permanent strength of TCS, Grade-II cadre was originally fixed at 47 under the said Service Rules, 1967.

4.9. That the applicant on joining as TCS officer on 24.7.73 found that except the TCS officers of the initial constitution recruited under Part-V initial constitution of TCS Rules, 1967 and Sri Om Prakash and Shri R.B. Bhushan who had been appointed to TCS Grade-II on the basis of Released Emergency/Commissioner/Short Service commissioned Officers examination of 1970 and 1969, there was no other member of TCS whether on promotion from Jr. TCS or Sub-Deputy

Collector or by way of direct recruitment. Sri Kirit Kr. Shah and Sri S.C. Chakraborty, the other 2 direct recruits of 1969, UPSC examination ultimately did not join TCS. One Sri Lal Vohliana who appeared in IAS examination in 1970 joined TCS on 9.2.74.

4.10. That there was another group of officers who were not even promoted to TCS, Grade-II on 24.7.73, i.e. the date of joining of the applicant. In fact, UPSC which served the need of Tripura upto 21.10.72 did not find any other officer qualified for promotion to TCS under Part-V, Recruitment by selection under TCS Rules, 1967. A Group of officers were holding TCS duty posts on purely ad-hoc basis or as ex-cadre Deputy Collectors from time to time. Most of those officers were subsequently promoted to TCS, Grade-II against promotion quota under Rule 16 of the TCS Rules, 1967 i.e. by way of promotion with retrospective effect i.e. with effect from 21.10.72. Some of such TCS officers were Sri A.K. Roy (retired), Sri S.R. Nandi (retired), Sri K. Bhattacharjee (retired), Sri M.L. Mazumdar (retired), M.L. Dasgupta (retired), P.B. Bhattacharjee (expired), A.M. Dutta (expired), Sri M.L. Roy (retired), Sri K.R. Das (retired), S. Deb Roy (expired), Sri S.N. Gupta (retired), Sri D.K. Bhattacharjee (retired), Sri H.M. Choudhury (retired) and Sri J.P. Gupta (retired).

The status of these officer vis-a-vis the applicant is annexed herewith are enclosed herewith and marked as Annexure-A/7 series.

4.11. That another group of officers could not be promoted to the TCS may be because of vacancy positions in TCS Grade-II even in the year 1973. Those officers namely Sri S.B. Sen, Sri C. Bardhan, Sri M. Roy, Sri S.K. Ganguly,

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Sri Jaydev Chakraborty, Sri N.G. Mazumdar and Sri N.C. Deb (all are retired) were holding TCS Grade-II posts on officiating basis temporarily even on 25.10.73.

A extract copy of the gradation list is annexed herewith and marked as Annexure-A/B series.

4.12. That under the Service Rules, 1967, the quota meant for direct recruitment and promotion was 50% : 50%. In the year 1973 the said Rule was amended and the ratio was altered to 40% : 60% respectively. When the cadre strength under the Rules of 1967 was 47, the quota ratio between the direct recruit and promotion was 1:1. The applicant was appointed against the 13 original posts reserved for direct recruitment. When the applicant joined TCS, Grade-II against a substantive vacancy there were only two other officers appointed through Released Emergency Commissioned/Short Service Commissioned Officers and no one else was the member of TCS.

4.13. That under the provisions of Rules 12, 16 and 28(iii) of the Service Rules, 1967, it is clearly mentioned that when the vacancies are filled up the relative seniority of direct recruits and promotees shall be determined on the basis of quota of vacancy reserved for direct recruits and promotees. The applicant was appointed to TCS, Grade-II against the vacancy of direct recruit since 4.3.67 i.e. when the Service Rules, 1967 came into force.

4.14. That the respondent No. 3 (Govt. of Tripura) prepared the first seniority list (provisional) of TCS Officers vide Memo No. F.30(1)-GA/74 dated. 6.8.74. In the said seniority list the respondent No. 3 violating the Rule

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28 of the Service Rules, 1967 placed the applicant at 53.A. At that point of time applicant who was under going training in Ranchi, submitted representation against the said seniority list dated 6.8.74.

A copy of the said provisional seniority list is annexed herewith and marked as Annexure-A/9.

4.15 That on 31.7.75 Govt. of Tripura published a Memorandum fixing the seniority of TCS officers and in the said seniority list applicant was placed at serial No. 65 with a comment "Provisional-Seniority" would be determined in consultation with TPSC.

A copy of the said seniority list of 1975 is annexed herewith and marked as Annexure-A/10.

4.16. That the TPSC issued a letter dated 15.5.76 with an advice that the seniority of the applicant should be fixed at serial No. 2 in the relative seniority list of promotees and direct recruits of TCS Grade-II officers, immediately after 18 officers appointed at the initial constitution of TCS, Grade-II, under Rule 17 of the Service Rules, 1967 and two other officers who had been appointed on the basis of a different type of examination (Released Emergency Commissioner/Short Service Commissioner Examination)

A copy of the said letter dated 15.5.76 is annexed herewith and marked as Annexure-A/11

4.17 That admittedly the State Government as early as 9.7.73 decided the matter pertaining to the appointment of the applicant. It is pertinent to mention here that the applicant made a categorical indication in his acceptance letter dated 3.2.72 that he should be appointed against the post meant for TCS officers. It was opined by the Deputy

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Secretary that since another candidate Sri S.C. Chakraborty who was also selected along with the applicant finally did not joined and applicant who was at Ghana joined the TCS on July '73. In fact joining time of the applicant was extended till July '73. Thus, even the year of examination, 1969 could not be considered as seniority year at least the year in which panel was published should have been his year of seniority. Since the TCS Rule was a Central Civil Service Rule and the recruitment of the applicant was through UPSC, the respondent No. 3 ought to have taken the opinion of the respondent No. 1.

4.18 That though the TPSC had advised fixation of seniority of the applicant long ago but Govt. did not take any action. In the seniority list of 1975 although there was a remark that the seniority of the applicant would be finalised in consultation with TPSC but State Government failed to take any positive step. Situated thus, the applicant preferred number of representations to the Govt. ventilating his aforesaid grievances.

Copies of those representations are annexed herewith and marked as Annexure-A/12 series.

4.19 That at that stage when years together the seniority of Lal Vohliana and the applicant were yet to be finalised and communicated number of junior officers directly recruited through UPSC in 1969 and 1970 were promoted continuously, keeping the provisional seniority position of the applicant as well as Lal Vohliana as the working seniority list. Both the applicant as well as Sri Lal Vohliana filed writ petition (Civil Rule No. 59/80) before the Gauhati High

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Court. Since, the said writ petition was defective being different cause of actions, applicant withdrew himself from the said writ petition. Subsequently, applicant filed Civil Rule No. 99/80 with a prayer for current fixation of his seniority. The Hon'ble High Court vide order dated 25.3.82 made it clear that any promotion to IAS shall be subject to the decision of this Rule.

A copy of the said order dated 25.3.82 is annexed herewith and marked as Annexure-A/13.

4.20 That the Government of Tripura issued a Memorandum dated 25.11.81 by which seniority of Lalbohliana was finalised.

A copy of the said notification is annexed herewith and marked as Annexure-A/14.

4.21. That the applicant made representation to the concerned Ministry for finalisation of his seniority, highlighting the fact of Sri Lalbohliana. His aforesaid representation were followed by yet another appeal to the Chief Secretary praying for fixation of his seniority. In October, 1983, the Deputy Secretary, Appointment and Service Department assured him that if he withdraw the High Court case, his case will be finalised. The applicant also preferred a representation dated 7.10.83, to the Chief Secretary, highlighting the aforesaid fact.

A copy of the said representation dated 7.10.83 is annexed herewith and marked as Annexure-A/15.

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4.22 That the applicant action on such assurance withdraw the case from the Hon'ble High Court on 19.1.84. In the application for withdrawal of the said petition the applicant highlighted the factual position. The applicant was sanguine that on such withdrawal the respondents would provide him with full justice. In fact, the Chief Secretary made a very good remark in the Official Note Sheet regarding fixation of seniority of the applicant.

A copy of the said note is annexed herewith and marked as Annexure-A/16.

4.23 That while the applicant enquired into the matter the respondent No. 3 informed in 1985 that no action could be taken at that stage as the seniority case against Lalvohliana was subjudice. Apart from that in the said letter it was mentioned that the seniority of the applicant would be reopened in the light of decision of the case of Sri Lalvohliana.

A copy of the said letter is annexed herewith and marked as Annexure-A/17.

4.24 That on 31.3.89, the Govt. of Tripura issued a Memorandum dated 31.3.89 showing the seniority position of the TCS officers. In the said seniority list name of the applicant was shown at serial No. 31 but there was no such remark.

A copy of the said Memorandum dated 31.3.89 is annexed herewith and marked as Annexure-A-18.

4.25 That finally following a series of representations against the Memorandum dated 31.3.89 the Respondent No.3 issued a Memorandum dated 15.7.98 finalising the seniority of the applicant above Shri Lalvohliana. However, in the said Memorandum dated 15.7.98, the respondents made a wrong statement that in the Seniority position of the applicant placed below Shri Lalvohlia. In fact, by the aforesaid Memorandum dated 31.3.89 seniority of the applicant was not fixed against any serial. It is pertinent to mention here that vide memorandum dated 31.7.75, the seniority of the applicant was fixed at serial No.65 with a remark that the said seniority position will be subject to consultation with TPSC.

A copy of the Memorandum dated 15.7.98 is annexed herewith and marked as Annexure-A-19.

4.26. That the respondent No.3, after issuance of the aforesaid Memorandum dated 15.7.98 however, cleared all the dues in TCS grade-II and grade-I after finalising his seniority vide order dated 29.10.98.

A copy of the order dated 29.10.98 is annexed herewith and marked as Annexure-A-20.

4.27. That as per the IAS (Appointment by competitive Examination) Regulation 1955 which reads as follows:-

5. Preparation of a list of Suitable Officer-(1) Each Committee shall ordinarily meet at intervals not exceeding one year and prepare a list of such

members of the State Civil Service as are held by them to be suitable for promotion to the Service. The number of members of the State Civil Service included in the list shall not be more than twice the number of substantive vacancies anticipated in the course of the period of twelve months, commencing from the date of preparation of the list, in the posts available for them under rule 9 of the Recruitment Rules or 10 percent of the Senior posts shown against items 1 and 2 of the cadre schedule of each State or group of States, whichever is greater.

(2) The Committee shall consider for inclusion in the said list the cases of members of the State Civil Services in the order of seniority in that service of a number which is equal to five times the number referred in sub-regulation (1):

Provided that such restriction shall not apply in respect of a State where the total number of eligible officers is less than five times the maximum permissible size of the select list and in such a case the Committee shall consider all the eligible officers:

provided further than in comprising the members for inclusion in the field of consideration, the numbers of officers referred to in sub-regulation (3) shall be excluded:

Provided also that the Committee shall not consider the case of a member of the State Civil Service unless, on the first day of January of the year in which it meets he is substantive in the State Civil Service and has completed not less than a eight

years of continuous service (whether officiating or substantive) in the post of Deputy Collector or in any other post or posts declared equivalent thereto by the State Government.

The number of members of the State Civil Service included in each part of the list shall not be more than twice the number of substantive vacancies anticipated in the course of the period of twelve months, commencing the date of the preparation of the list in the posts available for them under rule 9 of the Recruitment Rules or 10 percent of the senior posts shown against item 1 of the Cadre in the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulation, 1955 (hereinafter referred to as Cadre Schedule) under the Government of Constituent State concerned and the senior posts shown against item 2 of the Cadre Schedule notionally reckoned against that State whichever is greater.

(3) The Committee shall not ordinarily consider the cases of the members of the State Civil who has attained the age of 52 years on the first day of January of each year in which it meets:

Provided that a member of the State Civil Service whose name appears in the select list in force immediately before the date of the meeting of the Committee shall be considered for inclusion in the fresh list, to be prepared by the Committee even if he has in the attained the age of ... years.

(4) The Selection Committee shall classify the eligible officers as 'outstanding', 'Very Good' or 'Good' as the case may be, on an overall relative

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assessment of their Service records.

6. Conclusion with the Commission-This list prepared in accordance with regulation 5 shall then be forwarded to the Commission by the State Government along with-

(i) the records of all members of the State Civil Service included in the list.

(ii) the records of all members of the State Civil Service who are proposed to be superseded by the recommendations made in the list.

7. Select List-(1) The Commission shall consider the prepared by the Committee along with the other documents received from the State Government and, unless it considers any change necessary, approve the list.

(2) If the Commission considers it necessary to take any changes in the list received from the State Government, the Commission shall inform the State Government of the changes proposed and after taking into account the comments, if any, of the State Government, may approve the list finally with such modification, if any, as may be, in its opinion, be just and proper.

8. Appointments to cadre posts from the Select List(1) Appointments of members of the State Civil Service from the Select List to posts borne on the State cadre or the joint cadre of a group of State as the case may be, shall be made in accordance with the provisions of rule 9 of the cadre rules. In making such appointments, the State Govt. shall follow the order in which the names of such officers appear in the Select List.

9. Appointments to the Service from the Select-(1)
Appointments of members of the State Civil Service to the Service shall be made by the Central Govt. on the recommendation of the State Govt. in the order in which the names of members of the State Civil Service appear in the Select List for the time being in force.

The aforesaid portion of the Regulation has been quoted from All India Services Manual corrected up to 1.2.79.

An extract of the said Rules is annexed herewith and marked as Annexure-A-21.

4.28. That as per Regulation 5 of the said Regulation, 1955 the applicant became eligible for promotion to IAS as on 1.1.82 as he completed eight years of service as Deputy Collector, but since his seniority position was still provisional in the year 1982, his case was not considered although his name along with the integrity certificate was sent to UPSC on 15.11.82. The name of the applicant was shown at the last but one serial number i.e. above Shri D.K.Sen with a remark that his seniority is a provisional one subject to consultation with UPSC and regarding filing of the case. Since the seniority of the applicant was not finalised and it took a long period, the applicant had to face tremendous injustice. Jr.Officers became eligible and supersede the applicant in the matter of promotion to IAS. As per the Regulation of 1955 a Civil Service will become eligible for promotion to IAS if he completes eight years of regular or officiating service. It does not imply that Jr. Deputy Collectors will jump over

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their senior officers. It is reliably learnt that in the year 1982, there were two substantive vacancies under promotion quota in the joint cadre comprising of Manipur and Tripura.

4.29. That the applicant had a outstanding service career and during his service tenure he served as Deputy Collector in West Tripura District Administration, Project Executive Officer, Chaumanu Tribal Welfare Officer, in the Directorate of Tribal Welfare and Schedule Caste and had been working since August 1980 as a Sub Divisional Officer in the Amarpur Sub Division in South Tripura which was a difficult area at that point of time. In the year 1981 the applicant received Silver Medal from Respondent No.1 for Census Work in difficult Sub Division. Because of his distinguished service career, the applicant has reasons to believe that had the state Govt. finalised his seniority in due time, he would have promoted to IAS in 1982 itself. But unfortunately, the seniority of the applicant was finalised in 1998 only, and because of such inordinate delay he was deprived of his legitimate claim of inclusion of his name in IAS right from 1982 onwards.

4.30. That again in the year 1983 name of the applicant was sent alongwith the integrity certificate to UPSC and his name appeared at Serial No.39 out of 40 officers in order of seniority. The case of the applicant was not properly considered due to poor provisional seniority position. In the year 1983 all Junior officers to the applicant got due consideration in the matter of promotion to IAS. Had the seniority of the applicant be finalised in time, the applicant certainly would have been promoted to IAS in time

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on the basis of higher bench mark used for assessment of an officer. One Shri M.L.Das Gupta was promoted to IAS in 1984 against the vacancy of 1983.

A copy of the notification promoting Shri M.L.Das Gupta is annexed herewith and marked as Annexure-A/22.

4.31. That the story of denial of justice for promotion to IAS was continued even in the year 1984. In the year 1984 Vigilance clearance was received in respect of 35 officers including the applicant except two other officers. The name of the applicant was not included in the list sent by State Government probably because of the statutory limit prescribed by Regulation 1955. Only 3 officers junior to the applicant namely Sri M.L. Mazumdar (retired), P.B. Bhattacharjee (expired) and A.M. Dutta (expired) were promoted to IAS. The case of the applicant was not considered because of non-finalisation of his seniority position.

A copy of the notification promoting juniors to the applicant is annexed herewith and marked as Annexure-A/23.

4.32 That similarly in the year 1986, 3 junior officers superseded the applicant in the matter of promotion to IAS. That apart, 7 more officers were promoted to IAS wherein only Sri S. Banerjee was senior to the applicant.

Copies of the notification promoting them to IAS are annexed herewith and marked as Annexure-A/24 and A/25 respectively.

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4.33 That in the midst of events leading supersession the applicant was further superseded by one Sri N.C. Deb by issuing notification dated 18.5.89.

A copy of the said notification dated 18.5.89 is annexed herewith and marked as Annexure-A/26.

4.34 That in the year 1990 the applicant was promoted to IAS on the basis of his provisional seniority and to that effect the respondents issued notification dated 11.5.90.

A copy of the said notification dated 11.5.90 is annexed herewith and marked as Annexure-A/27.

4.35 That after finalisation of the seniority of the applicant, he made several representation to the official respondents praying for constitution of review selection with retrospective effect for consideration of his case for promotion to IAS.

Copies of the said representations are annexed herewith and marked as Annexure-A/28 series.

4.36 That the respondent No. 3 on receipt of such representations on 8.3.2001 communicated the applicant that his matter of promotion will be decided by the respondent No. 1

A copy of the said communication dated 8.3.2001 is annexed herewith and marked as Annexure-A/29.

4.37 That finally the applicant received a letter from the respondent No. 3 communicating the decision of the

respondent No. 1 that the year of allotment of Sri C.S. Chattopadhyaya, the applicant was fixed in accordance with IAS (Regulation of Seniority) Rules, 1987 on the basis of his position in the select list from which he was appointed to IAS plus actual date of appointment.

A copy of the impugned order dated 2.4.2001 is annexed herewith and marked as Annexure-A/30.

4.38 That the applicant being aggrieved by the aforesaid impugned order made representations on 22.10.2001 and 1.2.2002 but same are yet to be replied to by the respondents.

Copies of the representations are annexed herewith and marked as Annexure-A/31 and A/32 respectively.

4.39 That the applicant begs to state that the impugned order is a non-speaking one and therefore applicant made several requests vide his representations dated 23.3.2001, 6.4.2001, 2.5.2001 and 1.2.2002 requesting for a copy of the letter communicating the opinion of the State Government which was sent the respondent No. 1 but till date no reply has been communicated to the applicant in response to those representations.

Copies of the representations are annexed herewith and marked as Annexure-A/33 colly.

4.40 That the applicant begs to state that because of non-finalisation of the seniority dispute of the applicant, in the year 1982 he was deprived of his legitimate promotion to

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IAS. The aforesaid seniority dispute further deprived the applicant for getting due consideration of his case for promotion to IAS in subsequently years. Because of the seniority dispute the seniority position of the applicant was far below and thus many a time his name was not considered because of the statutory limit prescribed by the Regulation. Because of such delay in finalisation the seniority dispute of the applicant number of junior officers have got undue advantage and score a march over the applicant.

4.41 That the applicant begs to state that he would had become Principal Secretary in Manipur-Tripura cadre of IAS with effect from 27.5.98 in the pay scale of Rs. 22,400-24,200/-, if his seniority in TCS would have been finalised in right time. One Sri Anil Mishra, IAS who belong to 1978 batch of Manipur-Tripura cadre was given the scale of Principal Secretary and the applicant being a similarly situated person would have got the post of Principal Secretary in the event of his fixation of correct seniority in due time. The respondents kept the seniority dispute matter of the applicant alive for long years and this has resulted irreparable loss and injury in the service carrier of the applicant. It is therefore the applicant through this application is making a prayer before this Hon'ble Tribunal for a direction towards the respondents to review the select list of 1982 onwards till 1989 with all consequential service benefits.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in issuing the impugned order dated 2.4.2001 is

illegal and liable to be set aside and quashed.

5.2. For that applicant being one of the seniormost officers of TCS Grade-II, the illegal supersession by the juniors as allowed by the respondents are illegal and same are liable to be set aside and quashed.

5.3. For that the selection committee while presenting the select list have failed to take into consideration the fact that the seniority of the applicant was not finalised and on the basis of provisional seniority only the case of the applicant was considered finally which amounted to non-consideration of the matter.

5.4. For that the respondents willfully and deliberately delayed the process of settlement of seniority disputes of the applicant and thereby due to statutory limit of the select list his case was never considered although case of junior officers to the applicant was given due consideration for promotion to IAS right from 1980 to 1989.

5.5 For that the respondents assured the applicant for refixation of his seniority long back and basing on such assurances, the applicant withdrew the writ petition filed before the Hon'ble High Court and finally same was materialized in the year 1998 only. The respondents have given the applicant all the benefits of TCS with retrospective effect restoring his seniority but failed to take into consideration the fact that number of junior officers superseded him in the matter of promotion to IAS. As a natural consequence the respondents ought to have reconvene and/or reviewed the selection process with effect from 1980 onwards taking into consideration the refixed seniority position of the applicant and having not done so the respondents have violated the settled position of law.

5.6 For that right of promotion is a constitutional right

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and by issuing the impugned order the respondent have violated the same and hence the impugned order dated 2.4.2001 is liable to be set aside and quashed.

5.7. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

The applicant craves leave of the Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the respondents to review the select

39

list of 1982 for promotion to IAS cadre from amongst the TCS officers in the Manipur-Tripura Cadre taking into consideration the recasted seniority of the applicant and to issue necessary direction for inclusion of his name in the select list of 1982 onwards and to place him above his erstwhile juniors in the TCS cadre by using the same batch mark/yardstick used at that relevant point of time with all consequential benefits.

8.2 To set aside and quash the impugned order dated 4.2.2001

8.3. Cost of the application.

8.5. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant does not pray for any interim relief at this stage.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 76 549305
2. Date : 18/3/02
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

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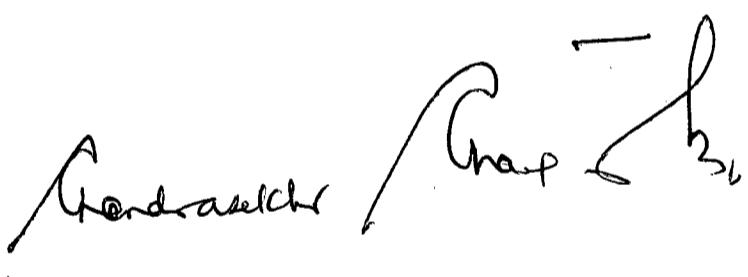
VERIFICATION

I, Shri C.S. Chattpadhyay, IAS, aged about 56 years, son Late C.H. Chattpadhyay, presently working as Commissioner & Secretary to the Government of Tripura, Department of Food, Civil Supplies & Consumer Affairs, do hereby solemnly affirm and verify that the statements made in paragraphs

2, 3, 41, 48, 412, 413, 417, 427, 429, 440, 441 & 5 to 12

are true to my knowledge ; those made in paragraphs 1, 42-47, 49-511, 414-416, 426, 428, 430-439 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 26th day of March, 2002.


C.S. Chattpadhyay

Annexure-A/1

INDIAN ADMINISTRATIVE SERVICES ETC. EXAMINATION 1969.

The Union Public Service Commission will held at AHMEDABAD, ALLAHABAD, BANGALORE, BHOPAL, BOMBAY, CALCUTTA, CUTTACK, DELHI, HYDERABAD, JAIPUR, MADRAS, NAGPUR, PATIALA, PATNA, SHILLONG, TRIVANDRUM and LONDON, a combined competitive examination commencing on 4th October, 1969, for recruitment to the following Services :-

CATEGORY I

Indian Administrative Service, and
Indian Foreign Service;

CATEGORY II

Indian Police Service
Delhi, Himachal Pradesh and Andaman and Nicobar Islands Police Service, Class II, Manipur Police Service, Class-II, and Tripura Police Service Class-II

CATEGORY III

(a) CLASS I SERVICES :

Central Information Service (Grade-II), Class-I, Indian Audit and Accounts Service, Indian Customs & Central Excise Service, India Defence Accounts Service, Indian Income Tax Service (Class-I), Indian Postal Service, Indian Railway Accounts Service, Indian Railway Traffic Service, and Military Lands and Cantonments Service, Class-I.

(b) CLASS II SERVICES :

Central Secretariat Service, Section Officers Grade, Railway Board Secretariat Service, Armed Forces Headquarters Civil Service, Superintendents Grade, Customs Appraisers' Service, Delhi, Himachal Pradesh and Andaman and Nicobar Islands Civil Service, Manipur Civil Service, Tripura Civil Service, Goa, Daman and Diu Civil Service and Pondicherry Civil Service.

AGE LIMITS on 1.8.1969 : Indian Police Service, Delhi, Himachal Pradesh and Andaman and Nicobar Islands Police Service, Class II, Manipur Police Service, Class II and Tripura Police Service Class II 20-24 years; other services 21-24 years; upper age limit relaxable in favour of scheduled caste, scheduled tribes and certain

Attested
W.D.
Advocate.

other categories including certain categories of released Emergency Commissioner/short service commissioned officers. Candidates other than scheduled castes or scheduled tribes or those belonging to certain other categories not eligible to compete more than two times for each of the three categories of service. Released emergency commissioned/short Service Commissioned Officers competing under the relaxed age limit, not eligible to compete more than once at the combined competitive examination.

QUALIFICATION : Degree of a recognised University or certain other qualifications recognised for the purpose. Full particulars and application forms obtainable from Union Public Service Commission, Dholpur House, New Delhi-11, remitting Rs. 1.00 by money order or on cash payment at counter in the Commission's office.

Candidates must state clearly on money order coupons "INDIAN ADMINISTRATION SERVICE ETC. EXAMINATION, 1969" and also give their names and full postal addresses in block letters. Postal Orders or cheques or currency notes not acceptable in lieu of money orders. Completed applications must reach Union Public Service Commission by 5th May, 1969 (19th May, 1969 for candidates residing aboard and in Andaman and Nicobar and Laccadive, Minicoy and Amindivi Islands).

Arrested
Wilson
Advocate.

Annexure-A/2

Registered A.D.

No.F.1/13/69/E-III
UNION PUBLIC SERVICE COMMISSION

Post Box No. 186 Dholpur House, Shahjahan Road
New Delhi-11, the

ADMISSION CERTIFICATE

INDIAN ADMINISTRATIVE SERVICE ETC. EXAMINATION 1969

You are hereby admitted to the Indian Administrative Service etc. Examination, which commences on 4th October, 1969 for the following category/categories of services :-

Category I : Indian Administrative Service/Indian Foreign Service
Category II : Indian Police Service/Police Services Class-II
Category III : Central Services Class I & Class II

The admission, however, should be deemed to be provisional and subject to cancellation of the conditions of admission specified in the Annexure on page 3 are not complied with within the time specified therein.

This certificate entitles you to sit for the examination without further confirmation even where the admission is provisional.

2. Your Roll Number and Centre throughout the examination are given on page 2.

3. The optional Subjects, and Additional Subjects (if applicable), in which you are permitted to appear are given on page 2.

4. You are required to write the answers to the "Essay" and "General Knowledge" papers in the medium specified on page 2, in terms of para 1 of Section III of Appendix II to the Rules of the examination, and column 32 of your application form.

Important - THE NAME OF THE LANGUAGE IN WHICH EACH ONE OF THE ABOVE PAPERS IS ANSWERED must BE CLEARLY SPECIFIED ON THE COVER OF THE ANSWER BOOK FOR EACH SUBJECT, IN THE SPACE PROVIDED FOR THE PURPOSE.

5. The time table of the examination and the place(s) of examination at each Centre are shown on pages 4 and 6-9 respectively.

YOUR ATTENTION IS DRAWN TO THE NOTICE ON PAGE 10

شیوه ایجاد

✓
Advocate.

7. Your original certificates noted on page 3 are returned herewith/will be returned later.

8. The receipt of this communication should be acknowledged IMMEDIATELY.

N.B. - You must bring this certificate daily to the examination Hall to secure admission.

Sd/-Illegible
(SRI KRISHAN)
Under Secretary
Union Public Service Commission

Please note that :-

(i) You are required to quote the Roll Number, name and the year of the examination in all correspondence with this office.

(ii) Traveling and other expenses must be borne by the candidates themselves. The Commission do not make arrangements for board and lodging of the candidates.

(iii) Any change in the postal address is required to be communicated to this office at once.

Attested

W.D.
Advocate.

INDIAN ADMINISTRATIVE SERVICE ETC. EXAMINATION, 1969

Name and Centre	Roll No.	Optional Subjects*for :	Additional :	Essay/G.K.
		Category II	Category I Subjects for: Medium @:Indian**	
			and : Category I : Language,	
		Category III:		if applicable

CHANDRA SHEKHAR CHATTO-
PADHYAY
DELHI

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* Explanation of subject codes is given on page 5 : ** Explanation of Indian Language codes is as follows :
@ Explanation of Medium codes is as follows : : Hindi 11 Marathi 43
English for both essay and General Knowledge ... 1.: Sanskrit 20 Oriya 44
Indian Language for both Essay and General : Assamese 37 Punjabi 45
Knowledge. 2 : Bengali 38 Sindhi 46
English for Essay, and Indian Language for General : Gujarati 39 Tamil 47
Indian Language for Essay, and English for General : Kashmiri 41 Telugu 48
Urdu 49

Attest
[Signature]

Chocde

SS

No.2/42/71-HMT

5
Annexure-A/3

CONFIDENTIAL

REGISTERED WITH A/D

GOVERNMENT OF TRIPURA
MINISTRY OF HOME AFFAIRS

To

Shri I.P. Gupta, New Delhi-1, the 16th April '71
Chief Secretary, Chaitra, 1893
Government of Tripura
A G A R I A L A.

Subject : Combined Competitive Examination, 1969- Allotment
of candidates to Tripura Civil Service, Class-II.

Sir,

I am directed to say that on the results of the Combined Competitive Examination held in 1969, the following three candidates, in order of merit, have been allotted to the Tripura Civil Service, Class-II :-

1. Shri Kirit Kumar Shah (Roll No. 957)
2. Shri C. Chattopadhyay (Roll No. 7871)
3. Shri S.C. Chakraborty (Roll No. 2001)

2. The desires of the candidates, complete in all respect are sent herewith. It is requested that offers of appointment may be issued to them and copies of offer as well as the notification of appointment may be endorsed to this Ministry (H.M.T Section) and Department of Personnel (AIS I Section), the Union Public Service Commission and the present employers of the candidates, if necessary for information.

Yours faithfully,
Sd/- H.S. Dubey
Deputy Secretary to the Govt.
of Tripura.

Attested

[Signature]

Advocate

Annexure-A/4

GOVERNMENT OF TRIPURA
APPOINT & SERVICES DEPARTMENT

No. f.2(23)-ga/71(i). Dated, Agartala, the 9th Nov '71

To

Shri Chandrasekhar Chattopadhyay,
Subhaspally, P- GAJIA,
24 Paragons,
WEST BENGAL.

On the recommendation of the Union Public Service Commission the Administrator, Tripura has been pleased to offer Shri C. Chattopadhyay an appointment of the Tripura Civil Service (Gr.II) on probation, on a pay of Rs. 325/- per month in the scale of Rs. 325-30-475-35-545-EB-35-825-EB-35-1000/-. The appointee will also be entitled to draw dearness and other allowances at the rate admissible under the subject to the conditions laid down in rules and orders governing the grant of such allowances in force from time to time.

2. The terms of appointment are as follows :-

- i) The appointment may be terminate at any time by a months notice given by either side, namely, the appointee or the Appointment Authority without assigning any reason thereof. The appointing Authority, however, reserves the right of terminating the services of the appointee forthwith or before the expiration of the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice or the un-expired portion thereof.
- ii) The appointment carries with it the liability of serve in any part of the Union Territory of Tripura.
- iii) The other conditions of service will be governed by the Tripura Civil Service Rules, 1967 and other rules and orders in force from time to time.
- iv) He will remain on probation for a period of 2 years and will be required to undergo such training and pass such departmental examination as may be prescribed.

3. The appointment will be further set to :-

- a) Submission of a declaration in the term enclosed and in the event of a candidate having more than or less than 18 years of age, the appointment will be subject to his being exempted from the enforcement of the requirement in this behalf.
- b) Taking an oath of allegiance to the institution of India in the prescribed form.

4. It may please be stated whether the candidate is serving or is under obligation to serve, another Central Government

Attested


Advocate.

Department, a State Government or a Public Authority. Discharge certificate/release order of the previous employer, if any, is to be produced.

5. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have willfully suppressed any material information he will be liable to removal from service and such other action as Government deem necessary.

6. If Shri C. Chattopadhyaya accepts the offer on the appointment he should communicate acceptance to the undersigned by the 30th November 1971. If no reply is received from him regarding acceptance by the prescribed date, the offer will be treated as cancelled.

7. No traveling allowance will be allowed for joining the appointment offered to him.

Sd/-Illegible
(I.P. GUPTA)
CHIEF SECRETARY TO THE GOVT. OF TRIPURA

Copy to :

1) The Deputy Secretary to the Government of India, Ministry of Home Affairs (HMT) Section, New Delhi, with reference to his letter No. 2/42/71-HMT dated the 16th April, 1971.

2. The Deputy Secretary to the Government of India, Cabinet Sectt. dept. New Delhi.

3. The Under Secretary, Union Public Service Commission, Post Box No. 18 Dhalpur House, New Delhi.

(I.P. GUPTA)
CHIEF SECRETARY TO THE GOVT. OF TRIPURA

Arrested
[Signature]
Advocate.

Annexure-A/5

No.F.35(2)-36/72
GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT

Dated, Agartala, the 7th Aug 1977

NOTIFICATION

The recommendation of the Union Public Service Commission subject to the provision of the Tripura Civil Service Rules, 1965 the Governor, Tripura, has been pleased to appoint Shri C. Chattopadhyaya in the post of Tripura Civil Service Grade-II (Training serve), on probation, on a pay of Rs. 325/- per month in the scale of Rs. 325-30-475-35-545-EB-35-825-EB-35-1000/- with effect from the forenoon of the 24th July, 1973 and until further orders.

2. Sri Chattopadhyaya will remain attached to the office of the District Magistrate & Collector, West Tripura District, Agartala.

Sd/-

(S.R. Nandy)

Under Secretary to the Government of Tripura

Copy to :

1. The Addl. Accountant General, Tripura, Agartala with request kindly to issue necessary pay slip to the officer concerned early.
2. The Revenue Department, Civil Secretariat, Tripura, Agartala.
3. The District Magistrate & Collector, West Tripura District, Agartala.
4. Shri C.S. Chattopadhyaya, T.C.S.Gr.II (Training Reserve) attached to the Office of the D.M. & Collector, West Tripura District, Agartala.
5. The Deputy Secretary, Tripura Public Service Commission, Agartala.
6. The Gazette Department, for publication.

(S.R. Nandy)

Under Secretary to the Government of Tripura

Attested

VRD
Advocate.

Annexure-A/6

EXTRACT

27. Duty post to be held by a member of the service :-

Every duty post shall be held by a member of the Service or an officer appointed so officiate under Part-VIII of these rules.

28. Seniority :- The Administrator shall prepare a list of members of the Service arranged in order of seniority as determined in the manner specified below :-

(i) in the case of persons appointed on the results of the competitive examination, or by selection under clause (b) of sub-rule (1) of Rule 5, seniority in the Service shall be determined by the order in which appointments are made to the Service :

Provided that -

(a) Persons recruited on the result of the competitive examination in any year shall be ranked inter se in the order of merit in which they are placed at the competitive examination on the result of which they are recruited, those recruited on the basis of an earlier examination being ranked senior to those recruited on the basis of later examination;

(b) the relative seniority inter se of person recruited by selection shall be determined on the basis of the order in which their names are arranged in the list prepared under rule 14.

(ii) The seniority of members of the Service appointed at the initial constitution of the service in accordance with the provisions of Part VI of these rules, shall be determined ad hoc by the Administrator in consultation with the commission due regard being had to the posts previously held by them under the Government concerned and the length of service rendered by them therein :

Provided that in the case of persons appointed under the proviso to Sub-rule (1) of rule 17, if two or more persons belonging to the same parent service or department are thus appointed, they shall be ranked inter-se in the order of their relative seniority in the parent service or department, as the case may be;

(iii) The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitments and promotion under rule 5.

29. Pay and allowances - (1) The scale of pay attached to the service shall be as follows :-

Attested
VDM
Advocate.

(i) Grade I (Selection Grade) Rs. 1175/- fixed.

(ii) Grade II - (Time scale) Rs. 325-30-475-35-545-EB-35-825-Eb-35-1000.

(2) A person recruited on the result of competitive examination shall on appointment to the service draw pay at the minimum of the time scale. The pay and increment in the case of other persons appointed to the service shall be regulated in accordance with the Fundamental Rules:

Provided that it shall be open to the President to determine the pay of any member of the Service in such manner of the President deems fit the special circumstances of his case so require.

(3) Dearness and other allowances shall be paid to persons holding duty posts at such rates as may be determined by the President from time to time.

30. Appointment to Selection Grade (1) Appointment of members of the service to the Selection Grade shall be made in consultation with the Commission on the basis of merit with due regard to seniority.

(2) An officer with the minimum of 12 years service in Grade II shall be eligible for being considered for appointment to the Selection Grade :

Provided that service in a duty post or an equivalent or higher post under the Central Government, Government of Tripura or in a State Civil Service shall count towards the twelve years period.

Attested
John
Advocate.

Tripura Gazette ; Part I May 26, 1973 A.D.

12. District Magistrate & Collector, South Tripura Member
 13. Sri Khirode Sen, Joynagar, Agartala "
 14. Sri M.K. Chakraborty, Dy. Director (Y.P) "
 15. Dr. J.C. Banerjee, Dy. Director of Education "

The functions of the Committee will be to discuss, arrange, mobilisation of student and non-student youth for involvement in the programme, identify projects for execution and exercise over all supervision and guidance on the programmes under execution.

S.C. Baul
Under Secretary, Tripura

NOTIFICATION

The Governor has been pleased to order that and adhoc continuance of the following officers in the duty posts of Tripura Civil Service Gr.II held by them as noted against each for a further period upto the end of October 1973, or until further orders whichever is earlier.

2. This order is issued in partial relaxation of the provisions of the Rule 15 (3) of the Tripura Civil Service Rules, 1967 under Rule 35 of that Rules and in consultation with the Tripura Public Service Commission.

Sl. No. Name of the Officer	: Name of duty posts held by the officer	: No. & date of previous notification conveying ad-hoc continuance in the duty posts
-----------------------------	------------------------------------------	--------------------------------------------------------------------------------------

1	2	3	4
1. Shri B.C. Deb	Dy. Registrar, Coop. Societies	No.F.4(190)-GA/57 dated 9.1.73	
2. Sri GC Choudhury	Treasury Officer, Agartala	No.F.PFG(37)-Appt/59 dated 15.1.73	
3. Sri SL Das Gupta	Magistrate, 1st Cl. (S.D.O) Sadar	No.F.PFG(5)-Appt/59 dated 9.2.73	
4. Sri SC Choudhury	District Panchayat Officer	No.F.34(21)-GA/61 dated 15.1.73	
5. Shri B Dutta	Magistrate 1st Cl. Kailasahar	No.F.4(100)-GA/56 dated 8.1.73	
6. Sri B Das Gupta	Land Acquisition Officer, Agartala	No.F.PFG(27)-Appt/59 dated 9.1.73	
7. Sri ML Mazumdar	Project Executive Officer, Chaumanu	No.F.34(9)-GA/63 dated 4.1.73	
8. Shri B.Dey	Project Executive Officer attached to Office of D.M. & Collector (West), Agartala	No.F.34(15)-GA/63 dated 8.1.73	
9. Sri KR Ghosh Roy	T.C.S. Gr II (Training Reserve) attached to office of D.M. & Collector (West), Agartala	No.F.PFG(45)-Appt/59 dated 15.1.73	

Attested
John
Advocate.

10. Sri A T Dutta	T.C.S. Gr II (Leave No.F.4(81)-GA/54 Reserve) attached dated 3.1.73 to office of D.M. & Collector (West), Agartala
11. Sri SB Chakraborty	T.C.S. Gr II (Leave No.F.4(109)-GA/56 Reserve) attached dated 3.1.73 to office of D.M. & Collector (West), Agartala
12. Sri A M Dutta	Tribal Welfare Officer, Agartala No.F.PFG(13)-Appt/59 dated 15.1.73
13. Sri SN Gupta	Magistrate, 1st Cl. (SDO) Sabroom No.F.34(5)-GA/63 dated 3.1.73
14. Sri JP Gupta	Magistrate 1st cl. (SDO) Dharmanagar No.F.34(12)-GA/63 dated 8.1.73
15. Sri JC Chakraborty	Magistrate 1st cl. (SDO) Belonia No.F.PFG(34-6)-Appt/61 dated 8.1.73
16. Sri ML Roy	Magistrate 1st cl. (SDO) Amarpur No.F.4(114)-GA/56 dated 4.1.73
17. Sri ML Das	Superintendent of Excise & Taxation No.F.4(90)-GA/56 dated 9.1.73
18. Sri HM Choudhury	Magistrate 1st cl. (SDO) Sonamura No.F.PFG(34-3)-Appt/61 dated 8.1.73
19. Sri S Deb Roy	Controller of Stores and distribution No.F.6(166)-GA/57 dated 15.1.73
20. Sri D K Roy	Project Executive attached to office of D.M. & Collector (North), Kumarghat No.F.34(13)-GA/63 dated 17.4.73
21. Sri M K Sarkar	Deputy Chief Electro- (SDO) Dharmanagar No.F.PFG(24)-Appt/60 dated 9.1.73
22. Sri DK Bhattacharjee	Project Executive Officer, attached to office of DM & Collector (South) Udaipur No.F.34(4)-GA/63 dated 12.1.73
23. Sri S Ganguly charjee	Project Executive Officer, attached to office of DM & Collector North Tripura Kailasahar No.F.34(4)-GA/63 dated 12.1.73
24. Sri S B Dutta	Special Officer (T.W), Agartala No.F.34(18)-GA/63 dated 15.1.73
25. Sri Roshan Lal	Project Executive Officer, Dumburnagar No.F.34(11)-GA/66 dated 3.1.73
26. Sri Joydev Chakraborty	Project Executive Officer, Amarpur No.F.34(22)-GA/63 dated 3.1.73
27. Sri J C Saha	Asstt. Transport Commissioner, Agartala No.F.35(1)-GA/70 dated 29.12.72
28. Sri NG Mazumdar	TCS Gr.II (Leave Reserve) attached to office of DM&Collector (South), Udaipur. No.F.35(21)-GA/71 dated 28.12.72
29. Sri NC Deb	Project Executive Officer, Kanchanpur No.F.35(25)-GA/71 dated 28.12.72
30. Sri M Roy	Magistrate 1st Cl. (SDO) Kamalpur No.F.PFG(35)- dated 29.12.72

By order of the Governor
S.R. Nandy,
Under Secretary to the Govt. of Tripura

Attested
John
Advocate.

Government of Tripura Annexure-A/7
Appointment & Services Department
No.F.35(18)-GA/71 Dated, Agartala, the 9th May '73

NOTIFICATION

In continuation of Medical & Public Health Departments Order No. F.27(10)-MPH/P/67, dated the 6th May, 1970 (copy enclosed for ready reference) the Governor has been pleased to continue the ad-hoc officiating appointment of Shri Ajoy Chakraborty in the post of Sub-divisional Officer (Assistant Engineer) RWS Section, Tripura for the period from 1st July, 1970 to 30th July, 1971.

By order of the Governor
S.R. Nandy,
Under Secretary to the Govt. of Tripura

Government of Tripura
Public Works Department

No.F.1(1)-PWD(E)/73 Dated Agartala, the 11th May '73

OFFICE ORDER

In continuation to this Department's office order of even number dated 5th April, 1972, the Governor, Tripura has been pleased to grant a further extension in service for a period of six months from 1st April 1973 to Shri H.K. Dutta, Assistant Engineer, PWD, Government of Tripura.

By order of the Governor
T.S. Vedagiri
Secretary : PWD

Government of Tripura
Appointment and Service Department

No.F.2(27)-GA/69 Dated Agartala, the 9th May '73

NOTIFICATION

In continuation to this Department's notification No. F.4(115)-GA/56, dated, the 9th January, 1973 the Governor has been pleased to continue the adhoc officiating appointment of Shri Amal Kumar Roy in the due post of Tripura Civil Service Grade-II on proforma promotion basis upto the end of October, 1973 or until further orders whichever is earlier.

2. This order is issued in partial relaxation of the provision of the Rule, 25 (3) of the Tripura Civil Service Rules, 1967 under Rule 35 of that Rules and in consultation with Tripura Public Service Commission.

3. Certified that all the conditions of Next Below Rule as laid down under the Govt. of India's decision No. 9 below FR-30 including principle of one for one has been satisfied with effect from the 1st May, 1973 in respect of Shri Amal Kumar Roy who has given proforma promotion from the rank of

Advocate.

Sub-Deputy Collector to T.C.S. Grade-II in the scale of Rs. 325-30-475-35-545-EB-35-825-EB-35-1000/-

By order of the Governor
S.R. Nandy,
Under Secretary to the Govt. of Tripura

Government of Tripura
Appointment and Service Department

No.F.2(32)-GA/72

Dated Agartala, the 7th May '73

NOTIFICATION

In partial modification of this Government Notification even number dated the 22.2.73, the Governor of Tripura is pleased to appoint Shri Amar Sinha, IAS (MT) cadre, with the concurrence of the Joint Cadre, Authority of Manipur and Tripura, to officiate as Development Commissioner-cum-Secretary in the scale of Rs. 2500-125/2-2750/- with effect from 14th February, 1973.

By order of the Governor
C.R. Paul,
Deputy Secretary to the Govt. of Tripura

Government of Tripura
Appointment & Service Department

No.F.10(16)-GA/72

Dated Agartala, the 9th May '73

NOTIFICATION

The Governor is pleased to post Shri K.D. Menon, IAS (MT), on his reversion from the Administration of the Laccadive, Minicoy & Amindivi Islands, as Secretary to the Government of Tripura, with effect from forenoon of 7th May, 1973 and until further order.

2. Shri Menon will look after the work of the Education Department for the present.

By order of the Governor
C.R. Paul,
Deputy Secretary to the Govt. of Tripura

Government of Tripura
Law (Election) Department

No.F.2(20)-CEO/63-IV Dated, Agartala, the 28th April, 1973

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Governor is pleased to make rules in schedule hereto annexed regarding the method of recruitment and qualifications necessary appointment to the post of Superintendent under Law (Election) Department of the Government of Tripura.

Attested
V.D.
Advocate.

TRIPURA GAZETTE
Published by Authority
Agartala, Saturday, May 26, 1973 A.D.

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Government of Tripura
Appointment and services Department
No.F.2(27)-GA/69. Dated, Agartala, the 9th May, 1973

NOTIFICATION

In continuation of this Department's Notification No.F.4(89) GA/5, dated the 8th January, 1973, the Governor has been pleased to continue the adhoc officiating appointment of Shri K. Bhattacharjee in the duty post of Tripura Civil Service Grade-II on proforma promotion basis upto the end of October, 1973, or until further orders whichever is earlier.

2. This order is issued in partial relaxation of the provisions of the Rule 25(3) of the Tripura Civil Service Rules, 1967 under Rule 35 of that Rules and in consultation with the Tripura Public Service Commission.

3. Certified that all the conditions of Next Below Rule as laid down under the Govt. of India's decision No. 9 below FR 30 including principle of one has been satisfied with

Attested
John
Advocate

effect from the 1st May, 1973 in respect of Sri K Bhattacharjee who has given proforma promotion from promotion from the rank of Sub-Deputy Collector to TCS Grade-II in the scale of Rs. 325-30-475-35-545-EB-35-825-EB-35-1000/- .

By order of the Governor
S.R. Nandy,
Under Secretary to the Govt. of Tripura

Government of Tripura
Appointment and services Department

No.F.2(27)-GA/69. Dated, Agartala, the 10th May, 1973

NOTIFICATION

In continuation of this Department's Notification No.F.4(89) GA/5, dated the 8th January, 1973, the Governor has been pleased to continue the adhoc officiating appointment of Shri S R Nandy in the post of Under Secretary to the Government of Tripura, Agartala (a duty post of TCS Gr.II) upto the end of October, 1973, or until further orders whichever is earlier.

2. This order is issued in partial relaxation of the provisions of the Rule 25(3) of the Tripura Civil Service Rules, 1967 under Rule 35 of that Rules and in consultation with the Tripura Public Service Commission.

By order of the Governor
C.R. Paul,
Deputy Secretary to the Govt. of Tripura

Attested
W.B.
Advocate.

COLLECTOR (EX CADRE)

S1 Remarks No.	Name of the officer : Date of birth / : Enhancement of service :		Post in which confirmed : Present held			
	D/O Apptn.	the present grade/post	date of confirmation in the present grade/post			
1	2	3	4	5	6	7
1. Shri Amal Kumar Bhattacharjee	:	9.10.1925 24.6.49	30.12.1965	Sub-Deputy Collector 1.4.1950	General Manager, TRTC	
2. Shri N K Sinha	:	1.9.1921 24.6.49	7.1.66	Sub-Deputy Collector 18.7.1962	Senior Deputy Magistrate West Tripura	
3. Shri Birhari Dey	:	1.5.1931 11.1.1957	7.1.66	Sub-Deputy Collector 18.11.1968	DFO attached to DM's Office (North)	
4. Shri L C Das	:	1.6.1934 11.6.55	6.11.1969	- do -	Dy. Collector, Staff Officer, Civil Defence	
5. Shri R. Dighal	:	1.6.1929 27.11.1956	16.10.1969	- do -	Dy. Collector/Deputy Controller Category II	

UNDER SECRETARY (NON TCS) CIVIL SECRETARIAT

1. Shri J Sen Gupta	:	1.12.1917 13.9.1948	1.8.1959	Under Secretary 18.7.1962	Deputy Secretary, Home (Police) Department
2. Shri S C Paul	:	1.2.1926 4.7.1946	Civil Defence 1.11.1969	Under Secretary 1.11.1971	Deputy Secretary, Polit- ical & A R Department.
3. Shri K Bhattacharjee	:	1.3.1926 29.4.1946	27.7.1970	Superintendent 1.9.1958	Under Secretary, Transport Department
4. Shri N R Roy	:	1.5.1918 16.6.1939	29.11.1973	Superintendent 1.9.19622	Under Secretary, Budget Office, Finance Department

*Yours
Advocate.*

Tripura Gazette, Part I November 10, 1973 A.D.
Government of Tripura
Appointment and Services Department
No.F.2(37)-GA/71 (vi) Dated, Agartala, the 25th Oct'73

NOTIFICATION

In exercise of the powers conferred on him by clause (a) of sub rule(1) of Rule 25 of the Tripura Civil Service Rules, 1967, the Governor is pleased to appoint the following officers to the Tripura Civil Service Grade-II on officiating basis with effect from the 21st October, 1972 temporarily and until further orders :-

- (1) Shri S.B. Sen
- (2) Shri C. Bardhan,
- (3) Shri M. Roy,
- (4) Shri S.K. Ganguly,
- (5) Shri Joydev Chakraborty
- (6) Shri N. G. Majumdar,
- (7) Shri N. C. Deb

By order of the Governor
C R Paul
Deputy Secretary to the Government of Tripura

Government of Tripura
Appointment And Service Department

No.F.2(37)-GA/71(iii) Dated, Agartala, the 25th Oct'73

NOTIFICATION

Under Rule 16 of the Tripura Civil Service Rules, 1967, read with clause (b) of sub Rule (1) of Rule 5 of the said Rules, the Governor is pleased to appoint following officers to the Tripura Civil Service Grade-II, against promotion quota on probation, for a period of 2 years with effect from the 21st October, 1972 :-

1. Shri P.K. Dev Burman	23. Shri A. M. Dutta,
2. Shri R.N. Bhattacharjee	24. Shri M. L. Roy
3. Shri P. Nath	25. Shri K. R. Das
4. Shri B.M. Chakraborty	26. Shri M. L. Das
5. Shri Bimal Chandra Deb	27. Shri S. Deb Roy
6. Shri Waliulla Moulla	28. Shri S. N. Gupta
7. Shri G.C. Choudhury	29. Shri S. Ganguly
8. Shri S.L. Das Gupta	30. Shri D. K. Bhattacharjee
9. Shri S.C. Choudhury	31. Shri H. M. Choudhury
10. Shri A.K. Roy	32. Shri M. K. Sarkar
11. Shri S.R. Nandy	33. Shri H. P. Siva
12. Shri A.T. Dutta	34. Shri J. P. Gupta
13. Shri M.L. Das Gupta	35. Shri D. K. Roy
14. Shri K. Bhattacharjee	36. Shri S. B. Dutta
15. Shri S.B. Chakraborty	37. Shri S. B. Sarkar
16. Shri B. Dutta	38. Shri J. C. Chakraborty
17. Shri L.B. Das Gupta	39. Shri L. M. Naha
18. Shri A.P. Roy	40. Shri B. B. Sen
19. Shri M.L. Majumdar	41. Shri R. B. Paul
20. Shri K.R. Ghosh Roy	42. Shri J. C. Saha
21. Shri P.B. Bhattacharjee	43. Shri Roshan Lal
22. Shri N. Chakraborty	

By order of the Governor
C R Paul
Deputy Secretary to the Government of Tripura

Xested
Advocate.

GRADATION LIST OF OFFICERS
(CLASS I & II)

IN

Various Services/Posts Under the
GOVT. OF TRIPURA.

(AS ON 31.7.1975)

ISSUED BY

THE APPOINTMENT & SERVICES DEPARTMENT
GOVERNMENT OF TRIPURA

Address
C/S
Circular

TRIPURA JUNIOR CIVIL SERVICE (T.J.C.S.)

Sl No.	Name of the officer	Date of birth/ Commencement of the service	Date of Appointment to the post of T.J.C.S.	Date of Confirmation in the post of T.J.C.S.	Present Post held	Remarks
1	2	3	4	5	6	7
1.	Shri S.B. Sen	1.4.1934 8.8.55	3.1.1966	27.1.1971	Officiating in TCS Grade-II	
2.	Shri C. Bardhan	18.3.1936 26.12.1958	3.1.1966	- do -	- do -	
3.	Shri M. Roy	1.1.1932 18.10.1951	5.1.1966	- do -	- do -	
4.	Shri S.K. Ganguly	15.10.1933 12.1.1959	7.1.1966	- do -	- do -	
5.	Shri Joydev Chakraborty	1.7.1931 21.2.1955	15.6.1966	- do -	- do -	
6.	Shri N.G. Mazumdar	1.2.1931 1.4.1950	25.5.1966	- do -	- do -	
7.	Shri N.C. Dev	1.3.1934 17.7.1953	25.5.1966	- do -	- do -	
8.	Shri D.K. Sen	1.7.1934 27.2.1959	17.6.1966	- do -	- do -	
9.	Shri J.C. Bose	1.3.1932 1.6.1961	18.6.1966	- do -	On deputation to Govt. of India as Circle Organiser B.D.O. Bishalgarh.	
10.	Shri A.B. Dutta	2.4.1936 Dec 1957	20.6.1966	- do -		
11.	Shri S.S. Dutta	15.10.1939 14.7.1954	21.6.1966	- do -	Sub-Deputy Collector attached to D.M.'s Office (West)	
12.	Shri M.K. Mazumdar	22.12.1930 14.8.1954	22.6.1966	- do -	BDO attached to DM's Office (South)	
13.	Shri P.C. Bhattacharjee	1.9.1930 10.9.1950	23.6.1966	- do -	ASDO Dharmanagar	

[Signature]
C. S. M.

X

X✓

Annexure-A/9

No.F.30(1)-GA/74
GOVERNMENT OF TRIPURA
APPOINTMENT AND SERVICES DEPARTMENT.

Dated, Agartala, the 6th August, 1974.

MEMORANDUM

Subject - Provisional seniority list of officers holding duty posts of Tripura Civil Service as on 1st January, 1974 including those who are officiating in higher posts or are on deputation etc. (except the case of officers taken into initial constitution of the service).

The undersigned is directed to circulate herewith the provisional seniority list of officers appointed to duty posts of Tripura Civil Service vide this Government's Notifications No. F.2(37)-GA/71(iii) dated 25.10.73, No.F.2(37)-GA/71(vi), dated 25.10.73 and No.F.2(37)-GA/71/(vii), dated 15.10.73 including direct recruits. The seniority of the officers has been determined in pursuance of rule 28 of Tripura Civil Service Rules, 1967.

2. In case of officers from Sl. 1 to 43, their relative inter-se seniority has been determined on the basis of the order in which their names were recommended by the Tripura Public Service Commission for appointment to Tripura Public Service against promotion quota under sub-rule (b) of rule 28 of Tripura Civil Service Rules, 1967. In case of officers at Sl. No. 44, 52, 53 and 55, who are direct recruits, their seniority has been according to the dates of appointment to the Tripura Civil Service. Regarding 8 others (from Sl. No. 45 to 51 and 54), their relative seniority has been determined on the basis of the order in which their names were recommended by the Tripura Public Service Commission for appointment to Tripura Civil Service against promotion quota.

3. Officers concerned are requested to examine the provisional seniority list very carefully keeping in view the provisions of rule 28 of Tripura Civil Service Rules, 1967 and to lodge their claims and objections, if any, by the 31st August, 1974, through their respective Heads of Department/Officers, who in turn may please forward them to this Department by the 10th September, 1974 along with their specific comments. In case of factual inaccuracy about date of appointment etc. objections, if any will have to be supported by attested copies of orders etc. on which such objections are based. If no objection is received from any officer by the stipulated date, it will be presumed that he

Attested
[Signature]
Advocate.

has no objection to make and the provisional seniority list will be finalised accordingly.

Enclo : As stated.

Sd/-
(C. R. PAUL)
Deputy Secretary to the Government
of Tripura.

Copy to :-

1. All concerned Department/Heads of Department/offices.
2. All officers concerned.
3. Sri C.S. Chattopadhyaya, T.C.S. Gr.II(Trg. Reserve),
Administrative Training Institute, Ranchi-8, Bihar.

Attested
[Signature]
Advocate.

Annexure-

PROVISIONAL SENIORITY LIST OF OFFICERS HOLDING POST OF
TRIPURA CIVIL SERVICE INCLUDING THOSE WHO ARE OFFICIATING IN
HIGHER POSTS OR ARE ON DEPUTATION ETC.

Sr.	Name of the Officer	Date of Appnt. to the post of TCS or other equivalent	Date of confirmation in the post of TCS.	REMARKS
1	2	3	4	5
1.	Shri P.K. Dev Barman	4.8.1949	21.10.1973	
2.	" R.N. Bhattacharjee	18.11.1961	- do -	
3.	" P. Nath	20.11.1961 (AN)	- do -	
4.	" B.M. Chakraborty	31.12.66 (AN)	- do -	
5.	" Bimal Ch. Deb	17.2.1969	- do -	
6.	" W.U. Mullah	1.2.1969	- do -	
7.	" G.C. Choudhury	1.2.1969	- do -	
8.	" S.L. Das Gupta *	18.2.1969	- do -	*since expired
9.	" S.C. Choudhury	20.2.1969	- do -	
10.	" Amal Kr. Roy	20.2.1969	- do -	
11.	" S.R. Nandy	19.2.1969 (AN)	do -	
12.	" Ashutosh Dutta	7.11.1969	- do -	
13.	" M.L. Das Gupta	1.9.1972	- do -	
14.	" K. Bhattacharjee	31.1.1969 (AN)	- do -	
15.	" S.B. Chakraborty	28.7.1969	- do -	
16.	" B. Dutta	31.1.1969 (AN)	- do -	
17.	" I.B. Das Gupta	31.1.1969	- do -	
18.	" A.P. Roy	21.10.1972	- do -	
19.	" M.L. Mazumdar	14.2.1969	- do -	
20.	" K.R. Ghosh Roy	31.1.1969 (AN)	- do -	
21.	" P.B. Bhattacharjee	6.11.1969	- do -	
22.	" N. Chakraborty	8.9.1970	- do -	
23.	" A.M. Dutta	8.9.1970	- do -	
24.	" M.L. Roy	23.9.1970	- do -	
25.	" N.R. Das	4.11.1970	- do -	
26.	" M.L. Das	25.9.1970	- do -	
27.	" S. Deb Roy	1.10.1970	- do -	
28.	" S.N. Gupta	1.10.1970	- do -	
29.	" S. Ganguly	3.2.1971	- do -	
30.	" D.K. Bhattacharjee	9.11.1970	- do -	
31.	" N.M. Choudhury	9.11.1970	- do -	
32.	" M.K. Sarkar	21.9.1970	- do -	
33.	" H.P. Siva	21.10.1970	- do -	
34.	" J.P. Gupta	21.9.1970	- do -	
35.	" D.K. Roy	27.10.1970	- do -	
36.	" S.B. Dutta	9.11.1970	- do -	
37.	" S.B. Sarkar	27.10.1970	- do -	
38.	" J.C. Chakraborty	9.11.1970	- do -	
39.	" L.M. Naha	9.8.1971	- do -	
40.	" B.B. Sen	21.10.1972	- do -	
41.	" R.B. Paul	9.8.1971	- do -	
42.	" J.C. Saha	27.8.1971	- do -	
43.	" Roshan Lal	30.11.1971 (AN)	- do -	
44.	" R.B. Bhushan	3.11.1971	Seniority list yet to be determined and	

Amritsar
W.D.
Locate.

			examined accordingly instruction of Govt. of India.
45.	" S.B. Sen	14.12.1971	- do -
46.	" C. Bardhan	20.10.1971	- do -
47.	" M. Roy	21.9.1971	- do -
48.	" S.K. Ganguly	16.8.1971	- do -
49.	" Joydev Chakraborty	1.1.1972	- do -
50.	" N.G. Majumdar	3.9.1971	- do -
51.	" N.C. Deb	3.9.1971(AN)	- do -
52.	" Om Prakash	12.2.1972(AN)	Seniority list yet to be determined and being examined accordingly instruc- tion of Govt. of India.
53.	" C.S. Chattopadhyay	24.7.1973	- do -
54.	" D.K. Sen	31.10.1973	- do -
55.	" Lalvohliama	9.2.1974	- do -

*After 3
years.*

Annexure-A/10

Government of Tripura
Appointment & Services Department

No.F.30(1)-GA/74

Dated Agartala, the 31st July, 1975

MEMORANDUM

Sub : Fixation of seniority list of officers in Tripura Civil Services

The Governor is pleased to fix the seniority of officers appointed to the Tripura Civil Services as shown below, after considering the representation received on the draft seniority list.

2. The seniority list of officers from Sl. No. 1 to 13 had been finalised earlier in consultation with the UPSC/TPSC and circulated vide this Department Memorandum No. F.30(2)-GA/69 dated 4th December, 1974 :-

Sl. No.	Name of Officer	Date of Appnt. to State Civil Service	Date of confirmation in State Civil Service	Date of continuous officiation in the duty post of TCS or equivalent post	REMARKS
1	2	3	4	5	6
1.	Sri CR Paul	4.3.67	31.12.68	1.5.50	Retd. on 1.7.75
2.	" A.K.Bhattacharjee	4.3.67	31.12.68	1.4.50	Retd. on 1.4.75 & now reemployed
3.	" K.C. Sinha	4.3.67	4.3.69	1.4.50	promoted to IAS from 21.6.75.
4.	" ML Ganguly	4.3.67	31.12.68	20.2.54	- do -
5.	" R.Sankarnarayan	4.3.67	31.12.68	1.2.55	- do -
6.	" R. Ghosh	4.3.67	31.12.68	22.1.57	promoted to IAS
7.	" Naresh Chandra	4.3.67	31.12.68	28.11.57	promoted to IAS from 21.6.75
8.	" SR Chakraborty	4.3.67	31.12.68	6.1.58	- do -
9.	" SBK Dev Varman	4.3.67	31.12.68	1.3.59	- do -
10.	" S Banerjee	4.3.67	4.3.69	13.1.66	
11.	" D. Roy	4.3.67	4.3.69	13.1.66	
12.	" JL Kar	4.3.67	4.3.69	14.1.66	
13.	" JL Roy	4.3.67	4.3.69	1.6.66	
14.	" RN Bhattacharjee	21.10.72	21.10.73	18.11.61	*Provisional seniority would be determined in consultation with the

Attested
[Signature]
Advocate.

		TPSC.
15."	P Nath	21.10.72
		- do - 20.11.61(AN) Since expired
16."	BM Chakraborty	21.10.72
		- do - 20.11.61(AN) Since expired
17."	Bimal Ch. Deb	21.10.72
18."	WU Mullah	21.10.72
19."	GC Choudhury	21.10.72
20."	SL Das Gupta	21.10.72
21."	SC Choudhury	21.10.72
22."	Amal Kr. Roy	21.10.72
23."	SR Nandy	21.10.72
24."	Ashutosh Dutta	21.10.72
25."	M1 Das Gupta	21.10.72
26."	K Bhattacharjee	21.10.72
27."	SB Chakraborty	21.10.72
28."	B Dutta	21.10.72
29."	IB Das Gupta	21.10.72
30."	AP Roy	21.10.72
31."	ML Majumdar	21.10.72
32."	KR Ghosh Roy	21.10.72
33."	PB Bhattacharjee	- do -
34."	N Chakraborty	21.10.72
35."	AM Dutta	21.10.72
36."	ML Roy	21.10.72
37."	KR Das	21.10.72
38."	ML Das	21.10.72
39."	S Deb Roy	21.10.72
40."	SN Gupta	21.10.72
41."	S Ganguly	21.10.72
42."	DK Bhattacharjee	21.10.72
43."	HM Choudhury	21.10.72
44."	MK Sarkar	21.10.72
45."	HP Siva	21.10.72
46."	JP Gupta	21.10.72
47."	DK Roy	21.10.72
48."	SB Dutta	21.10.72
49."	SB Sarkar	21.10.72
50."	JC Chakraborty	21.10.72
51."	LM Naha	21.10.72
52."	BB Sen	21.10.72
53."	RB Paul	21.10.72
54."	JC Saha	21.10.72
55."	Roshan Lal	21.10.72
56."	RB Bhushan	3.11.71
		- do - Provisional seniority would be determined in consultation with the TPSC.
57."	SB Sen	21.10.72
58."	C Bardhan	21.10.72
59."	M Roy	21.10.72
		- do - Provisional seniority would be determined in consultation with the TPSC.
60."	SK Ganguly	21.10.72
		- do - 16.8.71

Attested
V. S.
Advocate.

61."	Jaydev Chakraborty	21.10.72	- do -	1.1.72*Provisional seniority would be determined in consultation with the TPSC.
62."	NG Majumdar	21.11.72	- do -	3.9.71
63."	NC Deb	21.11.72	- do -	3.9.71(AN)
64."	OM Prakash	12.2.72	- do -	12.2.72*Provisional seniority would be determined in consultation with the TPSC.
65."	CS Chattopadhyay	24.7.73	- do -	24.7.73 *Provisional seniority would be determined in consultation with the TPSC.
66."	DK Sen	31.10.73	- do -	31.10.73
67."	AM Dutta	9.2.74	- do -	9.2.74*Provisional seniority would be determined in consultation with the TPSC.

By order of the Governor,
Sd/- Naresh Chandra,
Deputy Secretary to the Govt. of Tripura

Copy to :

1. Secretary, Tripura Public Service Commission, Agartala.
2. Revenue Department/Food & Civil Supplies Deptt./Development Deptt./P.W. Department/Panchayat Department/Labour Department/Cooperative Deptt.
3. All District Magistrate & Collectors.
4. All Officers concerned.

Arrested
V.D.
Advocate.

Annexure-A/11

(COPY)

CONFIDENTIAL

TRIPURA PUBLIC SERVICE COMMISSION
No.F.5(3)-TPSC/74

the 15th May 1974

To

The Secretary to the Government of Tripura,
Appointment of Service Department, Agartala

Subject : Fixation of seniority of the officers in
Tripura Civil Services.

Sir,

I am directed to refer to the correspondence resting with your letter No. F.30(1)-GA/74 dated 5th August, 1976 on the subject noted above and to communicate the views of the Commission in regard to the inter se seniority of Sarvashri C.S. Chattopadhyay and Lalvohliana, as below.

2. The State Government have suggested that the seniority of S/Shri C.S. Chattopadhyay and Lalvohliana should follow from the date of their joining the Tripura Civil Service on 24.7.1973 and 11.2.1974 respectively and all the officers who had been promoted to the said service and confirmed therein on earlier dates should rank senior to the them. The seniority list circulated under the State Government's Memo No. F.30(1)-GA/74 dated 31.7.75 has provisionally assigned the seniority to S/Shri Chattopadhyay and Lalvohliana accordingly, with the stipulation that the final seniority would be determined in consultation with the Commission. In substance the proposal is that the date of joining of those two officers should determine their position in the seniority list. The facts and circumstances of the case would, however, have to be considered in the light of the provisions of the Tripura Civil Service Rules, 1967 relating to the scheme of constitution of and recruitment to the service and the determination of the seniority of the persons appointed thereto, by the various methods of recruitment. To the extant that the Rules do not answer all the issues relevant to the consideration of the question, a reference may be necessary to the General principles for determining seniority adopted by the Government in their office order No. F.2(16)-GA/59 dated 13.7.1960.

2(a). Shri C.S. Chattopadhyay was selected for appointment to the Tripura Civil Service on the basis of the Combined Competitive Examination held by the Union Public Service Commission in 1969 for recruitment to the Central Services Class-I and Class-II, and Sri Lalvohliana was similarly selected for appointment on the basis of the examination held in 1970. In the case of Shri Chattopadhyay an offer of a appointment was issued on 9.11.1971 asking him to communicate his acceptance by 30.12.71, failing which the offer would stand cancelled. No reply was received from Shri Chattopadhyay within this date but the Home Ministry informed the State Government letter forwarding the copy of a letter from him that he was engaged in research work at Ghana, sponsored by the Government of India and that though he had heard about the affix offer of appointment, the

Attested
M. S. D.
Advocate.

letter had not reached. Shri Chattopadhyaya has also executed a bond with the Ministry of education, Govt. of India, to go through the course of the Scholarship at Ghana. Subsequently, Shri Chattopadhyay communicated the acceptance of the offer by his letter dated 15.2.1972 and asked for release from the bond executed with the Ministry of Education. In the circumstances and having considered the recommendation of the Govt. of India the last date of his joining was finally extended by the State Government till July, 30, 1973 and the offered joined within the last extended date, on 24.7.1973. it is the evident that the extension of the date of joining and, for that matter, the validity of the offer, was granted on the recommendation of the Government of India in consideration of certain Public exigencies, and in at least two instances the communication relating to the offer of appointment did not reach the officer within the prescribed date. As mentioned by the State Government, finally "Shri Chattopadhyay was informed by cable No. F.35(2)-GA/72 dated 15.6.73 to join latest by 30th July, 1973". The question of the validity of the panel from which Shri Chattopadhyay was selected for appointment which has been raised in the reference from Government, does not arise as, obviously the Government had acted upon the original panel based on the examination of 1969 to appoint Shri Chattopadhyay. The validity of a panel for one year is also a rule of convention (the period is variable also) and the validity can be extend by the same convention.

2(b). In the case of Shri Lalvohliana, his name was received along with other names for appointment to the Tripura Civil Service from the Ministry of Home Affairs in their letter of 2 February, 1972. But, the Union Territory of Tripura having been constituted into a new State on 21.1.1972, a question appears to have arisen whether the selection made earlier to that date would remain legally valid. The issue was settled in the affirmative after the lapse of some time and the offer of appointment was issued to Shri Lalvohliana on 8.1.1974, nearly 2 years after the date of receipt of the communication about his selection in the Home Ministry's letter of 2.2.1972. Shri Lalvohliana accordingly joined the service on 11.2.1974. Leaving aside the time taken in the clarification of the doubt regarding the validity of the selection for which, obviously, Shri Lalvohliana was not responsible, the final position was that the original selection was held to be valid and applicable for appointment to the Tripura Civil Service. The validity of the selection on the basis of examination conducted by the Union Public Service Commission should not have been in doubt in view of the specific provisions of Rule 7 of the Tripura Civil Service Rules, 1967. The provision clearly says that -

"Until the Central Government in consultation with the Commission decides otherwise the Combined Competitive held by the Commission for the recruitment to the Central Service Class-I/Class-II shall be the Competitive examination for recruitment to the Service." The "Commission" referred to in this provision is the Union Public Service Commission vide rule 2(b) of the Tripura Civil Service.

*Attested
by
Advocate.*

The Government of Tripura in the Finance Department Order No. F.191)-FIN(G)/72 dated 21.1.1972 had adopted all Rules, Regulations and Orders regulating financial matters and the recruitment and conditions of service which were applicable before the 21st day of January, 1972 to matters connected with the administration of Union Territory of Tripura, the matters connected with the affairs of the State of Tripura, with some consequential modifications. This Order of 21.1.1972, therefore, adopted among others. The Tripura Civil Service in the State of Tripura. The competitive examination for direct recruitment to the Tripura Civil Service was, therefore, the examination held by the Union Public Service Commission for recruitment to the Central Service Class-I, Class-II. The delay in the offer of appointment to Shri Lalvohliana, which was the cases of the delay in his joining the service did not thus arise from any "subsequent" validation of the selection made through the Combined Competitive Examination held by the Union Public Commission.

3. It is necessary at this stage to examine the scheme of recruitment and allied provisions under the Tripura Civil Service Rules, 1967. The scheme provides for the "initial constitution" of the service by appointment of persons holding any of the posts specified in the Schedule to the Rules, vide rule 17 of the aforesaid Rules. To the extent the service, which initially had 47 posts in its cadre, could not be fully constituted, further recruitment to the service would be made through direct recruitment and promotion as provided in rule 5 of the aforesaid Rules. Till the Rules were amended by the notification of 22 May 1973 (effective from 21.10.1972), the methods of recruitment were that not more than 50% of the posts would be filled by direct recruitment and the remaining vacancies by promotion of eligible officers. Soon after the Tripura Civil Service Rules 1967 came into force, with effect from 4.3.1967, action was taken by the State Government to constitute the service by all the three methods viz. (1) initial appointment to the service and (2) direct recruitment and promotion to the service against posts which could not be filled by initial appointment to the service. The process of "initial appointment" of 16 officers was completed by the issue of the notification dated 26 July 1968 and later 2 other officers were also selected for initial appointment vide notification dated 25.10.1973. In this manner 18 posts were filled by initial appointment of persons to the service. Due, further, to the reservation of certain percentage of the posts for released Commissioner Officer, under the Released Emergency Officers and Short Service Commissioned Officers (reservation of vacancies) Rules 1967, 2 more posts were reserved for officers of the aforementioned category. 20 posts being thus strength of 47, were available for being filled by the methods of direct recruitment, against these 27 posts, would be 13 ("not more than 50 percent) the remaining 14 vacancies being available for being filled by the method of selection, i.e. promotion.

4. The State Government having proceeded to constitute the Service, the transaction relating thereto was conducted

*Revised
order
Admitte.*

according to the different methods for appointment to the Service as laid down in the Tripura Civil Service Rules 1967. For making appointment through promotion, the cases of eligible officers were referred to the Selection Committee constituted under rule 13 of the Rules and as many as 56 officers were initially selected by the Committee in October 1973 (The strength of the cadre having been enlarged to 104 by the amendment made effective from 21.10.1972, the number of posts available in the promotion quota had increased in the meanwhile). Alongwith, for the purpose of direct recruitment, names of candidates selected through the Combined Competitive Examination held by the Union Public Service Commission in 1969 and 1970 were obtained, vide Home Ministry's letters dated 16.4.1971 and 2.2.1970 respectively. The State Hon'ble Court then proceeded to take steps in pursuance of the communications received in this behalf from the Government of India. The action taken by the State Government for making the initial appointment, promotion, and direct recruitment to the service thus formed one set of transactions, for constituting the Tripura Civil Service.

5. Rule 28 of the Tripura Civil Service Rules contains provisions regarding the determination of seniority of the members of the Service. Clause (iii) of the aforesaid provision, which is relevant to the issue reads as follows:-

:The relevant seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies on the quotas of vacancies reserved for direct recruitment and promotion under rule 5"

According to the officer order dated 12 July 1960 on the subject of General Principles for determining seniority, where the reservation for each method is 50 percent the roster will be as follows :-

1. Promotion
2. Direct Recruitment
3. Promotion
4. Direct Recruitment and so on.

This order also further states specifically that appointment should be made in accordance with this roster and seniority determined accordingly".

6. The issue therefore falls down to the question whether, despite the rules governing their 'relative' seniority, the two direct recruits of the 1969 and 1970 batch of recruitment examinations would forfeit position of seniority because of the fact that in some special circumstances there was delay in their joining the service and, meanwhile, the process of promotion having been completed candidates elected by the method and joined the service and had also been confirmed. The circumstances in which Shri C.S. Chattopadhyay joined the service on 24.7.73 would also indicate that the officer of appointment was extended from time to time, without any pre-condition being attached to the effect that the delay in his appointment would entail

Attested
W. M.
Advocate.

loss of seniority. The offer of appointment made to Shri Chattopadhyay, on the basis of his selection on the results of the examination held on 1969 carried the prospects in the service for a direct recruit of 1969 batch of examination. In the case of Shri Lalvohliana, the selection on the results of the examination held in 1970, was ab initio valid and his appointment was made on the strength of that selection through delay had occurred in communicating the offer and in his joining the service in consequences thereof. It is necessary to consider for this purpose whether the 'date of joining the service' is the principle or the only determination of seniority recognise the fact that the order of merit and not the date of joining the posts in a service shall regulate the seniority of a batch of direct recruits or a batch or promotees where the post is a selection post. This is also provided for in the Tripura Civil Service Rules vide rule 28(i) thereof. The fact that the date of entry into a service is not an essential determinant of inter se seniority between persons recruited by different methods of recruitment such as promotion and direct recruitment is recognised in other rules such as the IAS (Regulation of Seniority) Rules, in other rules of allotment (and consequently the seniority) of a promotee is not the year of his joining the service. Seniority can thus be a national concept and has largely been so. The Tripura Civil Service Rules affirm the same concept and principle where they provide under clause (iii) of Rule 28 thereof for the determination of seniority according to "the rotation of vacancies between direct recruits and promotees" based on the quotas reserved for them. Thus the transaction of recruitment through the two methods vis. by direct recruitment and by selection, having been undertaken after the creation of the Tripura Civil Services and candidates having been selected in course of the transaction for direct recruitment and promotion, the relative seniority between a direct recruits and a promotees should follow the rotation of vacancies available between them. The delay in the date of joining the service may have other consequences, such as in the fixation of pay, the earning of increment, earning of qualifying service for pension, etc. In this view of the matter, Shri C.S. Chattopadhyay and Shri Lalvohliana should get the relative seniority vis-a-vis the promotees in the 2nd and 4th places respectively, in the combined list of officers recruited through the methods of promotion and direct recruitment.

7. The view that in the facts and circumstances of the case, and in the light of the relevant provisions of the Rules, the delay in the date of joining the service by these two officers shall not effect their claim of relative seniority, may involve some general questions of law and the State Government may, if they consider it necessary take legal opinion in the matter.

Yours faithfully,

Sd/- (H. GHOSH)
SECRETARY.

Attested
by
Advocate.

84
Annexure-A/12

To

The Chief Secretary,
Government of Tripura, Agartala.

Through the Director of Welfare for Sch. Tribes & Sch. Castes, Government of Tripura, Agartala.

Subject : Fixation of inter-se seniority of Shri C.S. Chattopadhyay, TCS.

Sir,

4 years had lapsed since my representation was registered on 21st August, 1974 and 11.12.74 in response to Memorandum No. 30(1)-GA/74 dated 6th August, 1974 issued by Appointment and Services Department, Government of Tripura. Though in the gradation list of Officers (Class-I and II) in various services/posts under the Government of Tripura, as on 11.7.1975 issued by the Appointment and Services Department, Government of Tripura, it has been mentioned against my name - provision of seniority would be determined on consultation with TPSC lapse of 4 years without fixing seniority has caused denial of natural justice to me. Those over whom I claim my seniority have been given adhoc promotion to selection grade of TCS and it is also understood that their names might be included in the selection list for promotion to IAS.

I am hopeful that my seniority will be fixed before the names of the TCS officers over whom I claim my seniority are sent for promotion to IAS and there will not arise an unfortunate situation wherein I will be compelled by circumstances to seek justice in Court of law.

Yours faithfully

(C.S. Chattopadhyay)
Tribal Welfare Officer
Directorate of Welfare for Sch.
Tribes & Sch. Castes.

12.12.1978

Arrested
Name
Advocate.

Annexure-A/12

To

The Chief Secretary,
Government of Tripura, Agartala.

Through

The Director of Welfare for Sch. Tribes & Sch. Castes,
Agartala, Tripura.

Subject : Claim for getting selection grade on TCS as
enshrined in Rule 30(2) of TCS Rules.

Sir,

Kindly refer to my representation dated 12 December, 1978, a copy of which was also endorsed to the Secretary to the Chief Minister, Tripura.

In that representation I pointed out the injustice to which I have been subjected so long (a) by not fixing up seniority for last 5 years, (b) by giving selection grade of TCS to those over whom I claimed my seniority, (c) by considering for promotion to IAS, those officers whom I consider junior to me.

This letter is to reiterate my claim to get promotion to selection grade of TCS immediately with effect from the date of officers over whom I claimed my seniority are given appointment to selection grade of TCS.

This claim of mine is based on Rule 30(2) of TCS Rules, 1967, which reads :

An officer with the minimum of 12 years service in grade-II shall be eligible for being considered for appointment to the selection grade;

Provided that service in a duty post or an equivalent of higher post under the Central Government, Government of Tripura or in a State Civil Service shall count towards the 12 year period.

Provided further that whereas person is consider for such appointment all persons senior to him in grade-II shall also be considered irrespective of the fact whether or not they fulfill the requirement as to the minimum of 12 years' service.

I am hopeful that my representation will receive kind consideration of the Government and I will be given promotion to selection grade without subjecting me to

*Attested
N.D.
Date.*

further period of injustice and huminity.

Yours faithfully

15.2.1979

(C.S. Chattpadhyay)
Tribal Welfare Officer

Copy to :

1. The Secretary to the Chief Minister for kind information and necessary action.
2. The Deputy Secretary, Appointment and Services Department, for kind information and necessary action.

W.S.
Advocate

Annexure-A/12

To
The Chief Secretary,
Government of Tripura, Agartala.

Through proper channel

Subject : Protest against notification No. F.35(19)-GA/73
dated 9th April, 1979.

Sir,

As my seniority which has been kept provisional for last 4(four) years has not yet been finalised, I am being subjected to series of Administrative disadvantages in my carrier as a Government servant. Not only that those who are junior to me have been given promotion to selection grade or adhoc benefit of salary range for meant TCS selection grade officers and not only that their names are also being considered for promotion to IAS. to add insult to injury in the notification No. F.35(19)-GA/73 dated 9th April, 1979 one TCS officer, posted as Dy. Director, tribal Welfare Department who is much junior to me has been ordered to hold the charge of Director, Tribal Welfare for Sch. Tribes & Sch. Castes including the Director of Research, Agartala temporarily. I consider it as Administrative injustice and such cases of humiliation took place on many occasions when the said TCS officer who is junior to me have been ordered to hold the charge of Director of Tribal Welfare and Director research. I do not protest on those occasion as I thought that my seniority will be fixed immediately and hence, I did not protest on those occasions out of good spirit and courtesy.

I shall be thankful if you would kindly revoke this notification and modify the order so that my seniority over the said officer is respected and reflected in posting.

Yours faithfully

(C.S. Chattopadhyay)
Tribal Welfare Officer
Tripura, Agartala

Copy to :

1. The Secretary to the Chief Minister, Tripura, Agartala for favour of information and necessary action.
2. The 1st Personal Assistant to Minister, Tribal Welfare for kind information of the Minister.
3. The Secretary, tribal Welfare, Government of tripura, Agartala for information and necessary action.
4. The Under Secretary to the Government of Tripura, Appointment & Services Department, Agartala for information and necessary action.

Mr. S. S. Chatterjee
U.P. Govt.
1/1/1979

Annexure-A/12

To
The Chief Secretary,
Government of Tripura, Agartala.

Through proper channel

Subject : Protest against notification No. F.35(75)-GA/73 of
Appointment & Services Department dated 23rd May,
1979.

Sir,

This is to register my protest against the notification mentioned above by which during the period of absence of leave of Sri Sudhir Sharma, Director of Welfare for Sch. Tribes & Sch. Castes, Tripura with effect from 25th May, 1979 Shri S.B. Sarkar, Deputy Director, Tribal Welfare has been ordered to hold the charge of the post of Director of Welfare for Sch. Tribes & Sch. Castes and Director of Tribal Research.

As it is the convention that, during the period of absence of leave charge is to remain with the senior most officer in the Directorate, Shri S.B. Sarkar, TCS being junior to me, the notification is bad and does not fit in administrative norms.

I shall be thankful if you would kindly modify this notification so that my seniority over the said officer is respected and reflected in notification.

Yours faithfully

(C.S. Chattopadhyay)
Tribal Welfare Officer
Tripura, Agartala

Copy to :

1. The Secretary to the Chief Minister, Tripura, Agartala for favour of information and necessary action.
2. The 1st Personal Assistant to Minister, Tribal Welfare for kind information of the Minister.
3. The Secretary, tribal Welfare, Government of tripura, Agartala for information and necessary action.
4. The Under Secretary to the Government of Tripura, Appointment & Services Department, Agartala for information and necessary action.

Attested

Advocate.

Annexure-A/13

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR
AND TRIPURA)

AGARTALA BENCH

CIVIL RULE NO. 89 OF 1980

In the matter of :-

Shri Chandra Sekhar Chattopadhyay ...Petitioner
Versus
The State of Tripura and others ...Respondents

PRESENT

THE HON'BLE MR. JUSTICE N.I. SINGH
THE HON'BLE MR. JUSTICE B.L. HANSARIA

For the Petitioner : Mr. A.M. Lodh, Advocate
For the Respondents: Mr. D.P. Kundu, Advocate General.

ORDER

25.3.82 Heard the learned counsel (Mr. A.M. Lodh) for the Petitioner and learned Advocate General (Mr. D.P. Kundu) for the State on the application for stay which is rejected.

We however, observe that the Government may make appointment to the posts of IAS, and such appointments shall be made subject to the decision of this Rule.

Sd/- N.I. Singh
JUDGE
Sd/- B. L. Hansaria
JUDGE

Attested
[Signature]
Advocate

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

No.F.2(23)-GA/71 : Dated, Agartala, the 25th November, 1981

M E M O R A N D U M

In the seniority list of officers in Tripura Civil Services issued vide Memorandum No. F.30(1)-GA/74 dated the 31st July, 1975, the seniority position of Shri Lalvohliana was provisionally fixed at Sl. 67 i.e. below Shri D.K. Sen.

2. Government in consultation with the Tripura Civil Service Commission has now finalised the seniority of Shri Lalvohliana provisionally fixed earlier and have decided that the seniority of Shri Lalvohliana in the Tripura Civil Services should be fixed below Shri R.N. Bhattacharjee (Retd.) and above P. Nath (died) i.e. due to retirement of Shri R.N. Bhattacharjee, N.K. Sinha, B.M. Chakraborty, W.U. Mullah, G.C. Choudhury and S.C. Choudhury and death of P. Nath and S.L. Das Gupta, above Shri A.K. Bhattacharjee and below Shri R.B. Bhushan).

By order of the Governor

(S.R. Sankaran)
Chief Secretary to the
Government of Tripura

Copy to :

1. The Principal Secretary, Tripura, Agartala
2. The Special Secretary to the Governor, Tripura, Agartala
3. The Secretary to the Chief Minister, Tripura, Agartala
4. The Accountant General, Tripura, Agartala
5. All Departments
6. The District Magistrates & Collectors, West/North/South, Tripura.
7. All officers (A.K. Bhattacharjee/A.K. Roy/S.R. Nandy etc.etc. as per list).
8. Shri Lalvohliana, TCS, Dy Collector, office of the D.M. & Collector, North Tripura.
9. person files
10. File No. F.30(1)-GA/74

(H.M. Choudhury)
Under Secretary to the
Government of Tripura.

Attested

W.S. Choudhury
Advocate.

Annexure-A/15.

To
The Chief Secretary,
Appointment & Services Deptt.
Government of Tripura, Agartala.

Subject : An appeal to the Government on service matter.

Sir,

My seniority is still provisional in the eye of the Government & TPSC was consulted on the matter, which is in my favour.

But when after waiting for more than seven years no decision on seniority was communicated by the Government and officers junior to me were given promotion in TCS Gr.I, adhoc or/and officiating, I was painfully compelled to go to the court, that too after when serving of my notice to the Government had no impact on the Government. In fact, when I felt that no one was there to hear me, I thought I might seek redress and get it somewhere else.

But going to the High Court involves a lot of money, which I have already spent and the process of law in the Court and its courtyard is a procrastinated affairs. Moreover, as I was posted in Amarpur for more than three years, I could hardly pursue the case.

But now I have a feeling that the present Government is considerate and may review my case of seniority sympathetically. On the basis of this hope, I appeal to the Government to consider my case of fixation of seniority sympathetically so that I can render my services as a Govt. servant for the Government being free from mental agony, frustration and unnecessary expenditure.

Yours faithfully

Dated, Agartala,
the 7th Oct '83

(C.S. Chattopadhyay)
of Tripura Civil Service
at present posted as Project
Director, West Tripura, DRDA

Chattopadhyay
Advocate.

Annexure-A/16

The matter relates to the finalisation of seniority of Shri C.S. Chattopadhyay, TCS Gr.II officer. In the seniority list, which is published in 1975, i.e. F.30(1)-GA/74 dated, the 31st July, 1975 the seniority of Shri Chattopadhyay was shown as provisional and that the seniority would be determined in consultation with Tripura Public Service Commission. The advice of the TPSC was obtained from time to time and their final advice was given in letter No. F5(3)-TPSC/74 dated, the 17th March, 1977, available in File No. F.30(1)-GA/74. As the TPSC concluded with the advice that Government may obtain legal opinion in the matter, the law Department was also consulted. Thereafter, no final decision was taken in the matter. A part of the reason is that Shri Chattopadhyay filed a petition before the court in the meanwhile regarding his seniority.

2. Shri Chattopadhyay has since withdrawn his petition before the High Court. The withdrawal has also been accepted by the court.

3. It is also necessary now to give a final decision regarding his seniority. The basic issue in regard to the case is that the initial offer of appointment was made to Shri Chattopadhyay on 9.11.71; but ultimately he joined on 30.7.73. During the relevant period Shri Chattopadhyay was engaged in a research Project under bond at Ghana under the Education Ministry. While he accepted the offer made on 9.11.71 through a letter dated 15.2.72 he sought extension of time.

4. I am recording this note so that further action is pursued in the matter in the context of the various papers, advice of the TPSC and law department and matter finalised in regard to the position of Shri Chattopadhyay in the seniority list of TCS. This will have to be done quickly, as the case filed by him before the court has been withdrawn making it incumbent on the Government to give final decision regarding his seniority, which was treated as 'provisional'.

5. Apptt. & Services Department should take further action to place the matter before the Chief Secretary in due course.

(S.R. Sankaran)
Chief Secretary,
Govt. of Tripura.

Annotated
Ran

Annexure-A/17

No.F.35(2)-GA/72
GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

Dated, Agartala, the 4th July, 1989.

To

Shri C.S. Chattopadhyay,
Project Director, West Tripura District,
Rural Development Agency, Joynagar, Agartala.

Subject :- Fixation of Seniority in TCS.Gr.II.

Sir,

In partial modification of Appointment and Services Department letter of even number dated 24.4.85 on the subject noted above, I am directed to state that Government have considered your representation in details and have come to the conclusion that no action can be taken at this stage, for altering your provisional seniority as seniority cases against Shri Lalvohliana is still sub-judice.

2. Therefore, the case of fixation of your seniority may be re-opened, in the light of the decision of the above mentioned case.

Yours faithfully

(P.C. Sharma)
Joint Secretary to the
Government of Tripura.

Attested
[Signature]
Advocate.

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

No.F.30(2)-GA/79. Dated, Agartala, the 31st March, 1989

MEMORANDUM

Subject : Fixation of seniority list of officers in Tripura Civil Services

Whereas Appointment & Services Department Memorandum No. F.30(2)-GA/79 dated 16.2.87 circulating therewith the provisional Seniority List of all TCS Officers appointed against direct recruitment and promotion quota since 1976 to 195 and whereas in para 3 of the said Memorandum all officers concerned were requested to submit their objections if any, to the draft inter-se seniority by the 10th March, 1987.

2. Whereas a committee was constituted by the State Govt. for making scrutiny of the objection petitions received and to make their recommendations based on relevant Rules and Regulations for finalisation of the seniority list of TCS officers.
3. Whereas report of the said committee has now been received.
4. Now, therefore in consideration of the recommendations of the said committee, the Governor is pleased to finally fix the seniority of officers appointed to the Tripura Civil Service as shown below.

Sl. Name of officers : Date of : Date of : Date of : Source
No. :Apptt. to:Confirmatio-:continuou- of rec
State Civ-ition in :s officia- ruitme
il Service:State Ser:ition in : nt &
:Service :the duty : remark
:post of TCS
or equiva-
lant post :

1	2	3	4	5	6
1.	Shri S. Banerjee	4.3.67	4.3.69	12.1.66	Appointed to IAS
2.	Sri Lalvohliana	9.2.74	9.2.76	9.2.74	seniority subject to final decision to the court
3.	Sri SB Chakraborty	21.10.72	21.10.73	28.7.69	
4.	Sri ML Majumdar	4.3.67	4.3.69	14.2.69	Appointed to IAS
5.	Shri Birhari Dey	21.10.72	21.10.73	24.2.69	
6.	Shri LC Das		21.10.73	6.11.69	
7.	" PB Bhattacharje	21.10.72	21.10.73	6.11.69	Appointed

Attested
[Signature]
Advocate.

to IAS

8. " N Chakraborty : 21.10.72 21.10.73 8.9.70 :
9. " AM Dutta : 21.10.72 21.10.73 8.9.70 : Appointed
10. " M Roy : 21.10.72 21.10.73 8.9.70 : seniorit sub-
ject to fi-
nal decision
to the court
11. " ML Roy : 21.10.72 21.10.73 23.9.70 : Appointed
to IAS
12. " KR Das : 21.10.72 21.10.73 4.11.70 : - do -
13. " ML Das : 21.10.72 21.10.73 25.9.70 :
14. " S Deb Roy : 21.10.72 21.10.73 1.10.70 : Appointed
to IAS &
since retd.
15. " SN Gupta : 21.10.72 21.10.73 1.10.70 : Appointed
to IAS
16. " DK Bhattacharjee 21.10.72 21.10.73 9.11.70 : - do -
17 " HM Choudhury : 21.10.72 21.10.73 6.11.70 : - do -
18. " HP Siva : 21.10.72 21.10.73 21.10.72:
19. " JP Gupta : 21.10.72 21.10.73 8.9.70 : Appointed
to IAS
20. " DK Roy : 21.10.72 21.10.73 27.10.70:
21. " SB Dutta : 21.10.72 21.10.73 9.11.70:
22. " SB Sarkar : 21.10.72 21.10.73 21.10.70:
23. " JC Chakraborty : 21.10.72 21.10.73 9.11.70:
24. " RB Paul : 21.10.72 21.10.73 9.8.71 (A/N)
25. " SB Sen : 21.10.72 21.10.74 14.12.71 (A/N) Appointed
to IAS
26. " C Bardhan : 21.10.72 21.10.74 26.10.71:
27. " SK Ganguly : 21.10.72 21.10.74 16.8.71: Appointed
to IAS
28. " Joydev Chakrabo: 21.10.72 21.10.74 1.1.72:
29. " NG Majumdar : 21.10.72 21.10.74 3.9.71:
30. " NC Deb : 21.10.72 21.11.74 3.9.71: (A/N) offic-
ating IAS
31. " CSChattopadhyya : 24.7.73 24.7.75 24.7.73: R.R.
32. " DK Sen : 31.10.73 31.10.75 31.10.73

N.B. The seniority list of officers from Sl. No. 1 to 31 had
been finalised earlier in consultation with the UPSC/TPSC
and circulated vide this Department Memorandum No. F.30(1)-
GA/74 dated 31st July, 1975.

33. Sri Alok Kr Deb : 8.6.76 : 8.6.78 : 8.6.76 : R.R.
34. " BK Sharma : 10.6.76 : 10.6.78 : 10.6.76 : R.R.
35. " Dibakar Chakra: 7.6.76 : 7.6.78 : 7.6.76 : R.R.
36. " BK Chakraborty: 5.7.76 : 5.7.78 : 5.7.76 : R.R.
37. " RK Sen : 18.3.78 : 18.3.80 : 18.3.78 : promote
38. " BN Bhattacharj: 21.10.72 : 21.10.73 : 1.10.79 : -do-
39. " SK Adhikari : 9.6.76 : 9.6.78 : 9.6.76 : R.R.
40. " SC Das (SC) : 25.4.77 : 25.4.79 : 25.4.77 : R.R.
41. " SN Chakraborty: 9.6.76 : 9.6.78 : 9.6.76 : R.R.
42. " Sudip Kr. Roy : 16.6.76 : 16.6.78 : 16.6.76 : R.R.
43. " Banamali Sinha: 10.6.76 : 10.6.78 : 10.6.76 : R.R.
44. Smt. Shymalima Das 8.6.76 : 8.6.78 : 8.6.76 : R.R.
45. Sri NK Maitra : 15.11.76 : 15.11.78 : 15.11.76 : R.R.
46. " NG Bhattacharj: 10.6.76 : -- : 10.6.76 : R.R.
47. " Bimal Bhowmik : 8.6.76 : 8.6.78 : 8.6.76 : R.R.

Attested
[Signature]
Advocate.

48. " DK Chakraborty: 23.4.77 : 23.4.79 : 23.4.77 : R.R.
49. " Nepal Ch. Sinha 14.11.76 : 14.11.78 : 14.11.76 : R.R.
50. " Sailana Sailo(ST) 17.6.76 : 17.6.78 : 17.6.76 : R.R.
51. " MK Debbarma(ST) 8.6.76 : 8.6.78 : 8.6.76 : R.R.
52. " SK Sarkar (SC): 9.6.76 : 9.6.78 : 9.6.76 : R.R.
53. " RC Chouhdury(SC) 24.7.77 : 24.7.79 : 24.7.77 : R.R.
54. " Bhagirath Reang 11.6.76 : 11.6.78 : 11.6.76 : R.R.
(ST)
55. " Sailen Kr. Das: 5.6.76 : 5.6.78 : 5.6.76 : R.R.
(SC)
56. " Manik Lal : 11.6.76 : 11.6.78 : 11.6.76 : R.R.
Reang (ST)
57. " JC Bose : 1.4.77 : -- : 1.4.77 : promote
58. " AB Dutta : 1.4.77 : 1.4.79 : 1.4.77 : -do-
59. " SS Dutta : 1.4.77 : 1.4.79 : 1.4.77 : -do-
60. " BK Roy : 12.7.77 : 12.7.79 : 12.7.77 : R.R.
61. " Harihar Das(SC) 7.7.77 : 7.7.79 : 7.7.77 : R.R.
62. " MK Majumdar : 1.4.77 : 1.4.79 : 1.4.77 : promote
63. " PC Bhattacharj: 3.10.77 : 30.10.79 : 3.10.77 : -do-
Since retd
204. " Biswanath : 15.7.85 : -- : 15.7.85 : R.R.
Bhattacharjee
205. " Satyajit : 15.7.85 : -- : 15.7.85 : R.R.
Sarkar (SC)
206. " N Darlong (ST): 15.7.85 : -- : 15.7.85 : R.R.

(M. Dhar)
Deputy Secretary to the
Government of Tripura.

TO :-

1. All concerned (TCS Officers).
2. District Magistrate & Collector, West/North/South Tripura, Agartala/Kailashahr/Udaipur.
3. Revenue Department/R.D. Department.

Attested



Advocate.

Annexure-A/19

GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

No.F.35(2)-GA/72: Dated, Agartala, the 15th July '98

MEMORANDUM

WHEREAS in the seniority list of officers in Tripura Civil Services issued vide Memorandum No. F.30(2)-GA/79 dated 31.3.1989, the seniority position of Shri CS Chattopadhyay, was fixed below that of Shri Lalvohliana.

2. AND WHEREAS, Shri C.S. Chattopadhyay submitted representation for refixation of seniority vis-a-vis Shri Lalvohliana and claimed seniority on the basis of the year in which the competitive examination was held and selection was completed.

3. AND WHEREAS, Shri Lalvohliana vide his letter No. F.1(1)- Secy/Lab/96 dated 21.5.98 has admitted that Shri C.S. Chattopadhyay is senior to him.

4. NOW THEREFORE, the Government after examining the issue in detail has decided that seniority of Shri C.S. Chattopadhyay in Tripura Civil Service shall be fixed above that of Shri Lalvohliana.

(Manish Kumar)
Joint Secretary to the Govt. of Tripura

Copy to :

1. The Chief Secretary, Govt. of Tripura, Agartala.
2. The Special Secretary to Governor of Tripura, Raj Bhawan, Agartala.
3. The Secretary to Chief Minister, Tripura, Agartala.
4. All Principal Secretaries/Commissioners/Secretaries/Addl. Secretaries/Government of Tripura, Agartala.
5. Finance Deptt.(Estt Br.), Civil Sectt, Tripura, Agartala.
6. S.A. Department, Civil Sectt., Tripura, Agartala.
7. The Accountant General (A&E) Tripura, Agartala.
8. Shri C.S. Chattopadhyay, IAS, Secretary to Govt. of Tripura, UDD etc. Department.
9. Shri Lalvohliana, IAS, Secretary to the Govt. of Tripura, Labour etc. Department.
10. Personal files/Guard file.

(Manish Kumar)
Joint Secretary to the Govt. of Tripura

Attested
V. S. S. S.
20/7/98

Annexure-A/20

NO.F.35(2)-GA/72
GOVERNMENT OF TRIPURA
APPOINTMENT & SERVICES DEPARTMENT

Dated, Agartala, the 29th Oct 1998

NOTIFICATION

Whereas, Shri C.S. Chattopadhyay was appointed in TCS, Gr-I (Selection Grade) on officiating basis on 19.10.85 in the scale of pay of Rs. 1800-2500/- vide Appointment & Services Department Notification No.F.2(13)-GA/85, dated 19.10.85.

2. And Whereas, in the seniority list of officers in Tripura Civil Service issued vide Memorandum No. f.30(2)-GA/79 dated 31.3.89 the seniority position of Shri C.S. Chattopadhyay was fixed below that of Shri Lalvohliana.

3. And Whereas, Shri C.S. Chattopadhyay submitted representation for refixation of seniority vis-a-vis Shri Lalvohliana and claimed seniority on the basis of the year in which the competitive examination was held and selection process was completed.

4. And Whereas, the Government after examining issue on detail, have decided that the seniority of Shri C.S. Chattopadhyay in Tripura Civil Service shall be fixed above that of Shri Lalvohliana and issued Memorandum No. F.35(2)-GA/72 dated 15th July, 1998.

5. And whereas, Shri C.S. Chattopadhyay on re-fixation of his seniority has claimed for giving him promotion in TCS Gr.I from a suitable date as deemed proper as per TCS Rules and relevant financial rules etc..

6. Now, therefore, the Governor has been pleased to appoint Shri C.S. Chattopadhyay to TCS, Gr.I (Selection Grade) with retrospective effect from 15.11.80 i.e. the date on which his junior Shri Lalvohliana was appointed to TCS Gr.I (Selection Grade), Shri C.S. Chattopadhyay is therefore, entitled to get arrears of pay etc. in TCS, Gr.I (Selection Grade) with retrospective effect from 25.11.80.

By order of the Governor
(B.K. Das Gupta)
Under Secretary to the Govt. of Tripura

Copy to :

pto....

Amrit
B
10/10/98.

1. The Chief Secretary, Govt. of Tripura, Agartala.
2. The Special Secretary to Governor of Tripura, Raj Bhawan, Agartala.
3. The Secretary to Chief Minister, Tripura, Agartala.
4. All Principal Secretaries/Commissioners/Secretaries/Addl. Secretaries/Government of Tripura, Agartala.
5. Finance Deptt.(Estt Br.), Civil Sectt, Tripura, Agartala.
6. S.A. Department, Civil Sectt., Tripura, Agartala.
7. The Accountant General (A&E) Tripura, Agartala.
8. Shri C.S. Chattopadhyay, IAS, Secretary to Govt. of Tripura, UDD etc. Department.
9. Shri Lalvohliana, IAS, Secretary to the Govt. of Tripura Labour etc. Department.
10. Personal files/Guard file.

(Manish Kumar)
Joint Secretary to the Govt. of Tripur

Ambedkar
V.D.

Annexure-A/21

or nearly identical to the senior scale of the IPS he would not be allowed to count his officiation in such posts towards his eventual fixation of seniority if and when he is subsequently appointed to the IPS.

[G.I. M.H.A. letter No. 15/13/65-AIS(I) dated 7.7.1965]

Preparation of a list of Suitable offices.-(1) Each committee shall ordinarily meet at intervals not exceeding one year and prepare a list of such members of the State Civil Service as are held by them to be suitable for promotion to the service. The number of members of the State Civil Service included in the list shall not be more than twice the number of substantive vacancies anticipated in the course of the period of twelve months, commencing from the date of preparation of the list, in the posts available for them under Rule 9 of the Recruitment Rules, or 10 percent of the senior posts shown against items 1 and 2 of the cadre schedule of each State or group of States, whichever is greater.

*(2) The committee shall consider for inclusion in the said list, the cases of members of the State Civil Services in the order of a seniority in that service of a number which is equal to five times the number referred in sub-regulation (1):

Provided that such restriction shall not apply in respect of a State where the total number of eligible officers is less than five times the maximum permissible size of the Select list and in such a case the Committee shall consider all the eligible officers.

provided further that in computing the numbers for inclusion in the field of a consideration, the number of officers referred to in sub-regulation (3) shall be excluded.

provided also that the committee shall not consider the case of a member of the State Civil Service unless, on the first day of January of the year in which it meets he is substantive in the State Civil Service and has completed not less than eight years of continuous service (whether officiating or substantive) in the post of Deputy Collector or in any other posts or posts declared equivalent thereto by the State Government.

** Provided also that in respect of any released Emergency Commissioned or short Service Commissioned officers appointed to the State Civil Service, eight years of continuous service as required under the proceeding proviso shall be counted from the deemed date of their appointment to that service, subject to the condition that such officers shall be eligible for consideration if they have completed not less than four years of actual continuous service, on the first day of January of the year in which the committee meets, on the post of Deputy Collector or in any other post

*AMEND
W.D.
1/20/66*

or posts declared equivalent thereto by the State Government.

EXPLANATION :- The powers of the State Government under the third proviso to this sub-regulation shall be exercised in relation to the members of the State Civil Service of a constituent State, by the Government of that State.

+(2A) Notwithstanding anything contained in sub-regulations (1) and (2), the list referred to in sub-regulations (1) shall be prepared separately in respect of each State Civil Service. The number of members of the State Civil Service included in each such part of the list shall not be more than twice the number of substantive vacancies anticipated in the course of the period of twelve months, commencing the date of the preparation of the list in the posts available for them under rule 9 of the Recruitment Rules or 10 percent of the senior posts shown against item 1 of the cadre in the schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955 (hereinafter referred to as Cadre Schedule) under the Government of Constituent State concerned and the senior posts shown against item 2 of the Cadre Schedule notionally reckoned against that State whichever is greater.

EXPLANATION :- The number of senior posts shown against item 2 of the Cadre Schedule the Joint Cadre divided in the proportion of the number of posts under the Government of each of the constituent State shown against item 1 of the Cadre Schedule shall be notionally reckoned against each of the constituent States for the purpose of this sub-regulation.

(3) The committee shall not ordinarily consider the cases of the members of the State Civil Service who have attained the age of 52 years on the first day of January of the year in which it meets :

provided that a members of the State Civil Service whose name appears in the select list in force immediately before the date of the meeting of the committee shall be considered for inclusion in the fresh list to be prepared by the committee even if he has in the meanwhile attained the age of 53 years.

(4) The selection committee shall classify the eligible officers as "outstanding", "Very good", "Good" or "Unfit" as the case may be on an overall relative assessment of their service records.

*(5) The list shall be prepared by including the required number of names, first from amongst the officers finally classified as "Outstanding" then form amongst those similarly classified as "Very Good", and thereafter from amongst those similarly classified as "Good" and the order of names inter-se within each category shall be in the order of their seniority in the State Civil Police Service .

(6) The list so prepared shall be reviewed and revised every

AM 5/2
W.S.
1/1/1984

year.

(7) @ []

Government of India's Decisions :

1. The essence of a holding Selection Committee meeting annually is that each annual proceeding is independent of the other. That is why, as soon as the proceedings of the new selection committee are approved by UPSC proceedings of the earlier selection committee meeting become inoperative. No manner of continuity can, therefore, be imputed to the proceedings of the various selection committees.

[G.I. M.H.A. letter No. 27/38/64-AIS(III) dated 21.12.64]

1.2

2. Sub-regulation (4) merely States that the select list shall be reviewed and revised every year and does not further say that it can be reviewed and revised only after the expiry of a year. The validity of a select list is not, therefore, affected on the ground that it was, prepared earlier than the expiry of one year from the date of preparation of the earlier select list.

3. The calculation under sub-regulation (1) of the size of select list in terms of 10 percent of the senior duty posts may include the posts coming within the purview of both items 1 and 2 of the cadre strengths of each State. In calculating the percentage, however, all fractions are to be ignored because otherwise the stationary provision would stand violated.

(G.I., M.H.A. letter No. 27/28/64-AIS(iii), dated 9.12.1965)

3. The Government of India have held that select list are to be maintained only of the purpose of making substantive appointments of the members of the State Civil/Police Service to the IAS/IPS against the vacancies in promotion posts. At least, the select lists can be utilised for making temporary appointments of such officers to cadre posts in accordance with the provisions of Rule 9 of the cadre Rules. Select lists are not maintained for making appointments to non-cadre posts declared equivalent to cadre posts. In the exigencies of service adjustments of posting is required to be made within a period of three months.

[G.I., M.H.A. letter No. 14/51/65-AIS (III), dated 21.2.1966 read with letter No. 19/3/66/AIS(III), dated 26.4.1966 and No. 15/79/66-AIS(III), dated 17.10.1966]

5. The provision for restricting the size of the select list has been introduced with a view that select list may not be utilised for purposes other than holding of cadre posts only in an officiating or substantive capacity. This has been done in order to protect the interest of cadre officers as the tendency in the past has been to give benefit of seniority to select list officer as against cadre officers

Attested
[Signature]
Advocate.

for officiation in posts which are outside the IAS cadre.

[G.I.,M.H.A. letter No. 15/79/66/AIS(III), dated 17.10.1966]

6. Constitution with th commission.- This list prepared in accordance with regulation 5 shall then be forwarded to the commission by the State Government alongwith -

(i) the records of all members of the State Civil Service included in the list;

(ii) the records of all members of the State Civil Service who are proposed to be superseded by the recommendation made in the list;

(iv) the reasons as recorded by the committee for the proposed supersession of any members of the State Civil Service and

(iv) the observations of the State Government on the recommendations of the committee.

Government of India's Instructions :

The State Government shall forward the list, together with a copy of the proceedings of the selection committee to the Ministry of Home Affairs also simultaneously. While forwarding the list, the shall indicate :

(i) the full details of the vacancies against which the approved officers are proposed to be appointed ; and

(ii) whether any of the officers included in th select list and recommended for appointment has more than one wife living.

[G.I.,M.H.A. letter No. 5/14/56-AIS(I) dated 13.6.1956]

7. Select list.- (1) The commission shall consider the list prepared by the committee along with the other documents received from the State Government and, unless it considered any change necessary, approve the list.

(2) If the commission considers it necessary to make any changes in the list received from the State Government, the commission shall inform the State Government of the changes proposed and after taking into account the comments, if any, of the State Government, may approve the list finally with such modification, if any, as may, in its opinion, be just and proper.

(3) The list as finally approved by the commission shall form the select list of the members of the State Civil Service.

(4) The select list shall ordinarily be in force until its review and revision, effected under sub-regulation (4) of regulation 5, is approved under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2);

Approved
As per
Chuckles

(a) Provided that, in the event of any new Service or Services being formed by enlarging the existing State Civil Service or otherwise being approved by the Central Government as the State Civil Service under clause (j) of sub-regulation (1) of regulation 2, the select list in force at the time of such approval shall continue to be in force until a new list prepared under regulation 5 in respect of the members of the new State Civil Service, is approved under sub-regulation (1) or, as the case may be, finally approved under sub-regulation (2) :

Provided further that in the event of a grace lapse in the conduct or performance of duties on the part of any member of the State Civil Service included in the select list, a special review of the select list may be made at any time at the instance of the State Government and the commission may, if not so thinks fit, remove the name of such members of the State Civil Service from the select list.

(5) Every person included in the select list shall have to undergo such training at the Lal Bahadur Shyster National Academy of Administration, the State training institutions and other established training institutions in the country for such period as Central Government may consider necessary.

** B. Appointments to cadre posts from the select list.— (1) Appointments of members of the State Civil Service from the select list to posts borne or the State cadre or the Joint cadre of a groups of States as the case may be, shall be made in accordance with the provisions of rule 9 of the cadre Rules. In making such appointments, the State Government shall follow the order in which the names of such officers appear in the select list.

(2) Notwithstanding anything contained in sub-regulation (1) where administrative exigencies so require, a member of the State Civil Service whose name is not included in the select list or who is not next in order in that select list, may, subject to the aforesaid provisions of the cadre Rules, be appointed to a cadre post, if the State Government is satisfied —

(i) that the vacancy is not likely to last for more than three months; or

(ii) that there is no suitable cadre officer available for filling the vacancy.

Provided that where any such appointment is made in a State, the State Government shall forthwith report to the Central Government together with the reasons for making the appointment.

provided further that where administrative exigencies so require, such appointments may be continued in a cadre post beyond a period of three months with the prior concurrence of the Central Government.

Attested

[Signature]
Advocate

9. Appointments to the Service from the select list :- (1) Appointment of members of the State Civil Service shall be made by the Central Government on the recommendation of the State Government in the order in which the names of members of the State Civil Service appear in the select list for the time being in force;

Provided that the appointment of members of the State Civil Service shall be made in accordance with the agreement arrived at under clause (b) of sub-rule (3) or rule 8 of the Recruitment Rules in the order in which the names of the members of the State Civil Service occur in the relevant part of the select list for the time being in force.

(2) It shall not ordinarily be necessary to consult the commission before such appointments are made, unless during the period intervening between the inclusion of the name of a member of the State Civil Service in the select list and the date of the proposed appointment there occurs any deterioration in the work of the member of the State Civil Service which in the opinion of the State Government, is such as to render him unsuitable for appointment to the Service.

Government of India's Decision :

1. The appointment of a State Civil Service officer to an All India Service against the promotion quota or otherwise is appointment in a substantive capacity outside his cadre. His lien on the post in the State Civil Service shall, therefore, be suspended under Fundamental Rule 14(a)(2) and his written consent obtained for the termination of his lien on the post in the State Service before he is confirmed in the All India Service. The written consent should be obtained by the State Government while recommending the names State Service officers for appointment to the All India Service.

[G.I., M.H.A. letter No. 4/4/60-AIS(III), dated 15.10.1960]

2.1 X was placed above Y in the earlier select lists and he was also officiating in cadre posts. In the select list, current at the time of occurrence of the vacancy, however, he was superseded by Y. The question arose whether Y could be appointed to the Service in preference to X.

2.2 Regulation 9, which is mandatory, requires appointments to the Service to be made in the order in which the names appear in the select list for the time being in force. It is independent of regulation 8, which deals with temporary appointment of select list officer against cadre post. In the circumstances, X cannot be appointed to the Service in preference to Y. The fact that he was holding a cadre in an officiating capacity from a date earlier than Y or that he was placed above Y in the earlier select list is not a relevant consideration.

2.3 In this connection select list are subject to revisions

Amended

W.D.

Advocate.

as provided in regulations 5(4) and 7(4) and a particular select list will be in force only until its review and revision is approved by the commission. The fact that X was shown above Y in the earlier select list does not confer upon X any right for that position or ranking to be maintained in the subsequent select list. Also the fact that a person was holding a cadre post in an officiating capacity does not in any way prevent the selection committee from revising the select list and, in so doing the committee, under the proviso to regulation 5(3), will be within their rights to assign a higher place in the select list to a junior officer. Thus, under the scheme of the regulations, each select list is independent of the other and an officers respective position is not to be considered with reference to the previous select list which was in force. Further, in terms of regulation 5 the seniority of the officers in the State Police Service is to be taken into consideration in formulating the select list, but the selection committee is empowered to alter the order of names in the seniority list in the State Police Service, when the officers are brought on the select list.

2.4 The other point to be borne in mind is the distinction between regulations 8 and 9. Regulation 8 deals with the appointment of State Police Service officers against vacancies in cadre posts in a temporary capacity and such appointments have to be in accordance with the requirements of rule 9 of the Cadre Rules. As far as these officiating appointments to cadre posts are concerned, the legal status of State Police Service officers included in the select list is the same as of those not included in the select list; in other words to the extent regulation 8 is concerned. Select list officers are also non-cadre officers and that is the reason why their officiating appointments have to meet the requirements of rule 9 of the Cadre Rules. Thus a select list officer appointed in an officiating capacity to a cadre post under regulation 8 will not acquire any right to hold a cadre post either in preference to a cadre officer or in preference to another select list officer who may be placed above him by subsequent selection committee.

Regulation 9, on the other hand, deals with the appointment of a select list officer to a substantive vacancy in the service and this has to be made from the select list of the time being in force and in the order in which the names appear in such a select list. The phrase "for the time being in force" has relevance to the period at which the appointment to the service made by them and not to the time at which the officer started officiating in a cadre vacancy under regulation 8. That is to say, appointment to a vacancy in the promotion quota is made with reference to the date of the origin of the vacancy or the date of inclusion of the officers name in the select list, whichever is later

[G.O., M.H.A. letter No. 28/41/64-AIS(III), dated 11.2.65]

3.1 Under this regulation, appointments to the service are to be made with reference to the select list for the time being in force. A particular select list lapses when a fresh

select list is approved by the UPSC vide regulation 7(4). In view of this appointments to the service can only be made from the date of approval of the current select list or a date subsequent to that.

3.2 This would not, however, affect the pay or seniority of the officers as that is related not to the date of appointment to the service but to the date of officiation in cadre posts.

[G.I.,M.H.A. letter No. 15/1/65-AIS(I) dated 9.3.1965]

4. A State Service Officer, on appointment to an All India Service on probation would retain his lien in the State Service and therefore be entitled to all the benefits that may accrue to him in that service (such as confirmation in the selection grade of the State Civil Service) before his confirmation in the All India Service.

[G.I.,M.H.A. letter No. 4/12/60-AIS(III), dated 31.10.1966]

5. The appointment of select list officers to cadre posts should be dependent on the occurrence of vacancies in such posts and the need for filling up those posts in a particular date and not with reference to the date which confers financial benefits on an individual select list officer. As far as appointment to the service is concerned, it is to be made with reference to the select list for the time being in force. It can, therefore, be made retrospectively with effect from the date of continuous officiation in a cadre post provided that date is not earlier than the date of approval of the current select list.

In view of these factors, post dating of the appointment to the service of a particular officer with the sole object of giving him benefit in the matter of fixation of his pay in the IAS/IPS cannot be permitted.

[G.I.,M.H.A. letter No. 16/7/65-AIS(III) dated 29.6.1965]

6. The Government of India have held that IAS/IPS (Recruitment) Regulations, 1955 and the IAS/IPS (Appointment by promotion) Regulations, 1955 and the IAS/IPS (Cadre) Rules, 1954 do not recognise officiation by select list officers in non-cadre posts, declared by the State Government as equivalent to cadre posts. The appointment of select list officers to the Service can be notified against the vacancy in promotion posts retrospectively from the dates they have been holding cadre posts only continuously in accordance with rule 9 of the Cadre Rules. In case of the officers are holding non-cadre posts declared equivalent to cadre posts the appointment is given effect from the date of notification. Consequent on their appointment to the service from the date of notification they become cadre officers and continue to hold non-cadre posts in question from that date as ex-cadre posts of the IAS/IPS to be counted against deputation reserve provided in the cadre.

Amended
W.S.
Adm.

[G.I., M.H.A. letter No. 18/22/66-AIS(III), dated 26.11.1966]

Government of India's Instructions : In view of the legal position explained in Ministry of home Affairs letter No. 14/51-AIS(III), dated the 21st January, 1966, the proformae I & II prescribed in the Ministry of Home Affairs letter No. 27/54/64-AIS(III) dated 11th August, 1964, needed revision. These proformae have accordingly been revised and the State Governments are requested that in future the requisite information regarding fixation of seniority in respect of select list officers proposed to be appointed to the IAS/IPS may be furnished in the revised proformae I & II (enclosed) alongwith the State Governments proposal for promotion to the IAS/IPS.

2. It would appear from proforma I that information regarding continuously officiation by select list officers on or after 21.5.1966 is required to be furnished in respect of the officiation in cadre posts only, in view of the legal position obtaining under the various rules explained in the Ministry of Home Affairs letter dated 21st February, 1966, referred to above. The date 21st May, 1966 has been specified in the revised proforma as the position is required to be regularised within three months from the date of issue of the aforesaid letter.

AMC/ED
V.D.
1/2/67

PROFORMA-I
Information in respect of promoted officers

Sl. Name of : Date of : The date : Details of continuous officiation in the :Details of continuous : Ministry of Ho-
Officer birth from which the cadre posts included in item 1 of cadre officiation in the cadre Affairs refere-
officer is con- strength of non-cadre post declared equi- posts included in item/ ce communicati-
tinuously in the thereto, prior to 21.5.66 of cadre strength show- ng their approv-
select list(s) ing the designation of val to the arra-
----- Details of Details of non Date of decl- each post and the peri- ments in column
The date of appro cadre post cadre post aration of od indicating dates for 5 & 8
val of the select showing the declared equiva equivalence the which the post was
list(s) designation lent to cadre in the case and the period indicating
of each post post showing each non-cadre dates for which the post
and period the desginatins shown in held by the officer on or
indicating of each post and column (6) after 21.5.1966
dates for the period indi-
which the cating dates for
post was which the post was
held by the held by the officer
officer

1 2 3 4 5 6 7 8 9

Attested
W.D.
Advocate.

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PROFORMA-II

information in respect of competitive examinations recruits borne on the Indian Administrative Service/Indian Police Service Cadre of

No.	1	2	3	4

senior time-scale of the I.A.S./I.P.S.

Amended
V.D.
Indicate.

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10. Saving .- Nothing in these regulation shall apply to appointment to be made to the Service from among officers belonging to the State Civil Service included in list II prepared by the Special Recruitment Board under the Indian Administrative Service (Extension to States), Scheme.

SCHEDULE

[See Regulation 3(1)]

Sl. No.	Name of State/Cadre% Cadre/Joint Cadre	Other Members of the Committee
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1	2	3
---	---	---

1. Andra Pradesh	(1) Chief Secretary to the Government of Andhra Pradesh. (2) Commissioner of Land Revenue and any other Commissioner to be nominated by the State Govt. (3) Secretary to the Government of Andhra Pradesh in the Revenue Department. (4) A nominee of the Government of India not below the rank of a Joint Secretary.
2. Assam-Meghalaya	(1) Chief Secretary to the Government of Assam Pradesh. (2) Chairman, Board Revenue, Assam. (3) Chief Secretary to the Govt. of Meghalaya. (4) Commissioner of Division, Meghalaya. (5) A nominee of the Government of India not below the rank of a Joint Secretary.
3. Bihar	(1) Chief Secretary to Government (2) Development Commissioner. (3) Member, Board of Revenue (4) Seniormost Divisional Commissioner (5) A nominee of the Government of India not below the rank of a Joint Secretary.
4. Gujarat	(1) Chief Secretary to Government (2) Development Commissioner (3) The seniormost Secretary to Government other than the Chief Secy. or other Secretary already included in the committee (4) Secretary to Government, Revenue Department. (5) A nominee of the Government of India not below the rank of a

72

Attested
C. S. D.
Advocate

5. Haryana

Joint Secretary.

- (1) Chief Secretary to Government.
- (2) Financial Commissioner
- (3) Divisional Commissioner
- (4) Seniormost Secretary to government in Commissioner's rank
- (5) A nominee of the Government of India not below the rank of a Joint Secretary.

5A. Himachal Pradesh

- (1) Chief Secretary to the Government.
- (2) Three nominees of the State Govt. not below the rank of Member, Board of Revenue/Commissioner/Secretary to the Government.
- (3) A nominee of the Government of India not below the rank of a Joint Secretary.

6. Jammu & Kashmir

- (1) Chief Secretary to Government.
- (2-4) Nominees of the State Govt. not below the rank of Commissioner
- (5) A nominee of the Government of India not below the rank of a Joint Secretary.

1. Kerala

- (1) Chief Secretary to Government.
- (2) Seniormost Special Secretary to Government.
- (3) Member Board of Revenue, incharge of Land Revenue.
- (4) Secretary to the Government Revenue Department.
- (5) A nominee of the Government of India not below the rank of a Joint Secretary.

8. Madhya Pradesh

- (1) Chief Secretary to the Government of Madhya Pradesh.
- (2) President Board of Revenue.
- (3) Two seniormost Commissioners of Division.
- (4) Deleted.
- (5) A nominee of the Government of India not below the rank of a Joint Secretary.

Attested
V. S. D.
Advocate.

Annexure-A/22

Ministry of Home Affairs
Department of Personnel & Administrative Reforms, New Delhi

The 14th June, 1984
No. 14015/1/83-AISI

NOTIFICATION

In exercise of the powers conferred by Sub-rule (1) of the rule 8 of the Indian Administrative Services (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by promotion) Regulation, 1955 the President is pleased to appoint S/Shri J.L. Kar and Shri M.L. Dasgupta, members of the State Civil Service of Tripura to the Indian Administrative Service on probation and to allocate them to the cadre of Manipur-Tripura under sub-rule (1) of the Rule 5 of the Indian Administrative Service (cadre Rules) 1954.

M.S. Mathur
Desk Officer

Attested
V.D.
Advocate.

Annexure-A/23

(TO BE PUBLISHED IN THE GAZETTE OF INDIA IN PART I SECTION 2)

No. 14015/19/84-AIS.I
Government of India/Bharat Sarkar
Ministry of Personnel & Training, Admn. Reforms
And Public Grievances & Pension
(Karmik Aur Prasikshan, Prashashik Sudhar
Aur Lok Shikayat Tatha Pension Mantralaya)
Department of Personnel & Training
(Karmik Aur Prashikshan Vibhag)

New Delhi, the 6 September, 1985

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954, read with sub-regulation (1) of regulation 9 of Regulations, 1955, the President is pleased to appoint S/Shri M.L. Majumdar, P.B. Bhattacharjee and A.M. Dutta, members of the State Civil Service of Tripura to the Indian Administrative Service on probation and to allocate them to the cadre of Manipur-Tripura under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

(BABU JACOB)
Director

To

The Manager,
Govt. of India Press,
Faridabad (Haryana)

No. 14015/19/84-AIS.I New Delhi, the 6th Sept, 1985

Arrested
V.D.
Advocate.

Annexure-A/24

Ministry of Personnel, Public Grievances and Pension
(Department of Personnel and Training)
New Delhi

The 16th October, 1986
No. 14015/31/85-AIS(I)

NOTIFICATION

In exercise of the powers conferred by Sub-rule (1) of the rule of the Indian Administrative Services (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by promotion) Regulation, 1955 the President is pleased to appoint S/Shri M.L. Roy, K.R. Das and S. Deb Roy, members of the State Civil Service of Tripura to the Indian Administrative Service on probation and to allocate them to the cadre of Manipur-Tripura under sub-rule (1) of the Rule 5 of the Indian Administrative Service (cadre Rules) 1954.

M.S. Mathur
Desk Officer

*Not
seen
Advocate.*

(TO BE PUBLISHED IN THE GAZETTE OF INDIA IN PART I SECTION 2)

No. 14015/31/87-AIS.I

Government of India

Ministry of Personnel, P.G. & Pensions

Department of Personnel & Training

* * * * *

New Delhi, the 5 December, 1988

INTRODUCTION

In exercise of the powers conferred by Sub-rule (1) of the rule 8 of the Indian Administrative Services (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by promotion) Regulations, 1955 the President is pleased to appoint S/Shri 1. S. Banerjee, 2. S.N. Gupta, 3. D.K. Bhattacharjee, 4. H.M. Choudhury, 5. J.P. Gupta, 6. S.B. Sen, 7. S.K. Ganguly, members of the State Civil Service of Tripura to the Indian Administrative Service on probation and to allocate them to the cadre of Manipur-Tripura under sub-rule (1) of the Rule 5 of the Indian Administrative Service (cadre Rules) 1954.

M.S. Mathur
Desk Officer

"To

The Manager,
Govt. of India Press,
Faridabad (Haryana)

No. 14015/31/87-AIS.I

New Delhi, the 5.12.88

A copy is forwarded for information to the following :-

1. The Chief Secretary to the Govt. of Tripura, Agartala, with 7 spare copies for onward transmission to the officers concerned.
2. The Chief Secretary, Govt. of Manipur, Imphal.
3. Accountant General, Tripura, Agartala.
4. Secretary, Union Public Service Commission, New Delhi.
5. E.O. to the Govt. of India, New Delhi.

M. S. Mathur
Desk Officer

INTRODUCTION

1. D.O. (S) AIS (I) Section, 2. Research Officer (CM), Deptt of Personnel & Trg., 3. E.O. (PR) Section, 4. AIS.III Section for Civil List, 5. Training Division.
6. Spare copies.

6. Spare copies.

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Annexure-A/26

Ministry of Personnel, Public Grievances and Pension
(Department of Personnel and Training), New Delhi

The 18th May, 1989
No. 14018/40/88-AIS(I)

NOTIFICATION

In exercise of the powers conferred by Sub-rule (1) of the rule of the Indian Administrative Services (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by promotion) Regulation, 1955 the President is pleased to appoint Shri N.C. Deb, a member of the State Civil Service of Tripura to the Indian Administrative Service on probation and to allocate them to the cadre of Manipur-Tripura under sub-rule (1) of the Rule 5 of the Indian Administrative Service (cadre Rules) 1954.

M.K. Trehan
Desk Officer

W.S.M.
Advocate.

Annexure-A/27

(TO BE PUBLISHED IN THE GAZETTE OF INDIA IN PART I SECTION 2)

No. 14015/18/89-AIS-1

Government of India

Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

* * * * *

New Delhi, the 11 May, 1999

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In exercise of the powers conferred by Sub-rule (1) of the rule 8 of the Indian Administrative Services (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by promotion) Regulations, 1955 the President is pleased to appoint S/Shri Lalvohliana, C. Bardhan and C.S. Chattopadhyay, members of the State Civil Service of Tripura to the Indian Administrative Service on probation and to allocate them to the cadre of Manipur-Tripura under sub-rule (1) of the Rule 5 of the Indian Administrative Service (cadre Rules) 1954.

M.K. TREHAN
Desk Office

To

The Manager,
Govt. of India Press,
Faridabad (Haryana)

No. 14015/18/89-AIS.I

New Delhi, the 11 May 1998

A copy is forwarded for information to the following :-

1. The Chief Secretary to the Govt. of Tripura, Agartala, (with one spare copies for onward transmission to the officers concerned.)
2. The Chief Secretary, Govt. of Manipur, Imphal.
3. Accountant General, Tripura, Agartala.
4. Secretary, UPSC, New Delhi.
5. E.O. to the Govt. of India, New Delhi.

M.K. TREHAN
Desk Officer

INNISFREE WALL - DUNESTRIDE BURROW

1. DO. (S) AIS (I) Section
2. Research Officer (CM), DP&T
3. E.O. (PR) Section
4. AIS.III Section for Civil List
5. Training Division.
6. 10 Spare copies.

Annexure-A/28

No.F.1(2)-SECY/UDD/PER/99
Government of Tripura
Urban Development Department.

AGARTALA
JANUARY 1 1999

To
The Chief Secretary,
Government of Tripura,
Agartala.

Subject : Promotion to IAS with retrospective effect.

Sir,

I am grateful to Government of Tripura for giving my seniority in TCS Gr.II on 15th July, 1998 with retrospective effect whereby my rightful seniority places me above Shri Amal Roy and Shri S.R. Nandi and others. I joined the TCS Gr.II as a Deputy Collector on 20th July, 1973.

Position in seniority list in TCS Grade-II basically determines the promotion prospect of a TCS Officer to IAS though merit also matters. Promotion to IAS from State Civil Service officers is used to be made as per IAS (Appointment by Promotion) Regulations, 1955. Had my seniority been finalised in right time I would certainly have been considered for promotion to IAS in much earlier time. Rule-5 (Preparation of list of suitable officers) says that

(i) Manipur-Tripura Joint Cadre Selection Committee shall prepare a list of members of the State Civil Service suitable for promotion to the IAS which shall not be more than twice the number of substantive vacancies anticipated in the course of period of 12 months, commencing from the date of preparation of the list.

(ii) Joint Cadre Selection Committee shall consider for inclusion in the said list the cases of members of the State Civil Service in the order of seniority in that service of a number which is equal to five times the number referred to (i) above provided that the case of member of State Civil Service will not be considered unless on the first day of January of the year in which it meets he is substantive in the State Civil Service and has completed not less than 8 years of continuous service (whether officiating or substantive) in the post of Deputy Collector.

The following officers who are junior to me in TCS have been promoted to IAS earlier than me which has been possible due to non-finalisation of my seniority in TCS in right time. I submit the list of such officers alongwith their year of allotment in IAS who had thus wrongly superseded me.

Sl. No.	Name of officers & source of recruitment	Year of allotment
1.	Shri A.K. Roy (Retired) SCS	1977
2.	Shri SR Nandy (Retired) SCS	1977

Attested
V. Datta
Advocate.

3.	Shri KR Bhattacharjee (Retired) SCS	1978
4.	Shri ML Mazumdar (Retired) SCS	1982
5.	Late PB Bhattacharjee (Expired) SCS	1982
6.	Shri AM Dutta (Expired) SCS	1982
7.	Shri KR Das (Retired) SCS	1983
8.	Shri ML Roy (Retired) SCS	1983
9.	Shri SN Gupta (Retired) SCS	1984
10.	Shri DK Bhattacharjee (Retired) SCS	1984
11.	Shri HM Choudhury SCS	1984
12.	Shri JP Gupta (Retired) SCS	1984
13.	Shri SB Sen (Retired) SCS	1984
14.	Shri SK Ganguly (Retired) SCS	1984
15.	Shri NC Deb (Retired) SCS	1985
16.	Shri C Bardham (Retired) SCS	1984
17.	Shri Lalvohliana (Retired) SCS	1985

I think under normal circumstances I should have been given year of allotment in IAS against State Civil Service quota in the year 1978. Presently my year of allotment in IAS in 1985. I humbly pray that the State Government which have been kind enough to fix my seniority in TCS will now take the next consequential step to review my seniority in IAS and upgrade my seniority position in IAS. It is also requested that the other members, Chairman of the UPSC and Government of India as well as Chief Secretary, Manipur may also be moved for this restoration of my rightful place in IAS on promotion against SCS quota as per Rule 5 of IAS (Appointment by promotion) Regulation, 1955.

Yours faithfully

(C.S. Chattopadhyay)
Presently posted as
Secretary to the Government of Tripura
(IAS-(SCS)-year of allotment at present 1985)

Copy to :

1. The Secretary, Department of Personnel and Training (AIS), Ministry of Personnel, Public Grievances & Pension, Government of India, New Delhi.
2. The Chief Secretary, Government of Manipur, Imphal.
3. The Secretary, Union Public Service Commission, Dhalpur House, New Delhi-1.

Attested

[Signature]
Advocate

Annexure-A/28

No.F.1(2)-SECY/UDD/PER/99
Agartala
MARCH 3 1999

To

1. The Secretary,
Department of Personnel and Training
(AIS), Ministry of Personnel, Public
Grievances & Pension, Government of India,
New Delhi.
2. The Secretary, Union Public Service
Commission, Dholpur House, New Delhi-1.
3. The Chief Secretary, Government of
Tripura, Agartala.
4. The Chief Secretary, Government of
Manipur, Imphal.

Subject : Promotion to IAS with retrospective effect on the
strength of correct seniority in Tripura Civil
Service in respect of C.S. Chattopadhyay, now
allotted 1985 year of seniority in IAS.

SIR,

The undersigned joined Tripura Civil Service Grade-II
in July, 1973. Seniority of the undersigned was finally
fixed correctly on 15.7.1998 with retrospective effect.
Earlier the seniority position of the undersigned in TCS was
shown wrongly. As per the seniority in TCS which has
correctly been fixed on 15.7.1998 I should have been
considered for promotion to IAS immediately after 23.7.1981
when I completed 8 years service as Deputy Collector. In
fact, the two officers junior to me in TCS Grade-II who were
promoted to IAS with 1977 as the year of allotment, can
hardly become IAS with 1977 seniority as none of them had
really been promoted to TCS Grade-II (Deputy Collector)
regularly before me and their services have been regularised
in TCS and TCS almost simultaneously with retrospective
effect to give them undue favour.

At present I have been allotted to the year 1985 after
my promotion to IAS on 11.5.1990. Below is the list of
officers who had superseded me continuously due to the fact
that my seniority has not been fixed in right time.

Sl. No.	Name of officers & source of recruitment	Year of allotment
1.	Shri A.K. Roy (Retired) SCS	1977
2.	Shri SR Nandy (Retired) SCS	1977
3.	Shri KR Bhattacharjee (Retired) SCS	1978
4.	Shri ML Mazumdar (Retired) SCS	1982
5.	Late PB Bhattacharjee (Expired) SCS	1982
6.	Shri AM Dutta (Expired) SCS	1982
7.	Shri KR Das (Retired) SCS	1983
8.	Shri ML Roy (Retired) SCS	1983

*Advocate
Wilson
Advocate.*

9.	Shri SN Gupta (Retired) SCS	1984
10.	Shri DK Bhattacharjee (Retired) SCS	1984
11.	Shri HM Choudhury SCS	1984
12.	Shri JP Gupta (Retired) SCS	1984
13.	Shri SB Sen (Retired) SCS	1984
14.	Shri SK Ganguly (Retired) SCS	1984
15.	Shri NC Deb (Retired) SCS	1985
16.	Shri C Bardhan (Retired) SCS	1984
17.	Shri Lalvohliana (Retired) SCS	1985

I am grateful to the Government of Tripura for finalising my seniority with retrospective effect. I had requested Government of Tripura on 1.1.1999 to now consider me for promotion to IAS with retrospective effect on the strength of my seniority in TCS. A copy of this representation dated 1.1.1999 has also been sent to 1. The Secretary, Department of Personnel and Training (AIS), Ministry of Personnel, Public Grievances & Pension, Government of India, New Delhi, 2. The Secretary, Union Public Service Commission, New Delhi-1, 3. The Chief Secretary, Government of Manipur, Imphal.

It is now humbly prayed that I may kindly be considered by the Government of India to consider my prayer and review the year of allotment in IAS and favour me with rightful seniority in IAS which according to me should be 1978, if not 1977.

I hope that the Government of India and the Joint Selection Committee of the cadre will restore the long due justice to me at the earliest convenience.

Yours faithfully

(C.S. Chattopadhyay)

Presently posted as

Secretary to the Government of Tripura
(IAS-(SCS)-year of allotment at present 1985)

Anup Sen
Advocate.

(M)
(Q)

Annexure-A/28

No.F.1(2)-COM/FCS/PER/99
Agartala
22.2.2000

To

1. The Secretary,
Department of Personnel & Training (AIS),
Ministry of Personnel, Public Grievances &
Pension, Government of India, New Delhi.
2. The Secretary, Union Public Service
Commission, Dholpur House, New Delhi-1.
3. The Chief Secretary, Government of
Tripura, Agartala.
4. The Chief Secretary, Government of
Manipur, Imphal.

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service in respect of C.S. Chattopadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra was made Principal Secretary.

Sir,

Kindly refer to my earlier representations in the year 1999 on the above subject. I have not received any response so far with reference to my representation to review the year of allotment in IAS, which according to me, as per the IAS (Appointment by Promotion) Regulations, 1955 should be the year 1978, if not the year 1977. That would also mean (i) that I shall be placed either above Shri S.R. Nandy and Shri Amal Roy (both retired) in the year of allotment in IAS given to these two SCS officers promoted to IAS or at least above Shri K.R. Bhattacharjee (now retired) who was promoted in IAS after S.R. Nandy and Amal Roy and (ii) therefore, I shall be made by Principal Secretary from the date Shri Anil Misra, the batch mate of Shri KR Bhattacharjee in IAS, has been made Principal Secretary.

I have been given my rightful seniority in TCS after almost 25 years of waiting. For this act of justice I am grateful to the State Government. Now I request the State Government to again move the Government of India, UPSC and Government of Manipur to give my due seniority in IAS. There is no reason why I should repose trust in the same Government which had rewarded my patience in the last century.

Yours faithfully

(C.S. Chattopadhyay)
Presently posted as
Secretary to the Government of Tripura
(IAS-(SCS)-year of allotment at present 1985)

W.D.S.
ACCAG.

(24)
Annexure-A/28

No.F.1(2)-COM/FCS/PER/99
Agartala
16.10.2000

To
The Chief Secretary,
Government of Tripura,
Agartala.

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service as recently fixed in respect of C.S. Chattopadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra was made Principal Secretary.

Sir,

This is in continuation and in pursuance of my earlier representation on the above captioned subject which I have made but which have not received any response so far from the State Government, Government of Manipur, Government of India and UPSC. I have claimed that seniority in IAS in respect of me should be fixed in the year 1978, if not earlier. This claim is on the strength of IAS (Appointment by Promotion) Regulation, 1955. On the basis of that claim my obvious further legitimate claim was that I should be made Principal Secretary, Government of Tripura from the date Shri Anil Misra, the batch mate of Sri KR Bhattacharjee, IAS (now retired) has been made Principal Secretary. It is known to the Government of Tripura that Shri KR Bhattacharjee, IAS (SCS) was junior to me in State Civil Service.

The ball being now in the court of the State Government of Tripura I would appeal that the State Government may kindly take necessary in moving the UPSC, Ministry of Home Affairs, Government of Manipur and Government of India to fix my seniority retrospectively in IAS on the basis of my finalised seniority in TCS and also to give me respective promotion as Principal Secretary, Government of Tripura as prayed for in my earlier representations as well as in this representation.

An early action is requested as this will give me benefit, administrative status-wise as well as financially.

Yours faithfully

(C.S. Chattopadhyay)

Presently posted as

Secretary to the Government of Tripura

Copy to : (IAS-(SCS)-year of allotment at present 1985)

1. The Secretary, Department of Personnel and Training (AIS), Ministry of Personnel, Public Grievances & Pension, Government of India, New Delhi.
2. The Chief Secretary, Government of Manipur, Imphal.
3. The Secretary, Union Public Service Commission, Dholpur House, New Delhi-1.

With request to take necessary action in this pending matter.

Attested
W.S.
Advocate.

Annexure-A/28

No.F.1(2)-COM/FCS/PER/99
Agartala
22.1.2001

To
The Chief Secretary,
Government of Tripura,
Agartala.

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service as recently fixed in respect of C.S. Chattopadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra and his batchmates have been made Principal Secretary.

Sir,

This is in continuation and in pursuance of my earlier representations on the above captioned subject. I have claimed that seniority in IAS in respect of the undersigned should be fixed in the year 1978, if not, earlier. This claim is on the strength of IAS (Appointment by Promotion) Regulation, 1955.

2. It is the State Government which has delayed my fixation of seniority in Tripura Civil Service and finally fixed it after more than two decades. Had my seniority been fixed in time I would have been considered in right time for promotion to IAS as a member of Tripura Civil Service i.e. as a Dy. Collector, and certainly my seniority, combined with ACRs of those years, would have determined my promotion to IAS as per IAS (Appointment by promotion) Regulation, 1955.

3. As the State Government has judiciously finalised my seniority in Tripura Civil Service, may be belatedly, the ball is now in the court of the State Government to give my rightful seniority in IAS on the basis of my seniority in Tripura Civil Service retrospectively, by taking up the next step, i.e. by convening a selection committee meeting for promotion with the Union Public Service Commission, Ministry of Home Affairs, Government of Manipur and Government of India. The undersigned cannot be held responsible for the lapse of time caused due to such delays.

4. Justice which has been given in part can now please be given its logical, legal as well as fundamental conclusion.

Yours faithfully

(C.S. Chattopadhyay)
Presently posted as
Secretary to the Government of Tripura
(IAS-(SCS)-year of allotment at present 1985)

Copy to :

pto...

Arrested
W.S.W.
Advocate.

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The Secretary, Department of Personnel and Training (AIS), Ministry of Personnel, Public Grievances & Pension, Government of India, New Delhi.

The Chief Secretary, Government of Manipur, Imphal.

The Secretary, Union Public Service Commission, Dholpur House, New Delhi-1.

With request to take necessary action in this pending matter.

Interested
V. S. Sen
Advocate.

Annexure-A/29

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (PERSONNEL & TRAINING) DEPARTMENT

No. F.35(2)-GA/92 : Dated, Agartala the 8th March, 2001

To

Shri C.S. Chattpadhyay, IAS,
Commissioner-cum-Secretary,
Government of Tripura, Agartala

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service as recently fixed in respect of Shri C.S. Chattpadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra and his batchmates have been made Principal Secretary.

Sir,

I am directed to refer to your representation No. 1(2)-COM/FCS/PER/99/141-44 dated 22.1.2002 on the subject cited above and to state that your original representation had been forwarded to the Government of India with the views of State Government. The matter has to be decided by Government of India.

Yours faithfully

5.3.2001
(Mrs..B. Deb Barma)
Under Secretary to the
Government of Tripura.

Deb Barma

Annexure-A/30

NO.F.3592)-GA/P&T)/62
GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (PERSONNEL & TRAINING) DEPARTMENT

Dated, Agartala the 2nd April, 2001

To

Shri C.S. Chattpadhyay, IAS,
Commissioner-cum-Secretary,
Government of Tripura, Agartala

Subject : Representation of Shri C.S. Chattpadhyay, IAS
(SCS:85)- regarding.

Sir,

I am directed to forward herewith the copy of Government of India, Ministry of Personnel, P. G & Pension, Department of Personnel & Training, New Delhi letter No. F.14014/32/2000-AIS(I) dated the 27th February, 2001 on the subject noted above for favour of kind information.

Yours faithfully

2.4.2001
(Mrs. B. Deb Barma)
Under Secretary to the
Government of Tripura.

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(83)

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Annexure-A/30

NO.14014/32/2000-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi, the 26th February, 2001

To

Mr. B.K. Dasgupta,
Under Secretary to the Govt. of Tripura,
General Administration (Personnel & Training) Department

Subject : Representation of Shri C.S. Chattopadhyay, IAS
(SCS:85) - regarding.

Sir,

I am directed to refer to your letter No. 35(2)-GA (P&T)/72 dated 1st December, 2000 on the subject cited above and to state that the year of allotment of Shri C.S. Chattopadhyay was fixed in accordance with IAS (Regulation of Seniority) Rules, 1987, on the basis of his position in the select list from which he was appointed to the IAS plus the actual date of appointment. Therefore, the inter-se seniority between Shri Lalvohliana and Shri C.S. Chattopadhyay was fixed with respect to their positions in the select list and their date of appointment to the IAS and not on the inter-se seniority in the TCS, since this is no criterion for fixing seniority in the IAS under the rules.

2. Therefore, there is no merit in the representation and is thus rejected and the officer may be informed accordingly.

Yours faithfully

(Smt. Shubha Thakur)
Under Secretary to the Government of India.
Tel No. 3012285

Attested
Usha
Advocate.

Annexure-A/31

No.F.1(2)-COM/FCS/PER/99
Agartala
October 22, 2001

To
The Joint Secretary,
Department of Personnel & Training (AIS)
Ministry of Personnel, Public Grievances & Pensions
Government of India, New Delhi.

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service as recently fixed in respect of C.S. Chattopadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra and his batchmates have been made Principal Secretary.

Sir,

I made several representations to the Government of India as well as the State Government to refix seniority in accordance with IAS (Appointment by promotion) Regulation, 1955. My submission was that as the State Government has delayed my fixation of seniority in the Civil Service and finally fixed it after more than two decades I should be considered for promotion to IAS retrospectively on the basis of seniority-cum-merit. For fixing the retrospective seniority in IAS, necessary action may be taken by the Joint Cadre Authority consisting of Ministry of Home Affairs, Government of Tripura, Manipur as well as UPSC.

2. The Government of Tripura recently has forwarded one letter from Government of India to the undersigned vide No. F.35(2)-GA(P&T)/62 date April 2, 2001 (copy enclosed). In the letter 14014/32/2000-AIS(I) dated 27.2.2001 from the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training it has been stated that "the year of allotment of Shri C.S. Chattopadhyay was fixed in accordance with IAS regulation of seniority) Rules, 1987, on the basis of his position in the select list from which he was appointed to the IAS plus the actual date of appointment. Therefore, the inter-se seniority between Shri Lalvohliana and Shri C.S. Chattopadhyay was fixed with respect to their positions in the select list ad their date of appointment to the IAS and not on the inter-se seniority in the TCS, since this is no criterion for fixing seniority in the IAS under the Rules".

3. This communication of Government of India does not satisfy the points, which the undersigned raised in his earlier submissions. It rather misses the main issue. My submissions are that (i) my promotion to IAS should be fixed on the basis of my correct seniority in TCS, (ii) the IAS seniority of 1985, was given to me on the seniority position in the select list which was based on the then seniority position in TCS in respect of me which had been subsequently and rightly changed to my benefit, (iii) Select list on the basis of which my promotion was given is thus now

Anto Sarker
W. D. Sarker
Advocate.

invalidated and needs to reviewed on the basis of my revised seniority position in TCS and (iv) therefore, the Joint Cadre Authority may please so again and refix my seniority on the basis of a fresh select list.

4. The undersigned, therefore, requests that a fresh meeting of the Joint Cadre Authority may be convened and my seniority in IAS may be refixed on the basis of a new select list which shall have to be prepared as per the procedures prescribed by IAS (Appointment by Promotion) Regulation, 1955.

Yours faithfully

Enclo : As stated

(C.S. Chattopadhyay)

Presently posted as

Secretary to the Government of Tripura
(IAS-(SCS)-year of allotment at present 1985)

Attest
W.D. Banerjee
Advocate

Annexure-A/32

No.F.1(2)-COM/FCS/PER/99
AGARTALA
February 1, 2002

To

The Secretary,
Department of Personnel & Training (AIS),
Ministry of Personnel, Public Grievances &
Pension, Government of India, New Delhi.

The Secretary, Union Public Service
Commission, Dholpur House, New Delhi-1.

The Chief Secretary, Government of Tripura,
Agartala.

The Chief Secretary, Government of Manipur,
Imphal.

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service in respect of C.S. Chattopadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra and his batchmates have been made Principal Secretary.

Sir,

I made several representations to the Government of India as well as the State Government to refix my seniority in accordance with IAS (Appointment by Promotion) Regulation, 1955. My submission was that as the State Government has delayed my fixation of seniority in the Civil Service and finally fixed it after more than two decades I should be considered for promotion to IAS retrospectively on the basis of seniority-cum-merit. For fixing the retrospective seniority in IAS, necessary action may be taken by the Joint Cadre Authority consisting of Ministry of Home Affairs, Government of Tripura, Manipur as well as UPSC.

2. The Government of Tripura recently has forwarded one letter from Government of India to the undersigned vide No. F.35(2)-GA(P&T)/62 date April 2, 2001 (copy enclosed). In the letter 14014/32/2000-AIS(I) dated 27.2.2001 from the Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training it has been stated that "the year of allotment of Shri C.S. Chattopadhyay was fixed in accordance with IAS regulation of seniority) Rules, 1987, on the basis of his position in the select list from which he was appointed to the IAS plus the actual date of appointment. Therefore, the inter-se seniority between Shri Lalvohliana and Shri C.S. Chattopadhyay was fixed with respect to their positions in the select list ad their date of appointment to the IAS and not on the inter-se seniority in the TCS, since this is no criterion for fixing seniority in the IAS under the Rules".

3. This communication of Government of India does not satisfy the points, which the undersigned raised in his earlier submissions. It rather misses the main issue. My

W.S.
AC
L.S.
Adm. Secy.

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submissions are that (i) my promotion to IAS should be fixed on the basis of my correct seniority in TCS, (ii) the IAS seniority of 1985, was given to me on the seniority position in the select list which was based on the then seniority position in TCS in respect of me which had been subsequently and rightly changed to my benefit, (iii) Select list on the basis of which my promotion was given is thus now invalidated and needs to be reviewed on the basis of my revised seniority position in TCS and (iv) therefore, the Joint Cadre Authority may please so again and refix my seniority on the basis of a fresh select list.

4. The undersigned, therefore, requests that a fresh meeting of the Joint Cadre Authority may be convened and my seniority in IAS may be refixed on the basis of a new select list which shall have to be prepared as per the procedures prescribed by IAS (Appointment by Promotion) Regulation, 1955.

Yours faithfully

Enclo : As stated

(C.S. Chattopadhyay)

Presently posted as

Secretary to the Government of Tripura
(IAS-(SCS)-year of allotment at present 1985)

*Received
M/S
1985*

Annexure-A/33

No.F.1(2)-COM/FCS&CA/2000/608-9

Government of Tripura

Food, Civil Supplies & CA and UDD etc. Department

AGARTALA

March 23, 2001

To

The Under Secretary,
GA(P&T) Department
Government of Tripura.

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service in respect of C.S. Chattopadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra and his batchmates have been made Principal Secretary.

Dear Madam,

Kindly refer to your letter No. F.35(2)-GA/92 dated the 8th March, 2001. It mentions that the views of the State Government in respect of my representation related to the above subject has been forwarded to the Government of India. Kindly give me a copy of the views of the State Government so forwarded.

Yours faithfully

(C.S. Chattopadhyay)
Commissioner
Government of Tripura

Copy to :

Smt. Shubha Thakur,
Under Secretary,
Government of India,
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training,
North Block, NEW DELHI.

Attested

W.D.M.

Advocate.

Annexure-A/33

No.F.1(2)-COM/FCS&CA/2000/682-83
Government of Tripura
Food, Civil Supplies & CA and UDD etc. Department

AGARTALA
April 6, 2001

To

The Under Secretary,
GA(P&T) Department
Government of Tripura.

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service in respect of C.S. Chattopadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra and his batchmates have been made Principal Secretary.

Dear Madam,

Kindly refer to your letter No. F.35(2)-GA/92 dated the 8th March, 2001 and my letter No. F.1(2)-COM/FCS&CA/2000/608-9 dated March 23, 2001. It mentions that the views of the State Government in respect of my representation related to the above subject has been forwarded to the Government of India. Kindly give me a copy of the views of the State Government so forwarded.

Yours faithfully

(C.S. Chattopadhyay)
Commissioner
Government of Tripura

Copy to :

Smt. Shubha Thakur,
Under Secretary,
Government of India,
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training,
North Block, NEW DELHI.

Attested

Cham
Advocate

Annexure-A/33

No.F.1(2)-COM/FCS&CA/2000/840-41
Government of Tripura
Food, Civil Supplies & CA and UDD etc. Department

AGARTALA
May 2, 2001

To

The Joint Secretary,
GA(P&T) Department
Government of Tripura.

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service in respect of C.S. Chattopadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra and his batchmates have been made Principal Secretary.

Sir,

Kindly refer to your letter No. F.35(2)-GA/92 dated the 8th March, 2001. It mentions that the views of the State Government in respect of my representation related to the above subject had been forwarded to the Government of India. I had requested the Under Secretary, GA(P&T) Department vide my letter No. F.1(2)-COM/FCS&CA/2000/608-9 dated 23.3.2001 and No. F.1(2)-COM/FCS&CA/2001 dated 30.4.2001 to give me a copy of the views of the State Government so forwarded for my information and if necessary, for further action from my end. But I have not yet received any response to my request addressed to the Under Secretary, GA(P&T) Department. Hence this letter to you to kindly favour me with a copy of the views of the State Government so forwarded to the Government of India, as requested by me on March 23, 2001 and April 6, 2001.

Yours faithfully

(C.S. Chattopadhyay)
Commissioner
Government of Tripura

Copy to :

The Secretary,
Government of India,
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training,
North Block, NEW DELHI.

Attested

[Signature]

Advocate

Annexure-A/33

No.F.1(2)-COM/FCS&CA/2000
Government of Tripura
Food, Civil Supplies & CA Department

AGARTALA
February 1, 2002

To

The Joint Secretary,
GA(P&T) Department
Government of Tripura.

Subject : Prayer for promotion to IAS with retrospective effect on the strength of correct seniority in Tripura Civil Service in respect of C.S. Chattopadhyay and his appointment as Principal Secretary from the date when Shri Anil Misra and his batchmates have been made Principal Secretary.

Sir,

Kindly refer to State Government letter No. F.35(2)-GA/92 dated the 8th March, 2001. It mentions that the views of the State Government in respect of my representation related to the above subject had been forwarded to the Government of India I had requested the Under Secretary, GA(P&T) Department vide my letter No. F.1(2)-COM/FCS&CA/2000/608-9 dated 23.3.2001 and No. F.1(2)-COM/FCS&CA/2001 dated 30.4.2001 to give me a copy of the views of the State Government so forwarded for my information and if necessary, for further action from my end. But I have not yet received any response to my request addressed to the Under Secretary, GA(P&T) Department. Hence this letter to you to kindly favour me with a copy of the views of the State Government so forwarded to the Government of India, as requested by me on March 23, 2001 and April 6, 2001.

Yours faithfully

(C.S. Chattopadhyay)
Commissioner
Government of Tripura

Copy to :

The Secretary, Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, North Block, NEW DELHI.

dkc/2002

W.D.

dkc/2002

115/

Central Administrative Tribunal

26 NOV 2002

Original copy
Guwahati Bench

Filed +
State of
through
138 Grand Raoni Patti
26 NOV 2002

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI**

O.A. NO. 113 OF 2002

Shri Chandra Sekhar Chattopadhyay

.....APPLICANT.

- VS -

Union of India and Others

.....RESPONDENTS.

- AND -

IN THE MATTER OF:

Written Statement submitted for and on behalf of the State of Tripura, the Respondent No. 3 to the application filed by the Applicant in O.A. 113 of 2002.

The humble Respondent begs to submit the Written Statement as follows:

- 1) That saves and except what has been specifically admitted herein below in this Written Statement, all other statements made by the Applicant in the Original Application may be treated as denied by the answering Respondent and further, does not admit the statements made by the Applicant, which are contrary to, and/or inconsistent with the records of the case.
- 2) That with regard to the statements made in paragraph 1 of the application, the answering Respondent states that the position as far as they are concerned will be explained in the subsequent/below given paragraphs.
- 3) That with regard to the statements made in paragraph 2 of the application, the Respondent have no comments to offer and this Hon'ble Tribunal shall decide the same on the matter of limitation in filing the present application.
- 4) That with regard to the statements made in paragraph 3 of the application, the jurisdiction of the Hon'ble Tribunal is not disputed.
- 5) That the contention of the applicant made in Paragraph 4.1 to 4.13 of the application is admitted.

Contd.....

6) That with regard to the statements made by the applicant in Paragraph 4.14 to 4.17 of the application the Respondent states that the inter-se seniority of Tripura Civil Service Grade-II Officers, Promotee and Direct Recruits appointed up to the year 1974 has been finalised in the year 1975. In the said seniority list, the name of the applicant was shown provisionally vide Serial Mo. 65 with the remarks that 'seniority would be determined in consultation with TPSC'. That another Officer namely Shri Lalvohliana who was also recommended by the UPSC was also shown in the said Seniority List at Serial No: 7 with the same comments as because both the said Officers were selected by the UPSC as Tripura did not attain Statehood, at that point of time. Accordingly for determination of seniority of the Applicant, the full particulars of his case were sent to the TPSC. For the said purpose, TPSC was also informed that the Applicant was initially issued offer of appointment on 09-11-1971, which was kept on being extended and finally he joined TCS duties on 24-07-1973 i.e. within 30-07-1973, the last extended time. It was pointed out that as the validity of panel recommended by the Commission of Selection Board remains valid for a period of 1(one) year only and as the Applicant had joined his duties after the expiry of such period, he may be given seniority with reference to the date of his joining. That on examining the case of the Applicant, the TPSC did not give a conclusive opinion and asked the State Government to seek legal advice.

The Respondent also states that although the name of the Applicant was recommended by the UPSC for appointment in TCS Grade-II and in accordance with the advice of the Government of India, the Government of Tripura had issued the offer of appointment of the Applicant, the UPSC / Government of India was not consulted for fixation of seniority, because in the mean while the Union Territory of Tripura had attained Statehood and TPSC had started functioning.

7) That with regard to the statements made in Paragraphs 4.18 to 4.26 of the Application, the Respondent states that since the TPSC had not given a conclusive opinion and asked the State Government to seek legal advice, the case of the Applicant was referred to the Law Department. But in the mean time, in the year 1980, the Applicant went to the Court of Law and filed a case for finalisation of his seniority. But subsequently, the Applicant withdrew the said case unconditionally in the year 1984. That in the year 1981, the seniority of Shri Lalvohliana was finalised by the Government, but the seniority of the Applicant could not be finalised since at that time the case filed by the Applicant was sub-judice. That on the fixation of seniority of Shri Lalvohliana by the Government, two TCS Officers namely Shri P.B.Bhattacharjee and others filed a case against the Government challenging the fixation of seniority of Shri Lalvohliana in the year 1981, but in the said case the Applicant was not a party. That the said case was dismissed in the year 1992. That in the year 1989 a Seniority List of Officers in Tripura Civil Service was published and in the said list seniority of Shri Lalvohliana was shown at

Contd.....

Serial No. 2 and in the remarks column it was indicated 'the seniority is subject to the final decision of the Court'. That in the said list the name of the Applicant was shown at Serial No. 31. But the claim for refixation of seniority of the Applicant could not be finalised before 1992, since the case filed by two TCS Officers namely Shri P.B.Bhattacharjee & Others against the seniority of Shri Lalvohliana was sub-judice at that time. The Respondent states that the Government in the year 1998 duly considered the representation filed by the Applicant for refixation of his seniority and finalised the seniority of the Applicant by appointing him to TCS Grade-I (Selection Grade) with retrospective effect from 25-11-1980 i.e. the date on which his junior Shri Lalvohliana was appointed to TCS Grade-I (Selection Grade). The Respondent further states that the Government have cleared all the arrears of pay/dues payable to the Applicant in TCS Grade-II and Grade-I (Selection Grade) for such appointment.

8) That the statements made by the Applicant in Paragraph 4.27 of the Application are records of the relevant provisions of IAS Regulation 1955.

9) That with regard to the statements made in Paragraphs 4.28 of the Application, the Respondent states that the contentions made by the Applicant in the same is not based on facts. The Respondent states that the name of the Applicant was sent to UPSC for consideration of his name for inclusion in the Select List and the Selection Committee also considered his name along with others. But his name was not recommended by the Selection Committee to be included in the Select List for those years.

10) That with regard to the statements made in Paragraphs 4.29 of the Application, the Respondent states that the performance of the Applicant was assessed year wise by the concerned superior officers as per procedure and is recorded in the Annual Confidential Report which is written on the basis of performance of individual officers for the year. As regards awarding of silver medal by the Respondent No.1 for Census work, it relates to the performance of the Applicant in conduct the Census Work. The Respondent states that it is one of the several work assigned to the Applicant, but it does not reflect the overall performance for the whole year. Though, the provisional seniority of the Applicant was finalised in the year 1989, but his name was sent to UPSC for consideration of his case for inclusion in the Select List when he became eligible, i.e. when he completed continuous 8 (eight) years of service in TCS. That the Respondent states that the Applicant's name was also considered along with others by the Selection Committee, but his name was not recommended by it to be included in the Select List for that year. It may be mentioned here that the Applicant was promoted to IAS in the year 1990 from the 1989 Seniority List and therefore, the contention of the Applicant that due

to delay in finalising his seniority, he was deprived from his legitimate claim for inclusion of his name in IAS right from 1982 onwards is not based on facts and hence denied.

11) That with regard to the statements made in Paragraphs 4.30 to 4.34 of the Application, the Respondent states that the third proviso to sub-rule (2) of IAS (Appointment by Promotion) Regulations, 1955 provides as under:

Provided also that the Committee shall not consider the case of a member of the State Civil Services unless on the 1st day of April of the year in which it meets he is substantive in the State Civil Service and has completed not less than eight years of continuous service (whether officiating or substantive) in the post of Deputy Collector or in any other post or posts declared equivalent thereto by the State Government".

That the Respondent states that the contention of the Applicant reflected in these paragraphs that he has been superseded by his juniors from the year 1982 to the date of his appointment in IAS were not based on facts as because none of the Officers appointed before the Applicant who's date of continuous Officiation in the duty post of TCS or equivalent post was later than the date of continuous Officiation in the duty post of TCS or equivalent post.

12) That with regard to the statements made in Paragraphs 4.35 to 4.39 of the Application, the Respondent states that the representation submitted by the Applicant after careful consideration by the State Government was forwarded to the Government of India for taking necessary action as the Government of India is the competent authority to take decision in this regard. That Government of India after consideration of the same has directed the State Government to inform the Applicant about the decision of the Government of India that the year of allotment of the Applicant was fixed in accordance with IAS (Regulation of Seniority) Rules, 1987 on the basis of his position in the Select List from which he was appointed to IAS along with his actual date of appointment. Accordingly the State Government communicated the same to the Applicant.

That as regards the supply of the copy of the correspondence between the State Government and the Government of India, the State Government has the privilege not to supply the same.

13) That with regard to the statements made in Paragraphs 4.40 and 4.41 of the Application, the Respondent states that the contention of the Applicant reflected in these two paragraphs that he has been superseded by his junior from the year 1982 to

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the date of his appointment in IAS is totally false and baseless, as the same is not based on facts. That the Respondent states that none of the Officers appointed in the IAS before the Applicant, whose date of continuous Officiation in the duty post of TCS or equivalent post was later than the date of continuous Officiation of the Applicant in the duty post of TCS or equivalent Post.

14) That as regards the grounds taken in Paragraph 5 of the application the answering Respondent states and submits that those are not tenable in law as well as in facts and circumstances of the present case. The answering Respondent submits that the applicant is not entitled to the relief as prayed for in the Original Application.

15) That as regards the relief sought for in Paragraph 8 of the application, the answering Respondent submits that in view of the facts and circumstances stated above and as the application is not based on facts, the applicant is not entitled to any relief prayed for and as such the application is liable to be dismissed.

VERIFICATION

I, Shri Rabisankar Bhattacharya, Son of Radhika Mohan Bhattacharjee, Liaison Officer, Government of Tripura, Tripura Bhawan, Guwahati do hereby verify that the statements made in paragraphs 2 to 13 of the Written Statement are true to my knowledge, information and belief derived from the relevant records and the rests are my humble submission before this Hon'ble Tribunal and I sign this verification on this the 26th day of November 2002.

Rabisankar Bhattacharya

S I G N A T U R E

Rabisankar Bhattacharya

Filed by the applicant through
Lushan Das (Advocate)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH.

OA. 113/2002

C. S. Chattopadhyay

-VS-

Union of India & Ors.

Rejoinder to the written statement filed by the Respondent No.3.

1. That the applicant has gone through the Written Statement submitted by the State of Tripura, the Respondent NO.3. Save and except the statement which are not specifying admitted herein below, rest of the statements are treated to be total denial, and the statement which are not born on record are also denied and the Respondent is put to the strictest proof thereof.
2. That with regard to the statement made in para 1,2,3, 4 & 5 the Applicant does not admit anything contrary to and/or inconsistent with the records of the case.
3. That with regard to the statement made in para 6 of the written statement the Applicant while reiterating and reaffirming the statement made above as well as in the OA begs to state that the contention of the respondent No.3 regarding inters seniority of TCS Officers (Grade II) upto the year 1975 is not correct. The seniority position of the Applicant in the 1975 seniority list was shown as provisional at Sl. No.65 with the remark in consultation with TPSC. The name of Sri Zalvohliana was shown at Sl.No.67 with similar remark. Similarly in case of Sri Omprakash at Sl. No.64 and R.B. Bhusan at Sl. No.56 was also shown provisional with similar remark. This seniority list published

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vide notification dated 31.7.75 was basically a final seniority list for the promote TCS Officers (Grade-II) but for these four direct recruit Officers it was a provisional seniority list.

The Respondents made consultation with Govt. of India in connection with the seniority of two other officers namely Late R.B. Bhusan and late Omprakash on the basis of the competitive examination for recruitment to IS and allied services in 1969 and 1970 and their cases were recommended favourably. However in case of the Applicant same exercise was not resorted to although all of them were of same batch. This inaction on the part of the Respondent No.3 cause serious injustice to the present Applicant in respect of his seniority.

The Applicant further begs to state that the Applicant was initially issued the offer of appointment of 9.11.71 but the Respondents themselves extended the joining time by granting him leave and he finally joined on 24.7.73 as TCS Officer. Therefore the contention regarding the validity of panel does not arise. After issuance of offer of appointment the question of validity/life of the panel doesn't arise. In the year 1969 the Applicant appeared in the competitive examination and successfully cleared the same but since there was a delay in offering appointment the Applicant left for Ghana, West Africa, for studying Ph.D course under common wealth scholarship and fellowship plan on nomination by Govt. of India. During his study in Ghana he received the letter dated 9.7.71 offering him the post of TCS Officers and immediately he excepted the post and prayed for extension of time of joining. His prayer was accepted by the Govt. and on 24.7.73 he joined his duty after completion of Ph.D. degree. Since the Respondent itself extended the joining

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time, hence the question of expiry of panel does not arise. Had the panel expired, as contended by the Respondent the selection of the Applicant ought to have canceled and there would have no occasion for allowing him to resume duty on 24.7.73. Therefore the stand taken by the Respondent regarding expiry/life of the panel does not arise. Apart from that counting of seniority of the applicant from 1973 also does not arise as the mode of selection was purely on merit. On both count the contention of the Respondent regarding fixation of seniority of the Applicant cannot stand.

The documents pertaining to fixation of seniority in respect of late R.B. Bhushan and late Omprakash are annexed as Annexure R.J.1.

4. That with regard to the statement made in para 7 of the Written Statement the applicant while reiterating and affirming the statement made above as well as in the OA begs to state that the State Govt. initiated the process in the year 1973 and concluded the process with a remark for seeking legal opinion and in the said process the State Govt. took nearly 7 years time and the Applicant kept on pursuing his matter but nothing was intimated to him. The Applicant having no other alternative had to approach the Hon'ble Court in the year 1980 seeking finalisation of his seniority. The Writ Petition (CR No.59/80) was withdrawn as it was defective and subsequently another CR was filed bearing CR No. 99/80. Sri Zalvohliana also filed Writ Petition along with the Applicant. During the pendency of the said case Govt. of Tripura issued notification finalising the seniority of Zalvohliana. The Applicant made representation dated 7.10.83 praying for fixation of his seniority but the Respondent showed their helplessness in view of pendency of his case. The

Respondent assured the Applicant for doing the needful subject to withdrawal of the case and finally on 19.1.84 he had withdrawn the case from Hon'ble Court. On fixation of seniority of Sri Zalvohliana two TCS Officers filed Writ Petition but on the said Writ Petition applicant was not a party even then the Respondents did not refuse the seniority of the Applicant in the name of pending proceeding and the said case was dismissed in the year 1992. The Respondents however in the name of pendency of Court case kept the matter pending wherein he was not a party to that proceeding more so when in the said proceeding there was no interim protection against the fixation of seniority of the Applicant.

5. That with regard to the statement made in para 8 the Applicant begs to reiterate and reaffirm the statement made above as well as in the OA.

6. That with regard to the statement made in para 9 the Applicant while reiterating and reaffirming the statement made above as well as in the OA states that due to provisional fixation of seniority he never came within the zone of consideration as his name was shown below the seniority list. However when the seniority of the Applicant was requested it was seen that he is senior to Sri Zalvohliana and he was given the promotion to TCS Grade-I (Selection grade) with retrospective effect from 15.11.80 i.e. the date when said Sri Zalvohliana was appointed in TCS Grade-I. It is stated that taking into his requested seniority he became eligible for consideration for promotion to IAS w.e.f. 23.7.1981 when he has completed 8 years of service as Deputy Collector and as such the Respondents are duty bound to review the case of the Applicant as 1981 on the basis of such requested seniority.

7. That with regard to the statement made in para 10 of the Written Statement the Applicant while denying the contentions made therein begs to state that due to non-finalisation of the seniority position the case of the Applicant was never forwarded for consideration for promotion to IAS in those years.

The applicant prays before this Hon'ble Tribunal for an appropriate direction towards the Respondents for production of records including the minutes of the Select Committee Meeting held in those years at the time of hearing of this case.

8. That with regard to the statement made in para 11 of the Written Statement the Applicant while denying the contention made therein begs to state that he has been superseded number of occasions by his juniors right from the year 1982 till the date of his appointment in IAS. Name of those officers appointed before the Applicant whose date of continuous officiation in the duty post of TCS or equivalent post was better than the date of continuous officiation in the duty post of TCS or equivalent post. Thus the statement made by the Respondent is baseless as the inter-se seniority of TCS officers between promotee and direct recruit has been clearly defined in TCS Rules 1967 (Annexure-C). The Applicant could clear from reliable source that the Respondent No.3 never furnished the correct information to the Respondent No.1 and same has resulted serious damage to the service career of the Applicant.

9. That with regard to the statement made in para 12, 13, 14 and 15 the Applicant begs to state that the Respondents have acted illegally in rejecting the claim of the Applicant by issuing the impugned order and as such appropriate direction need

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be issued to the Respondents to review the matter with a further direction to consider the matter of the Applicant for promotion to IAS with retrospective effect i.e. w.e.f. 1982 onwards with all consequential service benefits including seniority and subsequent promotion etc.

The contention regarding claiming of privilege to the communication mentioned in the Written Statement is indicative of the fact that the Respondents have not disclosed the material fact before the Hon'ble Court.

10. That the Applicant states that in view of the contentions and averments made above it is a fit case wherein this Hon'ble Tribunal may be pleased to interfere in the matter directing the Respondents to review the entire matter considering the case of the Applicant by allowing the OA.

VERIFICATION

I, Shri Chandra Sekhar Chattopadhyaya, son of Late C.H. Chattopadhyaya, aged about 57 years, at present working as Commissioner-cum-Secretary to the Government of Tripura, Food, Civil Supplies and Consumer Affairs Department, Agartala, do hereby solemnly affirm and verify that the statements made in the paragraphs 1, 2, 5, 9, 10 are true to my knowledge and those made in paragraphs 3, 4, 6, 7, 8 are matters of records which I believe to be true and the rests are my humble submissions before the Hon'ble Tribunal and I have not suppressed any material facts of the case.

And I sign this verification on this the 4th day of June, 2003.


Chandra Sekhar Chattopadhyaya

No. F. 35 (39)-GA/71(L)
 Government of Tripura
 Appointment & Services Department

Dated, Agartala, the 16th November, 1976.

To
 The Accountant General, Tripura,
Agartala.

Subject : Fixation of pay and seniority in respect of
 Released Emergency Commissioned/Short Service
 Commissioned Officers who were inducted against
 reserved vacancies.

— — —
 Sir,

I am directed to state that Sharrashri Om Prakash and R.B. Bhushan, Emergency Commissioned Officers were appointed to the T.C.S. Gr.II through I.A.S. etc. (Released Emergency Commissioned/Short Service Commissioned Officers) Examination, 1970 and I.A.S. etc. (Released Emergency Commissioned Officers/Short Service Commissioned Officers) Examination, 1969 respectively, Shri Om Prakash joined in T.C.S. Gr.II on 12.2.1972(A.N.) and Shri R.B. Bhushan joined on 3.11.71. Their seniority and pay are to be determined in terms of rule 6 of the Released Emergency Commissioned/Short Service Commissioned Officers (Reservation of vacancies) Rules, 1971 and as such, a reference was made to the Government of India, Cabinet Secretariat, Department of Personnel & Administrative Reforms about the determination of their deemed dates of allotment in T.C.S. Gr.II.

Government of India have intimated that though the actual date of appointment of Shri Om Prakash in T.C.S. Grade-II is 12.2.72(A.N.), the deemed date of his appointment will be 12.2.67(A.N.). Similarly, in case of Shri R.B. Bhushan though his actual date of appointment in T.C.S. Gr.II is 3.11.71, his deemed date of appointment will be 3.11.68. It may be mentioned here that we have also consulted the Tripura Public Service Commission as regards the determination of deemed dates of allotment of these 2 Officers and the Commission have also concurred to the determination of deemed dates of allotment as indicated by the Government of India.

Attested
Under
Affidavit

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Government of India have further intimated that the pay of both the officers should be fixed after taking into consideration their deemed dates of appointment and they will be eligible for the arrears with effect from the date of actual joining in T.C.S.

These cases were also referred to the Finance Department for their views to the fixation of pay in case of these 2 Officers. Finance Department have opined that in view of the provisions made in rule 6 of the Released Emergency Commissioned Officers/Short Service Commission Officers (Reservation of vacancies) Rules, 1971, they have no objection in ~~fixing~~ fixing the pay of the officers accordingly on the basis of their deemed dates of appointment but they will be entitled to arrears from the date of joining in T.C.S.

I am, therefore, to request you kindly to fix the pay of the aforesaid Officers in T.C.S. Gr.II as stated above and necessary pay slips may kindly be issued to the officers concerned under intimation to this Department.

Yours faithfully,

Sd/- J. N. Sengupta,
Dy. Secretary to the Govt. of Tripura.

Copy to :

1. Shri Om Prakash, T.C.S.Gr.II Officer in-charge, Central Stores, Arundhutinagar, Agartala, for information.
2. Shri R.B.Bhusan, T.C.S.Gr.II, Project Executive Officer, Dumburnagar for information.

Sd/- J. N. Sengupta,
Dy. Secretary to the Govt. of Tripura.

Attested
Ras. Advocate