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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-169/02 ordersheet pg-1  
Disposed date-19/12/2002

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SECTION OFFICER (Judl.)

( SEE RULE - 4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

ORDER SHEET

Original Application No : 375/02  
Misc. Petition No. \_\_\_\_\_  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_

Applicant(s) : Zakir Hussain Ansari

- Vs. -

Respondent(s) : U.O.I. Form

Advocate for the Applicant(s) : Mr. Adil Ahmed

Advocate for the Respondent(s) : Case A.K. Choudhury

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C. F. for Rs. 50/- deposited vide IP-1 76-575658 Dated 19/11/02</p> <p><i>Dr. Registrar</i></p> <p><i>NS 25/11/02</i></p>	<p>26.11.02</p> <p>mb</p>	<p>Heard Mr. A. Ahmed, learned counsel for the applicant.</p> <p>The application is admitted.</p> <p>Call for the records.</p> <p>List on 1.1.2003 for orders.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>Steps taken. Notice prepared and sent to D/S for using the respondent No. 1 to 3 by Regd. A.A.</p> <p><i>do 26/11/02</i></p>	<p>16.12.02</p> <p>mb</p>	<p>List on 19.12.2002 for orders.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>DINo 3244 in 46</p> <p><i>Dtd 3/12/02</i></p>	<p>19.12.2002</p> <p>mb</p>	<p>Further four weeks time is allowed to the respondents to file written statement. List on 28.1.2003 for orders.</p>
<p>Written Statement <del>was</del> filed by the respondent.</p> <p><i>30</i></p> <p><del>20</del></p>	<p>mb</p>	<p><i>[Signature]</i> Member <i>[Signature]</i> Vice-Chairman</p>


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

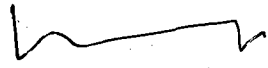
The Hon'ble Mr. S.K. Hajra, Administrative Member.

Written statement has been filed. Mr. A.Ahmed, learned counsel for the applicant prayed for four weeks time to file rejoinder on obtaining instructions from the applicant. Prayer is allowed. List again on 26.2.2003 for orders.

NO rejoinder has been filed

By  
26.2.03

  
Member

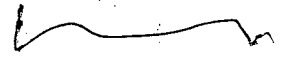
  
Vice-Chairman

mb

27.2.2003 Pleadings are complete. The case may now be listed for hearing on 31.3.2003.

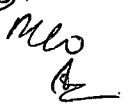
No rejoinder has been filed.

By  
28.2.03

  
Vice-Chairman

mb

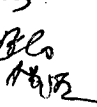
21/3. Division Bench did not sit today. The case is adjourned to 17/5/03.

MLO  


27/5/03. The case is adjourned to 25/6/03.

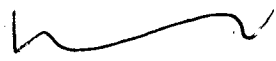
MLO  


25.6. Division Bench did not sit today. The case is adjourned to 28/7/03.

BLO  


28.7.2003 None appears for the applicant. List the case again on 21.8.03 for hearing.

  
Member

  
Vice-Chairman

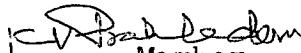
nkm

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21.8.2003 Present : The Hon'ble Mr. Justice  
D.N. Chowdhury, Vice-Chairman.  
The Hon'ble Mr. K.V. Prahaladan,  
Administrative Member.

Mr. A. Deb Roy, learned Sr. C.G.  
S.C. stated that the case is entrusted  
by Mr. A.K. Chaudhury, learned Addl.  
C.G.S.C. who is indisposed today and  
prayed for adjournment. Prayer is  
allowed. List again on 18.9.2003  
for hearing.

was him been liked.

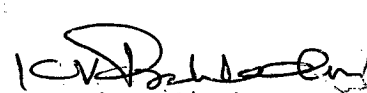
  
Member

  
Vice-Chairman

mb


20.10.03,

8.9.2003 List again on 21.10.2003 for  
hearing.

  
Member

mb

21.10.2003 Adjourned and put up again on  
19.11.2003 for hearing.

  
Vice-Chairman

bb

19.11.2003 Present : The Hon'ble Smt. Lakshmi  
Swaminathan, Vice-Chairman.  
The Hon'ble Sri S.K. Naik,  
Administrative Member.

Mr. A. Ahmed, learned counsel  
for the applicant and Mr. A.K. Chou-  
dhury, learned Addl. C.G.S.C. for the  
Respondents.

At the request of learned counsel  
for the applicant list on 20.11.2003  
for hearing.

  
Member

  
Vice-Chairman

Member

Vice-Chairman

mb

Recd. copy  
A.K. Choudhary  
28/11

21.11.2003 Present: The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman  
The Hon'ble Shri S.K.Naik Administrative Member.

Order pronounced separately.

3.12.2003

Copy of the budget has been sent to the office, for issuing the same to the applicant by post.

HS

  
Member

  
Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / R.A. No. 375 . . . . of 2002.

21-11-2003.  
DATE OF DECISION .....

... Sri Zakir Hussain Ansari . . . . . APPLICANT(S).

... Sri A. Ahmed . . . . . ADVOCATE FOR THE  
APPLICANT(S).

- VERSUS -

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

... Sri A.K.Choudhuri, Addl.C.G.S.C. . . . . ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE MRS. LAKSHMI SWAMINATHAN, VICE CHAIRMAN

THE HON'BLE MR S.K.NAIK, 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 ?

No

Naik

Judgment delivered by Ho'ble Mr S.K.Naik, Administrative Member

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 375 of 2002.

Date of Order : This the 21st Day, of November, 2003.

The Hon'ble Mrs L.Swaminathan, Vice-Chairman.

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

Sri Zakir Hussain Ansari,  
S/O Late Mosafir Ansari,  
Chowkidar, Quarter No. P-A-36,  
Station Head Quarter, Narengi,  
Guwahati-781027.

...Applicant

By Advocate Shri A.Ahmed.

- Versus -

1. Union of india,  
represented by the Secretary  
to the Govt. of India,  
Ministry of Defence,  
New Delhi.
2. The Additional Director General of  
Staff Duties, General Staff Branch,  
Army Head Quarter, PO-DHQ,  
New Delhi-11.
3. The Brigadier, Station Commander,  
Station Cell,  
Head Quarter, 51 Sub Area,  
Narengi, Guwahati-27.

...Respondents

By Advocate Sri A.K.Choudhuri, Addl.C.G.S.C.

O R D E R

MR S.K.NAIK, ADMN.MEMBER,

By virtue of this O.A Sri Zakir Hussain Ansari, the applicant assails the order dated 15.11.2002 (Annexure-G) passed by the disciplinary authority in a proceeding under Rule 14 of the CCS (CCA) Rules 1965 awarding him the punishment of compulsory retirement from service.

2. The brief facts of the case are that the applicant was appointed as a Conservancy Sweeper in the office of respondent No.3 during June 1975. He was subsequently posted as Chowkidar in the year 1981. On completion of 25 years of service in a Group D post, he had requested the respondents to consider his case for promotion to Group C post. When his request was not considered favourably the applicant had filed O.A.No.126/98 in the Guwahati Bench of the Tribunal, who vide its order dated 19.12.2000 directed the respondents to consider the case of the applicant for promotion to any Group

C post. Vide the same order the Tribunal also directed the applicant to produce the original certificate of Matriculation or its equivalent and other documents to satisfy the authority as to his eligibility. After another two rounds of litigation when the applicant was directed by the Guwahati Bench of this Tribunal vide order dated 13.2.2002, the applicant produced his original High School certificate (Exhibit R-6) which has been issued by the Bihar Vidyalaya Pariksha Samiti dated 21.5.2002, which indicates that the applicant had passed his High School Examination in the year 1967 as Zakir Hussain son of Sri Maulavi Miah. Since the respondents had appointed the applicant as Jagir Basfore against a reserved vacancy meant for the SC candidates as Conservancy Sweeper, the respondents suspected the bonafide of the applicant. Apprehending that the applicant had willfully concealed his real identity and falsely represented him as Jagir Basfore and belonging to the SC community, they held an enquiry in the matter and subsequently, prima facie found that the applicant had indeed resorted to wilfull concealment, <sup>and</sup> ordered an enquiry under Rule 14 of the CCS (CCA) Rules 1965. After following the due procedure of affording the applicant full opportunity to defend himself and also supplying him with a copy of the enquiry report to make his representation and further on due consideration of the written submission made thereto by the applicant, the disciplinary authority has awarded the punishment of compulsory retirement from service.

3. The applicant is aggrieved against this order of the disciplinary authority and has prayed for setting aside and quashing of the same.

4. Counsel for the applicant has contended that the applicant has already completed 27 years of service in this

J. J. J.

department and the respondents are reopening a very old matter only to deprive the applicant of his due promotion. He has therefore, urged that they should be debarred from digging into a matter pertaining to a period as far back as 27 years old. He has further stated that the applicant had never changed his name as Jagir Basfore instead of Zakir Hussain Ansari nor has he produced any SC certificate in this regard. He has also contended that the respondents have failed to produce the original certificate including the caste certificate, appointment letter etc. to prove that the applicant had resorted to any concealment of his real identity. He has further gone on to argue that the respondents at one stage had tried to oust <sup>him</sup> from <sup>his</sup> service by forcing him to resign and it was only at the intervention of the Tribunal that they were not successful. The learned counsel has therefore contended that the action of the respondents is malafide, irregular and not justified and therefore should be set aside and quashed.

4. Counsel for the respondents on the other hand has contended that the applicant has from the very beginning not only <sup>resorted to</sup> suppression of material facts but has resorted to concealment of his real identity. He has stated that post of a conservancy sweeper was reserved for a candidate belonging to the SC community and as per the procedure prevalent during 1975 the respondents wrote to the District Employment Exchange, Guwahati to sponsor candidates belonging to SC community for the purpose. Drawing our attention to Exhibit R-1, which is a letter dated 28.5.1975 issued by the District Employment Exchange, Guwahati in which they have sponsored 59 candidates to the respondents for consideration, he has stated that the name of Shri Jagir Basfore is at sl.No.1 and it is clearly indicated in the remarks column that he belongs

Trade

to the SC category and it was only Jagir Basfore who was appointed as the Conservancy Sweeper and the list does not contain any person by the name of Zakir Hussain Ansari. The counsel has contended that <sup>to</sup> ~~counsel has contended that~~ <sup>to</sup> the applicant appears to have registered himself with the Employment Exchange as Jagir Basfore only to take advantage of the reserved category employment and has enjoyed the service all along. But only when he became too ambitious for further promotion to Group C category and he was forced to produce Matriculation certificate which now reveals his <sup>to</sup> ~~true~~ <sup>to</sup> true identity that he was <sup>exposed of</sup> ~~Sri Zakir Hussain Ansari~~ <sup>to</sup> and not <sup>being</sup> Jagir Basfore. Drawing our attention to Exhibit R-2, which is an affidavit which the applicant has filed before the Court of Shri B.N.Rai, Notary Public, Gopalganj stating that he is changing his name from Jagir Basfore to Zakir Hussain Ansari, the counsel has argued that the applicant has during the year 1987, quietly notified his change of name from Jagir Basfore to Zakir Hussain Ansari. Exhibit R-3 also testified to the effect that Sri Jagir Basfore was to be known as Zakir Hussain Ansari thereafter. Exhibit R-4 also is a public notice issued by Jagir Basfore with regard to the change of his name as Zakir Hussain Ansari. The counsel for the respondents therefore has countered the argument advanced by the learned counsel for the applicant that respondents have not been able to adduce any evidence with regard to the aspect of concealment which stands fully proved. The counsel therefore ~~has~~ contended that the applicant has absolutely no case and the order of penalty is fully <sup>to</sup> ~~established~~ <sup>justified and is to</sup> established in keeping with the gravity of <sup>misconduct</sup> ~~offence~~ committed by the applicant.

<sup>to</sup>

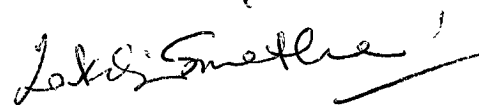
We have carefully considered the averments made by the parties and heard their counsel as also considered the documents on records. The order of the disciplinary authority in our view cannot be faulted. We find that the applicant has been afforded full opportunity to defend his case and in fact has made his submissions. The disciplinary authority has duly considered and found that the applicant resorted to an act of concealment of his real identity just to grab <sup>the post by</sup> ~~the post~~ and thought it proper to remove such a person from the service by ordering his compulsory retirement. The arguments advanced by the learned counsel for the applicant that just because he has been there for more than 27 years that his case should be considered sympathetically, does not merit consideration. After all, had the applicant not projected himself as a Schedule Caste candidate by concealing <sup>his true identity by</sup> the benefit would have given to a deserving SC candidate. In view of this background the misconduct is indeed very serious. The other argument advanced by the learned counsel for the applicant that the respondents had earlier attempted to force him to resign is not relevant to the matter in dispute in this O.A. as the same has been adjudicated upon separately to its finality.

In view of the discussions above, we find that this O.A has no merit and is accordingly dismissed.

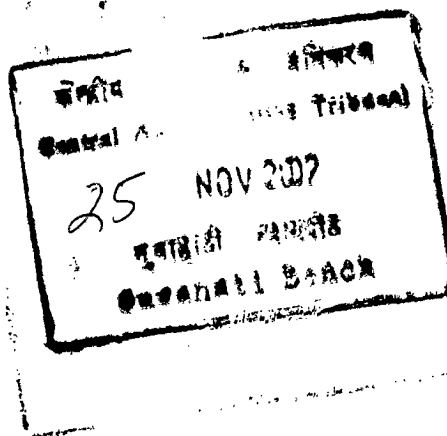
No order as to costs.



( S.K.NAIK )  
ADMINISTRATIVE MEMBER



( L.SWAMINATHAN )  
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 375 OF 2002.

Sri Zakir Hussain Ansari - Applicant.

-Versus-

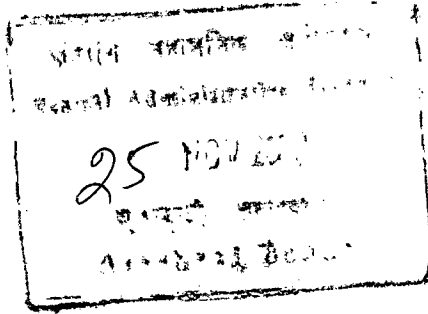
Union of India & Others - Respondents.

I N D E X

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Filed by

Advocate.



Filed by Ansari  
Shri Zakir Hussain Ansari  
Applicant  
through [Signature] 31  
(ADIC AHMED)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. 375 OF 2002.

B E T W E E N

Sri Zakir Hussain Ansari,  
S/o Late Mosafir Ansari,  
Chowkidar, Quarter No. P-A-36,  
Station Head Quarter, Narengi,  
Guwahati-781027.

- Applicant.

-AND-

- 1] Union Of India,  
represented by the Secretary  
to the Government of India,  
Ministry of Defence,  
New Delhi.
- 2] The Additional Director General of  
Staff Duties, General Staff Branch,

Ad ZAHAN

Army Head Quarter, PO-DHQ,  
New Delhi - 110011.

- 3) The Brigadier, Station Commander,  
Station Cell,  
Head Quarter, 51 Sub Area,  
Narengi, Guwahati-27.

- Respondents.

DETAILS OF THE APPLICATION:

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

The instant application is made against Office Order No. 7202/Est/R(DIS) dated 15<sup>th</sup> Nov. 2002 issued by the Respondent No. 3 by which your applicant was put to compulsory retirement from his service with effect from the date of receipt of the order.

- 2. JURISDICTION OF THE TRIBUNAL

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

- 3. LIMITATION

*md 24/11/02*

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

4. FACTS OF THE CASE

Facts of the case in brief are given below:

4.1] That your humble applicant is citizen of India and as such, he is entitled to all the rights and privileges and protection granted by the Constitution of India.

4.2] That your applicant begs to state that he joined under the Respondent No. 3 in month of June 1975. He was initially appointed as conservancy sweeper and after that he was posted as Chowkider in the year 1981.

4.3] That your applicant begs to state that he had earlier filed an Original Application No. 118 of 1994 before this Hon'ble Tribunal against forceful resignation by the authority. This Hon'ble Tribunal also vide its order dated 04<sup>th</sup>

*Md ZH Amir*

May 1995 set aside the decision of the appointing authority accepting resignation of the applicant. After that he again filed the Original Application No. 126/98 against non-promotion of the applicant since he has already completed 25 years service in Group D Post. The Hon'ble Tribunal directed the Respondents to consider the case of the applicant for promotion to Group C post considering his length of service and other factors so that the applicant can go to the higher rank. With this observation the Hon'ble Tribunal allowed the application directing the Respondents to consider his case for promotion as expeditiously as possible preferably within a period of 3 months from the date of receipt the copy of the order. But the Department rejected the claim of the applicant and he was compelled to file another Original Application No. 181/2001 before this Hon'ble Tribunal. The case was finally heard on 13-02-2002 and the Hon'ble Tribunal was pleased to direct the Respondents to consider the case of the applicant afresh for promotion to any of the Group C post within a period of from the date of receipt of this order. The applicant was also directed to produce the Original Certificate of Matriculation or its

*Mr ZH Mr*

equivalent and other documents to satisfy the authority as to his eligibility criteria within 3 months. Subject to observation the application was allowed. Accordingly, your applicant produced the certificates of matriculation before the authority. But after 4 months of expiry of the aforesaid judgment your applicant was compelled to send an advocate notice to the authority. The Administrative Commandant, Station Cell, Head Quarter, 51 Sub-Area, C/o 99 APO informed the advocate of the applicant vide letter No. 7202/Est/R dated 2<sup>nd</sup> November 2002 that the individual will be informed as and when vacancy will be filled up.

Annexure-A is the photocopy of Judgment and order dated 4<sup>th</sup> May 1995 passed by this Hon'ble Tribunal in O.A. No. 118/94.

Annexure-B is the photocopy of Judgment and order dated 19<sup>th</sup> December 2000 passed by this Hon'ble Tribunal in O.A. No. 126/98.

Annexure-C is the photocopy of Judgment and order dated 13<sup>th</sup> February 2002 passed

Md ZAHID

by this Hon'ble Tribunal in O.A. No. 181/2001.

Annexure-D is the photocopy of letter No. 7202/Est/R dated 2<sup>nd</sup> November 2002.

4.4] That your applicant begs to state That the Respondent No. 3 issued an Office Memo No. 7202/Est/R (DIS) dated 14-08-2002. The said Notice was issued against the applicant charging him that while enrolling as conservancy sweeper in the year 1975 in Station Headquarter, Guwahati <sup>he</sup> willfully furnished false information for getting job of conservancy sweeper by changing his name from Zakir Hussain to Jagir Basfor and by declaring himself as schedule caste. The applicant denied all the charges leveled against him. The enquiry was ordered against the applicant under Rule 14 of C C S (CC & A) Rule 1965. The oral enquiry was conducted against the applicant by the Department. The department has also submitted photocopies of some documents. Your applicant denied the charges and demanded for submission of original copy of the said documents. But the Respondents refused to do so. The Oral Inquiry

MA ZATM

was completed and the Respondents issued Office Memo No. 7202/Est/R (DIS) dated 18-10-2002. In the said Office Memo the applicant was given an opportunity of making representation within 15 days of the receipt of the Memorandum. Accordingly, your applicant submitted his representation on 21-10-2002 before the Respondent No. 3. But the Respondent No. 3 vide his order No. 7202/Est/R (DIS) dated 15<sup>th</sup> November 2002 in exercise of the power conferred by Rule 11 of the Central Civil Services (Classification Control Appeal) Rules 1965 compulsorily retired your applicant from service.

Annexure-E is the photocopy of Office Memo 7202/Est/R(DIS) dated 18-08-2002.

Annexure-F is the photocopy of Representation dated 21-10-2002.

Annexure-G is the photocopy of order No. 7202/Est/R(DIS) dated 15<sup>th</sup> November 2002.

4.5] That your applicant begs to state that he has served as Mate from 05-01-1971 to 20-02-1972 in 1946 Pioneer Company under the Ministry

Ms. ZH/Am

of Defence. On the basis of his service he approached the Office of the respondent No. 3 for his suitable appointment in General post Mate or Chowkidar as on that time there are vacancies of 20 Malies and 12 Chowkidars were available. The Respondent No. 3 promised him to appoint him a general post but surprisingly and secretly he was appointed as conservancy sweeper without his knowledge. But the appointing authority did not issue any appointment letter in this regard as the reason best known to the Respondents. It is worth to mention here that after full Police Verification he was appointed in the said post. He has not produce any schedule caste certificate as claimed by the Respondents Now. After 45 days of his joining in the said post in the year 1975 he came to know his that his name was changed to Jagir Basfor. He verbally protested before the authority but the authority concerned told him that if he did not sign his name as Jagir Basfor than he will not get his pay and his service will be terminated. In the year 1981 he was posted as Chowkidar, after that he filed an affidavit 27-02-1987 before the Gopal Ganj Court, Bihar changing his name from Jagir Basfor to Zakir Hussain Ansari.

*md Zahur*

4.6] That your applicant begs to state that for last 27 years he is working in this department, but surprisingly now the Department has issued the Office Memo charging him that in initial appointment he fraudulently changed his name for gaining his appointment. But he never changed his name as Jagir Basfor instead of Zakir Hussain. The authority themselves has changed the name for their own interest. He has not produce any schedule caste certificate in this regard. The Hon'ble Tribunal may be pleased to direct the Respondents to produce all the Original Certificates including Caste Certificate, appointment letter of the applicant and his past experience certificate as Mate in 1946 Pioneer Company under Ministry of Defence. Also the Original Police verification report for his appointment in the post of conservative sweeper.

4.7 That your applicant begs to state that earlier also the Respondents tried to oust the applicant from his service by giving him forceful resignation. But due to timely interference of the Hon'ble Tribunal the Respondents failed to do so.

M & ZHM

4.8 That your applicant begs to state that the action of the Respondents is mala fide and also to suppress the applicant for not giving him due promotion in time. As such, now the Respondent No. 3 has given him compulsory retirement to finish the career prospect of the applicant. As such, it is a fit case for interference of the Hon'ble Tribunal to give necessary direction to the Respondents for setting aside the impugned office Order by which the applicant was compulsorily retired from his service.

4.9 That your applicant begs to state that recently one Sri Gajen Phukan has been appointed in the post of Conservative Sweeper by producing a false certificate of handicapped in the post of SC/ST. From it appears that the Respondents are adopting such irregularities for their personal gain.

4.10 That your applicant submits that the action of the Respondents is mala fide, illegal, arbitrary and whimsical and also with a motive behind.

md ZH mmi

4.11 That your applicant submits that the Respondents have resorted the colorable exercise of power to deprive the applicant from getting timely promotion benefits etc.

4.12 That the applicant submits that the Respondents deliberately done serious injustice by giving mental trouble to the applicant by giving him compulsory retirement.

4.13 That your applicant submits that the Respondents have violated the fundamental rights of the applicant.

4.14 That this application is made bona fide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1 For that, on the reasons and facts which are narrated above, the action of the respondents, is prima facie illegal and without jurisdiction.

5.2 For that, the actions of the Respondents are not maintainable in law as well as in facts.

md ZAHM

5.3 For that, the applicant has already completed 27 years of service in this department now the Respondent No. 3 is digging a matter pertaining to back of 27 years only to deprive the applicant from his due promotion and other service benefits.

5.4 For that, earlier also the Respondents has forced the applicant to resign from his post to accommodate their interested person but due to interference of the Hon'ble Tribunal the Respondents failed to fulfill their whim.

5.5 For that, the Respondents have failed to produce the original documents of the applicant in spite of repeated plea of the applicant at the time of inquiry conducted against the applicant by the authority. As such, the impugned order of compulsory retirement of the applicant is liable to be set aside and quashed.

*Mr ZH Durr*

5.6 For that, in any view of the matter the action of the respondents are not sustainable in the eye of law.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, 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 applicants most respectfully prayed that your Lordships may be pleased to admit this petition, call for the records and after hearing the parties on the cause or causes that may be shown and on perusal of records to grant the following relief to the applicant:

8.1 to direct the respondents to set aside and quash the impugned order No. 7202/ Est/R(DIS) dated 15<sup>th</sup> November 2002 by which your applicant was compulsorily retired from his service;

8.2 to grant such further or other relief or reliefs to which the applicant may be entitled having regard to the facts and circumstances of the case.

8.3 Grant the Cost of this application to the applicant.

*ml 24/11/11*

## 9] INTERIM ORDER PRAYED FOR:

That your applicant most respectfully prays an interim order before your Lordships that the impugned Office Order No. 7202/Est/R(DIS) dated 15<sup>th</sup> November 2002 (At Annexure-G) may be stayed till disposal of the case.

10] Application Is Filed Through Advocate.

11] Particulars of I.P.O.:  
 I.P.O. NO. 76575456  
 Date Of Issue 19.11.2002  
 Issued from Guwahati C.P.O.  
 Payable at Guwahati C.P.O.

12] LIST OF ENCLOSURES:  
 As stated above.

- Verification.

MD ZAHIR

VERIFICATION

I, Sri Zakir Hussain Ansari, S/o. Late Mosafir Ansari, Chowkidar, Quarter No. P-A-36, Station Head Quarter, Narengi, Guwahati-781027, the applicant of the instant case do hereby solemnly verify that the statements made in paragraphs 4.1, 4.2, 4.5, 4.6, 4.7 to 4.9 are true to my knowledge, those made in paragraphs 4.3, 4.4, \_\_\_\_\_ are being matters of records are true to information derived therefrom which I believe to be true and those made in paragraph 5 are true to my legal advice and rest are my humble submissions before this Hon'ble Tribunal I have not suppressed any material facts.

And I sign this verification today on this the 25<sup>th</sup> day of ~~March~~ 2002 at Guwahati.

*Md Zakir Hussain Ansari*

Declarant

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 118 of 1994.

Date of decision : This the 4th day of May, 1995.

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman.

The Hon'ble Shri G.L. Sanglyine, Member (Administrative).

Shri Zakir Hussain Ansari,  
S/o Late Mosafir Ansari,  
Station Headquarter  
Quarter No. P-A-36  
Narengi,  
Guwahati-781027

..... Applicant

By Advocate Sri M. Chanda

NO  
Narengi Sub Area  
E

-versus-

1. Union of India  
Through Secretary,  
Ministry of Defence,  
New Delhi.
2. Administrative Commandant,  
Station Headquarter - 51,  
Sub Area Narengi,  
Guwahati-781027

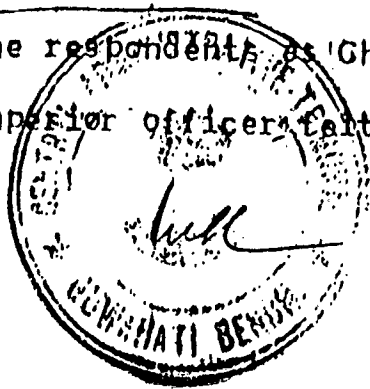
..... Respondents

By Advocate Sri S. Ali, Sr. C.G.S.C.

ORDER

CHAUDHARI J. (V.C.).

This is somewhat an unfortunate case in which the applicant has placed himself into difficulty owing to his intemperate conduct. The applicant joined the service with the respondents as Chowkidar way back in 1975. As the superior officer felt a necessity to question




Attested  
S. Ali  
Advocate

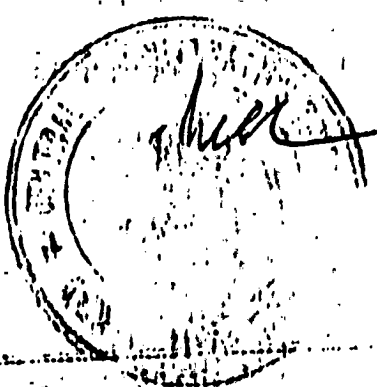
✓ him relating to <sup>performance</sup> performs of his office duty and was questioned he was piqued and rushed to tender a letter of resignation on 28.2.94. On a second thought he applied for withdrawal of the said resignation <sup>on 7.3.94</sup> alleging that it was written under duress. He filed that application to the Brig. H.Q. 51 Sub area, Narengi. At the same time, he also submitted an appeal to AH Quarters (AG 4 Civ'D'), DHQ, New Delhi. The appointing authority i.e. Station Commander however accepted the resignation on 16.3.94. A notice was issued to him dated 10.6.94 directing him to vacate the Govt. accommodation No. A/A-36 by 25.6.94. The applicant has therefore approached this Tribunal by presenting this O.A. on 22.6.94. He prays that the letter of resignation given by him and the notice to vacate the departmental quarter be set aside.

2. It appears that the applicant was aspiring for promotion to the rank of Store Keeper and had appeared before an interview/test Board on 25/26 January, 1994 but had not been selected. According to him he had been wrongfully denied the said promotion hence he has also prayed for the relief of promotion.

3. Mr. Chanda the learned counsel for the applicant submitted that since the letter of resignation was not written voluntarily and had been sought to be withdrawn the respondents have acted arbitrarily in purporting to accept it and to direct the applicant to vacate the quarter on the assumption that he had ceased to be their employee. He further submitted that as the applicant has

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Attested  
  
 Advocate



served for 19 years it is very harsh upon him to be required to lose the job in pursuance of some act done by him in the heat of the moment and as he had tried to rectify that mistake in good time.

4. The respondents contend that the applicant was questioned as regards certain matters pertaining to his duty and instead of giving satisfactory answers he had himself tendered the letter of resignation voluntarily and that had been accepted by the authority after due consideration. They deny that the letter of resignation was given under duress. They have purported to say that the letter of withdrawal of resignation was given by the applicant on 17.3.94 after the resignation was accepted on 15.3.94.

5. The respondents next contend that as the Board of Officers did not find him suitable for the promotion after the test was held he having secured lowest number of marks namely 12 out of 100 he was not promoted and the grievance of the applicant in that respect is untenable. The respondents therefore contend that the applicant is not entitled to be given any relief.

6. The question as to from what point of time a letter of resignation becomes effective and under what circumstances the request for its withdrawal may be entertained and what is its effect is a vexed question. Ordinarily where the resignation happens to be voluntary there would be no question of it being withdrawn. In the

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Admte

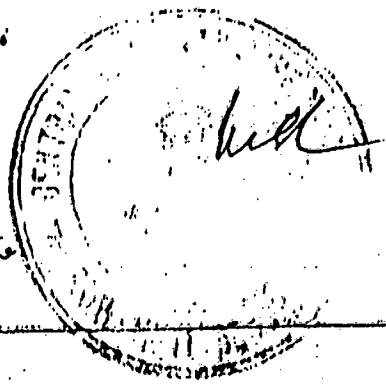


instant case there is an allegation of duress and that raises the question of fact calling for evidence and enquiry. We do not propose to enter into that field as we are convinced that having regard to the circumstances enlisted below the applicant may be granted relief in equity leaving the question of disciplinary action open.

7. The grievance made by the applicant as regards promotion reflects his disappointment as he seems to be brooding under the thought that even after 13 years of service he was not able to get that benefit. In this background his earliest version about the allegation of duress relating to the letter of resignation contained in the appeal Annexure-5 which was supposedly submitted by him has to be understood. He has narrated that it was on 28.2.94 that he was questioned by Lt. Colonel D.N. Singh relating to his personal affairs and the questions asked were objectionable. According to him the staff officer was also present in the room and there were 3 uniformed Jawans and the door of the room was bolted and that in that situation on being asked by Lt. Colonel Singh to write his resignation letter on a plain paper although initially he refused to do so, he wrote it on being threatened by Colonel Singh. This allegation is denied by the respondents. According to them the applicant was questioned by the officers on 1st March 1994 and not on 28.2.94 as alleged and that in fact on that day Col. V. Kapoor was away from the office when the applicant had written the resignation. The applicant has mentioned in his appeal that Colonel Kapoor was present in the room.

Contd.....P/5

*Attested*  
*J.P.*  
*Advocate*



8. Mr. S. Ali, the Sr. C.G.S.C. has produced the copy of the letter of resignation. It is written in Hindi and reads thus :

"॥ अंत मन्त्र आया मी १९ अक्टूबर १९९४ -  
- मन्त्र - अंत मन्त्र आया मी १९ अक्टूबर १९९४ -"

This copy bears the date as 1.4.94 and not as 28.2.94 or as 1.3.94. It is contended in paragraph 9 of the written statement that the applicant was confused as he has signed the resignation letter and put the date as 1st April, 1994 instead of 1st March, 1994. The applicant in his rejoinder has described this letter as not the same which he had written. It is not necessary to enter into that controversy but suffice it to say that if the respondents were to act on this letter since it shows to have been dated 1.4.94 they could not have purported to accept it on 16.3.94. The respondents have not chosen to produce the original letter. It is more agonizing that although they have stated in the written statement that the copy was attached to the written statement neither it is so attached and for that matter other annexures referred to in the written statement are also not produced alongwith the written statement. They want to correlate this letter to 1.3.94 but whether the letter of resignation was originally written on 28.2.94 or on 1.3.94 itself is a disputed point. We will assume for the time being that this was the letter written by the applicant on 1.3.94. The language of the letter indicates that it may not have been voluntary as the words '॥ अंत मन्त्र - आया मी १९ अक्टूबर १९९४ -' would suggest. The applicant was likely to have

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Attested  
J.S. Admstr



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been in an agitated state of mind on being questioned, and having carried the belief that injustice was done to him as he was not given promotion and was not likely to have acted in a balanced way and seems to have written the resignation under stress. After reflection he seems to have realised that he had acted to his detriment and had thus submitted the application on 7.3.94, withdrawing the resignation. Although the allegation of duress exercised by the officers is not established we are inclined to take the view that the resignation was product of stress of the situation and given in extremely agitated state of mind by the applicant. The resignation, therefore appears to have been involuntarily given.

9. As stated earlier, the respondents have not assigned any good reason as to why the request of the applicant to withdraw the resignation was not considered before accepting the resignation on 16.3.94. We are inclined to think that in paragraph 15 of the written statement the date of that application is advisedly stated as 17.3.94 although at the hearing Mr. Ali, the Sr. C.G.S.C. was fair enough to state that the date should be read as 7.3.94. Here is therefore a case where there has been non-application of mind to the request of the applicant to withdraw the resignation letter.

10. The written statement does not throw much light on the matter. It appears that the applicant was questioned for some lapses in duty. It is not therefore possible to draw any inference which we are also not called upon to draw that the applicant was guilty of any serious misconduct.

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*Attended*  
*Admitted*

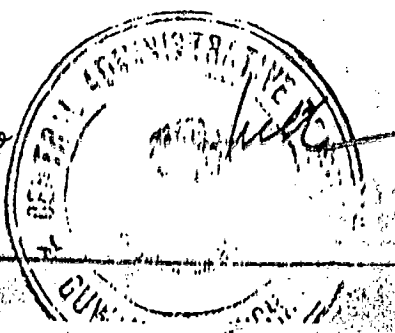


From paragraph 15 of the written statement it is clear that even the officers and in particular Colonel Kapoor had intended to sort out the problem amicably and he seems to have even called the applicant to meet him. It is stated that Colonel Kapoor had in fact advised the applicant's wife to ask him to reconsider his decision to resign as applicant did not choose to meet him. That goes to show that the officers concerned were themselves keen to see that they may not lose the job and were willing to reconsider if proper response was shown by him. It is clear that the applicant could not think about his future dispassionately and had acted somewhat rashly. It appears that the advise to reconsider the resignation was given on 7.3.94 and the letter of withdrawal was also given by the applicant on the very day i.e. 7.3.94. There is no denial in the written statement that the letter was not given on that day. It therefore clearly appears that the decision to accept the resignation was taken by the appointing authority on 16.3.94 without seriously considering this letter.

11. For the aforesaid reasons we do not think that the applicant should be penalised on the technical ground of tendering resignation letter to the extent of requiring him to lose the benefit of his long service of 19 years more particularly as from the written statement it does not appear that there would be any serious problem if the applicant is continued in service.

In the result we set aside the decision of the appointing authority accepting the resignation of the

Attested  
Advocate



Contd... P/3

96.

applicant and direct that the applicant shall be deemed to have continued in service all throughout.

The respondents are directed to allow the applicant to resume his duty immediately and shall give him benefit of continuity.

However as the applicant did not factually work at least from 16.3.94 he shall not be eligible to be paid back wages for the period from that date till he is allowed to resume duty if that event takes place within one month from the date of receipt of copy of this order and if there is delay beyond one month he will be entitled to be paid the full-wages from expiry of one month's period till he is allowed to resume the duty.

The respondents however shall give him notional benefit as treating him on continuous duty.

No relief is granted as far as the claim for promotion is concerned as prayed.

It is made clear that this order is confined to the question of resignation and the respondents will not be precluded by this order from taking any disciplinary action against the applicant in accordance with the law and the rules if it is called for as regards any misconduct preceding the date of the letter of the resignation.

*Assted*  
*J.P.*  
*Advocate*



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57

Consequently the order dated 10.6.94 calling upon the applicant to vacate the Govt. accommodation is quashed as it was based on the ground of resignation from service. However if the applicant is liable to vacate the quarter for any other reason the respondents will be at liberty to take that action in accordance with the law and the rules independently of the order dated 10.6.94.

The question of payment of rent for the period from 25.6.94 until the applicant resumes duty is left to be decided by the respondents in the light of this decision.

The O.A. is allowed in terms of the aforesaid order. No order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

TRUE COPY

प्रतिलिपि

*[Signature]* 23/9/95

Section Officer (J)

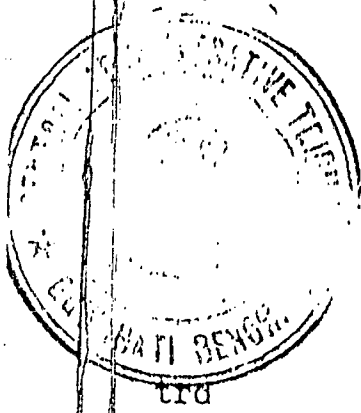
कांग्रेस कमिटी (आधिकारिक) Central Administration Tribunal

दफ्तर, गुवाहाटी-5

Guwahati Bench, Court No-5

पुस्तकालय, गुवाहाटी-5

*[Signature]*



Attested  
*[Signature]*  
Assante

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 126 of 1998.

Date of Order : This the 19th Day of December, 2000.

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

The Hon'ble Mr M.P.Singh, Administrative Member.

Shri Zakir Hussain Ansari,  
 Son of late Mosafir Ansari,  
 Working as Chowkidar,  
 Quarter No. P-A-36,  
 Station Headquarter,  
 Narangi, Guwahati-27 . . . Applicant.

By Advocate Sri A.Ahmed.

- Versus -

1. Union of India  
 through the Secretary,  
 Ministry of Defence,  
 New Delhi.
2. Administrative Commandant,  
 Station Head Quarter-51,  
 Sub-Area Narangi,  
 Guwahati-27. . . Respondents.



By Advocate Sri A.Deb Roy, Sr.C.C.S.C.

ORDERCHOWDHURY J. (V.C)

It is a case of <sup>a</sup> public servant who is holding the same post for the last 25 years. The applicant is a civilian employee in Defence Service and appointed in Group D post. The applicant was appointed on 1.7.1975 as Chowkidar. He is a Matriculate by qualification. Rules contemplated for promotion of Group D post to Group C which is also a non selection post. According to the respondents his case was considered for promotion but not found fit. Promotion is to be made from Group D posts, namely conservancy Sanitary Mate/Land Supervisor with 5 years regular service in the grade. The Group C posts should entirely <sup>to</sup> be filled up by promotion, failing which by transfer, and failing both by

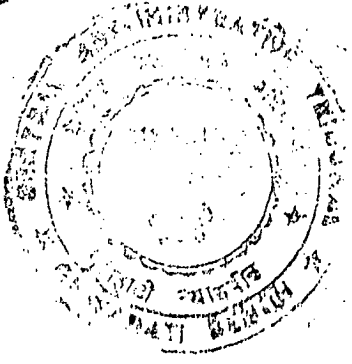
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Attended  
 J. J. Ahmed

27-

direct recruitment. The respondents stated that the rules are made so that persons from lower rank can be promoted to higher rank. There is no justification for withholding promotion of a person for about 20 years. On that ground alone, we direct the respondents to consider the case of the applicant for promotion to Group C post considering his length of service and other factors so that the applicant can go to the higher rank. With this observation we allow the application directing the respondents to consider his case for promotion as expeditiously as possible, preferably within a period of 3 months from the date of receipt copy of this order.

There shall however, be no order as to costs.



Sd/ VICE CHAIRMAN  
Sd/MEMBER (Adm)

Certified to be true Copy

प्रमाणित प्रतिलिपि

*[Signature]*  
22/12/2000

Section Officer (J)

आयुक्त अधिकारी (न्यायिक शाखा)  
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण  
Guwahati Bench, Guwahati-8

গুৱাহাটী ন্যায়ালয়, গুৱাহাটী-৪

pg

*[Signature]*  
22/12/2000

Attchd  
Sd  
Advant

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH. ANNEXURE C

Original Application No. 181 of 2001.

Date of Order : This the 13th Day of February, 2002.

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

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

Sri Zakir Hussain Ansari  
Chowkidar,  
Station Head Quarter,  
Narengi, Quarter NO. P-A-36,  
Guwahati-27.

. . . Applicant.

By Advocate Sri A. Ahmed.

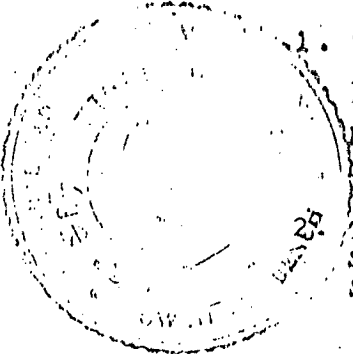
- Versus -

1. Union of India,  
represented by the Secretary  
to the Government of India,  
Ministry of Defence,  
New Delhi.

2. The Administrative Commandant,  
Station Head Quarter-51,  
Sub Area, Narengi. Guwahati-27.

. . . Respondents.

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



ORDER

CHOWDHURY J. (V.C)

This is the third round of litigation. The applicant first joined the service with the respondents as Chowkidar way back in 1975. He tendered resignation on 28.2.94. On 17.3.94 the applicant made an application for withdrawal of his resignation. However, his resignation was accepted on 16.3.94. He moved this Tribunal by way of an O.A. which was registered and numbered as O.A.118/94. The Tribunal by its judgment and order dated 4.5.95 set aside the decision of the appointing authority accepting the resignation of the applicant and ordered that the

contd..2

Attested  
[Signature]

-29-

applicant shall be deemed to have continued in service all throughout. No relief was granted as far as the claim for promotion is concerned. The applicant moved the Tribunal again by way of O.A.126/98 seeking for a direction for promotion. Considering the facts and circumstances the Tribunal held that there was no justification for withholding promotion of a person for about 25 years. The respondents were accordingly directed to consider the case of the applicant for promotion to Group C post considering his length of service and other factors so that the applicant could go to the higher rank. The decision so rendered was to avoid stagnation. By order dated 10.3.2001 the respondents turned down his case. Hence this application.

2. Heard Mr A.Ahmed, learned counsel appearing for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Mr Ahmed, the learned counsel stated and contended that the case of the applicant was not considered in right perspective, which caused irreparable loss to the applicant. Mr Deb Roy, the learned Sr.C.G.S.C on the other hand submitted that the applicant was not found eligible since he did not possess the minimum educational qualification i.e. Matriculation or equivalent. The rejection order did not indicate on what reason the application was rejected. In the written statement the respondents however stated that though he was asked to produce the original certificate since he did not produce the same his case could not be considered. Mr Ahmed, learned counsel submitted that the applicant possesses the required qualification and the applicant is ready and willing to produce the original certificate.

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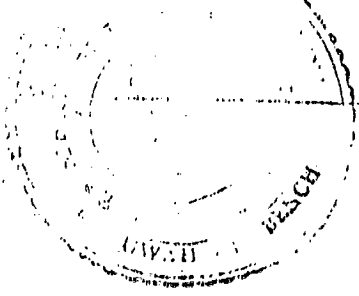
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- 30 -

42

3. In our view it is a fit case in which the respondents need to consider afresh the case of the applicant subject to eligibility criteria. The respondents are accordingly directed to consider the case of the applicant afresh for promotion to any of the Group C post within a period of 4 months from the date of receipt of this order. The applicant is also directed to produce the original certificate of Matriculation or its equivalent and other documents to satisfy the authority as to his eligibility criteria within 3 months from today.

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



Sd/ VICE CHAIRMAN  
Sd/ MEMBER (Admin)

certified to be a true copy  
of the original

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19/2/02

RECEIVED  
OFFICE OF THE  
SECRETARY

*Handwritten signature*  
19/2/02

Attested  
*Handwritten signature*  
Advocate

31

Station Cell  
HQ 51 Sub Area  
C/O 99 APO

7202/EST/R

02 Nov 2002


Adil Ahmed  
Advocate  
Milanpur Road,  
Chandmari  
P.O. Bamunimaidan  
Guwahati - 21

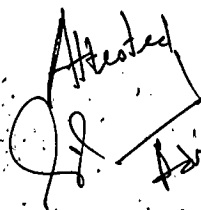
NON-IMPLEMENTATION OF JUDGMENT AND ORDER  
DATED 13-02-2002 PASSED BY THE HONIBLE  
CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI  
BENCH, GUWAHATI IN THE ABOVE-REFERRED  
ORIGINAL APPLICATION

Sir,

1. Reference your Notice dated 09 Oct 2002.
2. The direction of Addl Director General of Staff Duties, SD-7 (Adm Civs), General Staff Branch, Army Headquarters vide their letter No B/60983/SD-7 (Adm Civ) dated 02 Jul 2002 has already been informed to the individual and Court and also to higher authorities vide this Cell letter No 7202/EST/R dated 13 Jul 2002.
3. This office will take action as per the laid down procedures on the subject and individual will be informed accordingly, as and when vacancies will be filled up.
4. Please acknowledge.

Yours faithfully,

  
(EK Kalidhar)  
Col.  
Adm Comdt

  
Adil Ahmed

ANNEXURE - E 44

- 32 -

Telephone 56200

BY HAND/BY REGD POST

Station Cell  
HQ 51 Sub Area  
C/O 99 APO

7202/EST/R(DIS)

18 Oct 2002

MEMORANDUM

1. The undersigned is enclosing a copy of the Inquiry Report submitted by the officer appointed to inquire into the charge leveled against No 213030 Chowkidar Md Zakir Hussain Ansari of Station Cell HQ 51 Sub Area.
2. No 213030 Chowkidar Md Zakir Hussain Ansari is hereby given an opportunity of making representation on the penalty proposed on the basis of evidence adduced during the inquiry. The disciplinary Authority will take a suitable decision after considering the report. If No 213030 Chowkidar Md Zakir Hussain Ansari wish to make any representation or submission he may do so in writing and to be submitted through Administrative Commandant Station Cell to the undersigned within 15 days of receipt of this Memorandum.
3. Receipt of this Memorandum should be acknowledged.

(AK Bhanot)  
Brigadier  
Station Commander

To,

No 213030 Chowkidar Md Zakir Hussain Ansari  
Station Cell HQ 51 Sub Area  
C/O 99 APO

Attested  
Advocate

ORAL INQUIRY

OF

NO 213030 CHOWKIDAR  
MD ZAKIR HUSSAIN ANSARI

- 
1. MANUSCRIPT COPY OF THE INQUIRY CONTAINING PAGES 1 TO 31.
  2. APPX 'A' PAGES 1 TO 4.
  3. APPX 'B'
  4. APPX 'C'
  5. ANNEXURES (I) TO (IV)

Sd/- x x x x

Ratna Kalita

(Presenting Officer)

Sd/- x x x x x

Nagendra Singh  
Lt Col

(Inquiry Officer)

Attested  
[Signature]  
Advocate

- 36 -

10

PROCEEDINGS OF THE INQUIRY ORDERED UNDER RULE 14 OF CCS (CC & A) RULES 1965 BY BRIG A K BHANOT, STATION CDR NARANGI CANTT, GUWAHATI, THE DISCIPLINARY AUTHORITY VIDE THEIR LETTER NO 7202/EST/R(DIS) (I) DATED 31 AUG 2002 APPOINTING IC-35822W LT COL NAGENDRA SINGH AS INQUIRY OFFICER AND SHRI RATNA KALITA VIDE NO 7202/EST/R(DIS) DATED 31 AUG 2002 AS PRESENTING OFFICER

1. The proceedings of the inquiry commenced at 1145 h on 10 Sep 02 in the Conference hall of 307 Station Workshop C/O 99 APO. Presenting Officer Shri Ratna Kalita was present with required documents in support of the conduct of the inquiry.
2. The charge framed against No 213030 Chowkidar Md Zakir Hussain Ansari of Station Cell HQ 51 Sub Area vide Station Cell HQ 51 Sub Area letter No 7202/EST/R(Dis) dt 14 Aug 2002 was read over to accused in the language he understands is reproduced in succeeding paras.

3. Annexure - I

Statement of article of charge framed against Md. Zakir Hussain Ansari, Chowkidar of Stn Cell HQ 51 Sub Area.

Article of Charge.

That the said Md Zakir Hussain Ansari Chowkidar while enrolling as Conservancy Sweeper in Station Headquarters Guwahati willfully furnished false information and suppressing factual information in getting job of Conservancy sweeper by changing his name from Zakir Hussain to Jagir Basfore and by declaring himself as Schedule Caste. He is thus liable to disciplinary action vide Sub Rule (vii)/(ix) of Rule 11 of CCS (CC&A) 1965.

That the said Md Zakir Hussain Ansari Chowkidar by his above act of furnishing of false information and suppression of factual information at the time of enrolment as Conservancy Sweeper displayed utter lack of devotion to duty and conduct unbecoming of a Government servant thereby violating Rule 11 of the CCS (CC&A) Rules 1965.

4. Article of Charge (Annexure II). In that Md Zakir Hussain Ansari, Chowkidar was enrolled as Conservancy Sweeper in the reserved post of Scheduled Caste Vacancy providing false information and getting sponsored his home through local employment Exchange Guwahati in May 1975 and recorded his home and address as under :-

Shri Jagir Basfore  
Village- Bhhika Chhapar  
PS & PO- Bhrey  
Dist- Chhapra (Bihar)  
S/O Late Musafir  
Caste - Scheduled Caste

On 27-2-87 he changed his name by producing an affidavit from Bihar declaring his name as Md Zakir Hussain Ansari and the same was published in the Assam Tribune on 05 Jul 1989 and the same was recorded in the Service Book vide DO Pt II Order No 20/90/Civ dated 11 Jun 90 Matriculation Certificate No F 042150 dated 21 May 2002 which he appeared in 2967 issued by Bihar Vidyalaya Pariksha Samiti, Patna, submitted by him shows his name as Jakir Hussain S/O Shri Moulabi Mian.

Sd/- x x x x  
(Accused Official)

Sd/- x x x x  
(Presenting Officer)

Sd/- x x x  
(Inquiry Officer)

AH-21  
J&A  
Annex C

In the year ie from 15-1-71 to 20-02-72 he had served in 1946 Pioneer Company as Mate by giving his name as Jakir Hussain S/O Shri Moulabi Mian.

Birth Certificates submitted by him of his son shows the date of birth as 18-8-78 and that of daughters as 14-6-81 and 21-1-83 which mentions his name as Md Jakir Hussain Ansari. However during this period his name was Jagir Basfore in Records of Service.

Thus he has given wrong information at the time of his enrolment and misled the authority for getting Govt job of Conservancy Sweeper.

5. Annexure III

List of documents by which the article of charge against Md Zakir Hussain Ansari Chowkidar of Station, HQ 51 Sub Area are proposed to be sustained are as given under :-

- (a) Record of Service (First page)
- (b) Medical Certificate.
- (c) Employment Registration Card (Govt of Assam)
- (d) Daily Part II Order No 01/82/Civ dt 15 Jan 82 (Reclassification of Chowkidar)
- (e) Court Affidavit (Changing his name) and Part II Order No 20/90/Civ dt 11 Jun 90.
- (f) Matriculation Certificate No F 042150 dated 21 May 2002.
- (g) Service as Mate in 1946 Pioneer Company from 15-10-71 to 20-02-72 Certificate issued by 1946 Pioneer Company.
- (h) Birth Certificate of Son (DOB : 18-8-78) and Daughters (DOB : 14-6-81 and 21-1-83 ) respectively.

6. Annexure IV.

List of Witnesses by whom the article of charge framed against Md Zakir Hussain Ansari Chowkidar & proposed to be sustained Officer holding the records.

7. QUESTIONS BY THE INQUIRY OFFICER

Q1. Do you accept IC-35822W Lt Col Nagendra Singh as Inquiry Officer to inquire the article of charge framed against you vide Station Cell, HQ 51 Sub Area Memorandum No 7202/EST/R(Dis) dt 14 Aug 2002 ?

Ans 1. Yes. I accept Lt Col Nagendra Singh as Inquiry Officer to inquire the charge framed against me.

Sd/- x x x x  
(Accused Official)

Sd/- x x x x  
(Presenting Officer)

Sd/- x x x x  
(Inquiry Officer)

Attested  
Advocate

Q2. Do you accept Shri Ratna Kalita appointed as Presenting Officer of the inquiry ?

Ans2 No I do not accept Shri Ratna Kalita as Presenting Officer. I have already represented through my application dated 03 Sep 2002, for changing the presenting officer.

8. After hearing the article of charge the delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari did not admit the charge framed against him and decided to defend the charge through a defence assistant. Inquiry Officer had asked the accused official Md Zakir Hussain Ansari to give the details of his defence assistant and produce willingness Certificate from his nominated defence assistant.

9. The Court was adjourned at 1300 hrs on 10 Sep 02 after deciding that next hearing will be fixed after Willingness certificate from the defence assistant & received.

10. The inquiry was resumed at 1100 hrs on 11 Sep 02 in the Conference hall of 307 Station Workshop C/O 99 APO. Shri Ratna Kalita Presenting Officer and accused Official No 213030 Chowkidar Md Zakir Hussain Ansari of Station Cell, HQ 51 Sub Area, alongwith his defence assistant Md Kashim Ansari were present.

BRIEFING STATEMENT OF THE CASE

11. The brief of the case submitted by Presenting Officer Shri Ratna Kalita is attached at Appx 'A'. No 213030 Chowkidar Md Zakir Hussain Ansari of Station Cell, HQ 51 Sub Area while enrolling as Conservancy Sweeper in Station Headquarters Guwahati willfully furnished false information and suppressing factual information in getting job of Conservancy Sweeper by changing his name from Zakir Hussain to Jagir Basfore and by declaring himself as Scheduled Caste.

12. On having been found out that No 213030 Chowkidar Md Zakir Hussain Ansari had furnished false information and had suppressed factual information at the time of appointment as Conservancy Sweeper in Station Headquarters Guwahati by changing his name from Zakir Hussain to Jagir Basfore and by declaring himself as Scheduled Caste, Station Commander, the disciplinary authority Ordered an Oral inquiry and appointed Inquiry Officer and Presenting Officer vide their Order No 7202/EST/R(Dis) (i) dated 31 Aug 2002 and 7202/EST/R(Dis) dated 31 Aug 2002 respectively. Charge sheet was framed vide memorandum No 7202/EST/R(Dis) dt 14 Aug 2002. No 213030 Chowkidar Md Zakir Hussain Ansari was advised to submit reply in his defence within 10 days. His reply was received on 19 Aug 2002.

13. The delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari was summoned by Inquiry Officer to appear before the inquiry officer vide letter No 21401/PC dt 06 Sep 2002. Accused official appeared before the Inquiry Officer on the date fixed for the hearing ie 10 Sep 2002 and subsequent days.

14. The Presenting Officer Shri Ratna Kalita produced all relevant documents as per list of documents by which article of charge framed against No 213030 Chowkidar Md Zakir Hussain Ansari of Station Cell HQ 51 Sub Area proposed to be sustained the documents have been verified and found correct.

Sd/- x x x x  
(Presenting Officer)

Sd/- x x x x  
16/9/02  
(Accused Official)

Sd/- x x x x  
(Inquiry Officer)

*Allohd*  
*Qil* *Advocate*

STATEMENT OF NO 213030 CHOWKIDAR MD ZAKIR HUSSAIN ANSARI

15. No 213030 Chowkidar Md Zakir Hussain Ansari of Station Cell, HQ 51 Sub Area C/O 99.APO, duly warned states that :-

16. I am serving in the Station Cell, HQ 51 Sub Area C/O 99 APO since Jun 1975, I was initially appointed as Conservancy Sweeper, where as vacancies relating to other posts were vacant. My name was changed as Jagir Basfore without my consent. I came to know about the change in my name at the time of initial first payment during Jun-Jul 1975. I had put up my protest verbally but concerned authorities did not pay any heed to my protest. No action was taken even after protracted representation to correct my name as Zakir Hussain. Hence I had no option rather than approaching the Court for correction of my name to Zakir Hussain from Jagir Basfore through Court affidavit .

17. In due course, according to existing rules my promotional aspects have been over looked.

18. In contravention to existing rules appointment of Shri D K Bhattacharya, Shri JC Roy and Shri Pulama Borah have been made. I had submitted application on 27 Mar 1999 and 14 Aug 2002 for redressal of my grievances but no reply has been received by the till date.

19. QUESTIONS BY THE INQUIRY OFFICER

Q 1. In your statement, you have not mentioned any relevant points which substantiate your claim/plea of innocence for the charge framed against you. Do you plead guilty and admit the charge ?

Ans 1 No, I do not admit the charge and I do not plead guilty. I have already submitted my application with parawise comments on 19 Aug 2002. (Application attached as Appx 'B').

Q 2. Do you wish to defend the charge framed against you ?

Ans 2 . Yes, I wish to defend myself.

Q 3. Do you wish to nominate defence assistant ?

Ans 3. Yes, I wish to nominate Md Kasim Ansari as my defence assistant.

Q4. Who is Md Kasim Ansari and what is his profession ?

Ans 4. He is my son. He is pursuing Bachelors of Educations (B. Ed.)

Q 5. Have you obtained willingness certificate from the defending assistant ?

Ans 5. Yes. I hereby produce (Willingness Certificate attached as Appx 'C').

20. The court was adjourned at 1330 hrs on 11 Sep 02 after deciding that next hearing will be fixed on 13 Sep 02 at 1000 hrs.

Sd/- x x x x  
(Presenting Officer)

Sd/- x x x x  
(Accused Official)

Sd/- x x x x  
(Inquiry Officer)

*Attested*  
*J.S.*  
*Advocate*

21. The inquiry was resumed at 1000 hrs on 13 Sep 02 in the Conference hall of 307 Station Workshop C/O 99 APO. Shri Ratna Kalita Presenting Officer, Shri Indreswar Sharma Pathak official holding records, accused official No 213030 Md Zakir Hussain Ansari and Md. Kasim Ansari defence assistant were present.

22. QUESTIONS BY THE INQUIRY OFFICER (CONTD)

Q 6. Why did you change your name to Jagir Basfore from Zakir Hussain while getting your name registered in local employment exchange?

Ans 6. I have not done my registration as Jagir Basfore in local employment exchange.

Q 7. Do you know who has done on your behalf and how come your name as Jagir Basfore been sponsored?

Ans 7. I do not know.

Q 8. What was your name prior to May 1975?

Ans 8. Zakir Hussain

Q 9. When you have not got your name registered and sponsored through local employment exchange, what have you to say on the Identity Card issued vide Govt. of Assam, Department of Labour against Registration No: 3820/75 issued in favour of Jagir Basfore?

Ans 9. I have nothing to say.

Q 10. Did you report to the office of Adm Comdt, Station Headquarters, Narangi Camp, Guwahati on 29 May 1975 for your intervened for recruitment of Sweepers as directed by District employment exchange, Guwahati vide their letter No Ord 201/75/5612 dt 28 May 1975?

Ans 10. I have nothing to say.

Q 11. When did you come to know about change in your name to Jagir Basfore from Md Zakir Hussain?

Ans 11. At the time of initial payment after 45 days of appointment during Jun -> Jul 1975, I came to know about it

Q 12. How can you say that change in name came to your notice during Jun-Jul 1975, when signature on Medical Certificate issued by Med Offr, 1 Adv Base Wksp dt 31 May 1975 clearly indicates as signature of Jagir Basfore can you recognize this?

Ans 12. Yes, I have signed as Jagir Basfore.

Q 13. Random checks of pay bills No 7201/Est dt 11 Oct 76, dt 08 Nov 79 and 06 Mar 80 reveal that, these have been signed as Jagir Basfore. Have you signed these?

Ans 13. Yes, I have signed them as Jagir Basfore.

Sd/- x x x x  
(Presenting Officer)

Sd/- x x x x  
Accused Official)

Sd/- x x x x  
Inquiry Officer)

Attested  
r.l.s  
Advant

Q 14. Have you signed on Medical reclassification to Chowkidar certificate issued by Medical Officer of MI Room, 222 ABOD dated 17 Dec 81 ?

Ans 14. Yes, I have signed as Jagir Basfore.

Q 15. Being fully aware that you were known as Zakir Hussain till May 1975, then why did you accept the appointment of Conservancy Sweeper, how did you receive your payment and on what name ?

Ans 15. I received my first and subsequent payment till Jun 1990 in the name Jagir Basfore (Service Book verified and found correct). Thereafter in the name of Md Zakir Hussain Ansari since I had changed my name through Court affidavit on 27 Feb 1987 and change in name was incorporated through DO Pt II No 20/90/Civ dt 11 Jun 1990.

Q 16. Why did you take so long i.e. about 12 yrs. to change your name?

Ans 16. I had faith in concerned authorities and hope that they will effect necessary changes in my name as desired by me in due course. But, when I found that in-ordinate delay has occurred, I did not have any option left to be rather than going to the Court for the justice for getting my name corrected as Md Zakir Hussain Ansari.

Q 17. You had accepted the appointment of Conservancy Sweeper, continued to draw, pay & allowances and accepted the re-mustering to Chowkidar during Dec 1981 in the name of Jagir Basfore, fully aware that you were known as Zakir Hussain. What have you to say ?

Ans 17. Accepted due to my extreme poor economic conditions.

Q 18. It is evident that you had furnished false information and suppressed factual information during May 1975 at the time of appointment as Conservancy Sweeper, you continued to sign on pay rolls, medical certificates as Jagir Basfore thereby suppressing factual information, which is fraudulent act on your part. What have you to say ?

Ans 18. I kept on serving and continued to draw payment due to me as Jagir Basfore due to my extreme financial hardship since I needed the service badly to sustain my family. Concerned authorities did not pay any heed to my request to effect the change/correct my name and trade and kept on telling/advising me to continue to serve as Jagir Basfore, if job is required.

Q 19. Have you any thing to bring to the notice of inquiring authority in your defence of Article of charge framed against you ?

Ans 19. NO.

23. The above statement given by me, questions and answers put up to me and replied by me are correct in all respect. I gave the statement to Inquiry officer Lt Col Nagendra Singh in presence of Presenting Officer, Shri Ratna Kalita on 11 Sep 2002 and 13 Sep 2002. The statement, questions and answers have been read over to me in the language I understand best and I sign it as correct.

24. The Court was adjourned at 1345 hrs on 13 Sep 2002 after deciding that next hearing will be fixed on 16 Sep 2002 at 1000 hrs.

25. The inquiry was resumed at 1030 hrs on 16 Sep 2002 in the Conference hall of 307 Station Workshop, C/O 99 APO. Shri Ratna Kalita, Presenting Officer, Shri Indreshwar Sharma Pathak official holding records, accused official No 213030 Md Zakir Hussain Ansari and Md Kasim Ansari defence assistant of the accused official were present.

Sd/- x x x                      Sd/- x x x                      Sd/- x x x  
Presenting Officer      Accused Official      Inquiry Officer

*Attested*  
*Shri*      *Advocate*

40  
7

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STATEMENT OF WITNESS HOLDING OFFICIAL RECORDS

26. No 213002 UDC Indreswar Sharma Pathak of Station Cell HQ 51 Sub Area, the witness by whom the article of charge framed against Md Zakir Hussain Ansari is proposed to be sustained, having been duly warned states that :-

27. I am serving in the Station Cell, HQ 51 Sub Area since 05 Oct 1976. Presently I am working as UDC dealing with Civilian establishment. I am submitting the following documents as the evidence in support of article of charge framed against Md Zakir Hussain Ansari for the perusal of the Inquiring authority :-

- (a) Record of Service.
- (b) Medical Certificate.
- (c) Employment Registration Card (Govt of Assam) bearing No 3820/75.
- (d) Daily Part II Order No 01/82/Civ dt 15 Jan 82 (Reclassification of Chowkidar).
- (e) Court affidavit (Changing his name) and Part II Order No 20/90/Civ dt 11 Jun 90.
- (f) Matriculation Certificate No F 042150 dt 21 May 2002.
- (g) Service as Mate in 1946 Pioneer Company from 15-10-71 to 20 Feb 72 Certificate issued by 1946 Pioneer Company.
- (h) Birth Certificate of Son (DOB : 18-8-78) and daughters (DOB : 14-6-81 and 21-1-83) respectively.

28. QUESTIONS BY THE INQUIRY OFFICER

Q1. Can you produce the pay rolls duly signed by individual ?

Ans 1. Yes. I hereby produce the pay rolls for the perusal (Pay rolls checked and verified at random, signature of the individual as Jagir Basfore found affixed.).

29. The above statement, question and answer has been read over to me in the language I understand best and I sign as correct.

CROSS EXAMINATION OF THE WITNESS BY ACCUSED NO 213030  
CHOWKIDAR MD ZAKIR HUSSAIN LANSARI

30. NO cross examination as advised by defence assistant, since only documentary evidence related to the case is being produced by the witness.

Sd/- x x x x  
16/9/02  
(Accused Official)

Sd/- x x x x  
Ratna Kalita  
(Presenting Officer)

Sd/- x x x x  
Nagendra Singh  
Lt Col  
(Inquiry Officer)

Sd/- x x x x  
Indreswar Sharma Pathak  
UDC  
(Official holding records)

*Attested*  
*Attested*

ASSESSMENT OF EVIDENCE

31. Based on the evidence recorded, documents produced and verified and the brief submitted by the Presenting Officer the following assessment has been deduced :-

(a) The proceedings of the Inquiry Commenced on 10 Sep 02. The charge framed against delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari has read over to him. He did not admit the article of charge and did not plead guilty before the inquiring authority. He decided to defend the case.

(b) The delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari nominated Md Kasim Ansari, his son pursuing Bachelor of Education (B.Ed.) as his defence assistant to defend the charge framed against him.

(c) On 10 Sep 2002 through the defence assistant delinquent official Md Zakir Hussain Ansari had objected the appointment of Presenting Officer Shri Ratna Kalita and had approached disciplinary authority through a representation dated 03 Sep 02 to change the presenting officer. The said representation/plea was rejected and turned down vide Station Cell HQ 51 Sub Area letter No 7202/EST/R(Dis) dt 05 Sep 2002. The charged official was advised to attend the Oral Inquiry.

(d) Documentary evidence by which the article of charge proposed to be proved were produced as per Para (7) of Appx 'A' "Brief of the Case" presented by the Presenting Officer. Documentary evidence Annexure (III) to Annexure (XIV) of Appx 'A' were verified. As per the documentary evidence it is evident that the delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari had furnished willful false information and suppressed factual information regarding his name for the purpose of seeking employment under the Central Government.

(e) The fact has been found out that the false information had been furnished and factual information had been suppressed by No 213030 Chowkidar Md Zakir Hussain Ansari during May 1975 at the time of appointment as Conservancy Sweeper in the name of Jagir Basfore.

(f) The act on part of No 213030 Chowkidar Md Zakir Hussain Ansari in furnishing willful false information and suppressing factual information with an aim to get an employment is a disqualification and renders him unfit for the employment under Government. This act on part of delinquent official renders his services liable to be terminated as per the provision contained in Government of India Instructions No (2) vide Rule 11 of the CCS (CC&A) Rules 1965. Provision of Rule 11 of the CCS (CC&A) Rules 1965 have been adequately clarified vide Govt of India Instructions under Rule 11.

(g) Delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari had not only furnished false information and suppressed factual information at the time of appointment as Conservancy Sweeper during May 1975 for the purpose of seeking employment under the Central Govt, but also continued to suppress factual information willfully and continued to draw pay and allowances as Jagir Basfore being fully aware that he was Zakir Hussain which reflects lack of Dignity and misconduct on his part in violation of Rule (3) of CCS (Conduct) Rules 1964 clauses (i) and (iii) of sub-rule (f) of Rule (3) of the CCS (Conduct) Rules 1964, provides that a Govt servant shall at all times maintain absolute integrity and do nothing of a Government servant.

sd/- x x x x x  
(Presenting Officer)

sd/- x x x x x  
(Inquiry Officer)

Att. U.  
JL  
Advocate

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(h) The act on part of delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari is a case of fraud and there are sufficient documentary and oral evidence material to which article of charge framed against him is proved. He is thus proved guilty of the conduct committed at the time of enrolment as Conservancy Sweeper during May 1975 in accordance with Govt of India Instructions (2) below Rule 11 of the CCS (CC&A) Rules 1965. He is also found guilty of the conduct in suppressing factual information subsequently in violation of Rule (3) of the CCS (Conduct) Rules 1964.

(i) The fact as regards furnishing of willful information and suppression of factual information has been revealed after a lapse of almost two decades leads doubt on the functioning of officials holding records, which shows lack of devotion to duty in violation of Rule (3) of the CCS (Conduct) Rule 1964. This needs to be investigated with a view to streamline the existing system.

### FINDINGS OF THE INQUIRY

32. In view of the assessment I have reached to the conclusion that :-

(a) Delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari, while enrolled as Conservancy Sweeper in Station Headquarters, Guwahati, had willfully furnished false information and had suppressed factual information in getting job of Conservancy Sweeper by changing his name from Zakir Hussain to Jagir Basfore. Md Zakir Hussain Ansari by this act of furnishing of false information and suppressing of factual information at the time of enrolment as Conservancy Sweeper displayed 'Conduct' unbecoming of a Govt Servant thereby violating Rule 11 of CCS (CC&A) Rules 1965.

(b) No 213030 Chowkidar Md Zakir Hussain Ansari, continued to suppress factual information willfully and continued to draw pay and allowances as Jagir Basfore whereas being fully aware that he was Zakir Hussain displayed 'Conduct' unbecoming of a Government Servant violating Rule (3) of the CCS (Conduct) Rules 1964.

33. I find delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari 'Guilty' of the Article of charge framed against him.

34. I recommend that disciplinary action against delinquent official No 213030 Chowkidar Md Zakir Hussain Ansari shall be taken for the act committed by him.

Sd/- x x x x x  
(Ratna Kalita)  
Presenting Officer

Sd/- x x x x x  
(Lt Col Nagendra Singh)  
Inquiry Officer

A. H. S.  
S. L. Advanta

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CERTIFICATE

Certified that I have acquainted myself with the provisions of Rule 14 of CCS (CC&A) Rules 1965 before conducting the Inquiry and I have complied with its provisions.

Sd/- x x x x  
(Nagendra Singh)  
Lt Col  
Inquiry Officer  
16 Sep 2002

Attested  
J.S. / Advocate

To

- 49 -

ANNEXURE - F 56

Shri A.K. Bhanot  
Brigadier  
Stn Cdr,  
Stn Cell  
HQ 51 Sub Area  
C/o 99 APO

[ THROUGH PROPER CHANNEL. ]

Sub REPRESENTATION ON THE PENALTY/UNDER RULES (3)  
AND 11 OF THE CCS(CC&A) OF 1964/65

Ref : Your Memo No 7202/Est/R(DIS) dt 18 Oct/02.

Sir,

With ref to the above, I have the honour to submit the following representation on the penalty/guilty framed against me under the Rules mentioned on the subject :-

- (a) I am not satisfied with the decision of the I/O Lt Col Nagendra Singh as he did not carry out proper verification of the records/docs.
- (b) I have full doubt about the fraudulent act on list of ~~xxxxxxxxxx~~ applicants issued by Employment Offr, Identity card of Govt of Assam Deptt of Labour Regn No 3820/75; Med Cert of 1 Adv Base Wksp, DO Pt 11 No 20/76/Civ dt 7 Jun/76, Annx- V 11 where I signed as Md Z.H. Ansari but the actual name cut down and written as Jagir Basfore, AnnxV 111 Re- classification Bd, DO Pt 11 No 20/90/Civ dt 11 Jun/90 does not pertain to me and enclosing this not understood. Please clarify I want the above docs be checked with the original and shown to me so that could show where the act of fraudulent made by the dealing Assit.
- (c) Annx-X clearly indicate my name as Jakir Hussain while I was serving in 1948 Pnr Coy and it is axiomatic that my name has been changed by the dealing Assit but not by me .
- (d) I did not want to add another falsification by changing th title of my children as Basfore,

Attested  
JL  
Advanta

5

hence I have shown my name as Md. Zakir Hussain Ansari. Birth cert of Miss Zulekha is not found att. More over, the date of birth of her is 14-1-81 and not 14-6-81 as indicated in the statement of witness Holding Official Records. I request the auth to verify it and rectify the date accordingly.

(e) Annx - X111 Cert of Matriculate is correct. If auth have any doubt or find and false then take any action as deem fit.

(f) Annx - XN ~~xxxxxxx~~ regular pay bills shown my name as Jagir Basfore and signed. Answer in question NO 17, I declared that due to economic condition poor state I have been compelled to become Jagir Basfore. Instead of ~~the~~ my request from time to time the auth did not rectify my name and threatened me that you remain as Jagir Basfore otherwise your services will be terminated. Moreover, I never declared myself as Scheduled Caste. What verification of antecedent says, Produce the police verification report to me for my satisfaction, or make an enquiry into this matter.

(g) The pay bills from 1975 to 1981 be shown to me for my satisfaction and to point out the false signature.

(h) There are many more allegations against the dealing Asst/auth which will be submitted in due ~~xxxx~~ course of time.

(i) Action against U.D.C Indreswar Sarma Pathak and Miss phuloma Barua (Boro) be taken as alleged in para 7 of my petition dt 19th Aug/02.

I requested the Cdr, Hq 51 Sub Area/Stn Cdr, Stn Cell to take proper action /enquiry on the above pts. To my utmost satisfaction if I do not get the opportunity/Justification I shall be knocked the door of the law/Court.

Yours faithfully,

Place : Guwahati  
Date : 21-10-02

(Md. Zakir Hussain Ansari )  
Chow, No 213030  
Stn Cell, Hq 51 Sub Area,  
C/o 99 APO

Attested  
[Signature]  
Advocate

Telephone : 6242

Station Cell  
HQ 51 Sub Area  
C/O 99 APO

7202/EST/R(DIS)

15 Nov 2002

ORDER

1. WHERE AS an inquiry was ordered against No 213030 Chowkidar Md Zakir Hussain Ansari under Rule 14 of the CCS (CC&A) Rules 1965 for furnishing false information and suppressing factual information in getting job of conservancy sweeper by changing his name from Md Zakir Hussain Ansari to Jagir Basfore and by declaring himself as schedule caste.

2. AND WHEREAS the said inquiry having concluded on 16 Sep 2002 has found the said Md Zakir Hussain Ansari guilty of the charge leveled against him.

3. AND WHEREAS the said Md Zakir Hussain Ansari was given memorandum dt 18 Oct 2002 alongwith a copy of inquiry to make his representation on the proposed imposition of major penalty of Dismissal/Removal from service, by the undersigned.

4. AND WHEREAS Md Zakir Hussain Ansari has given a written explanation which has been duly considered by the undersigned.

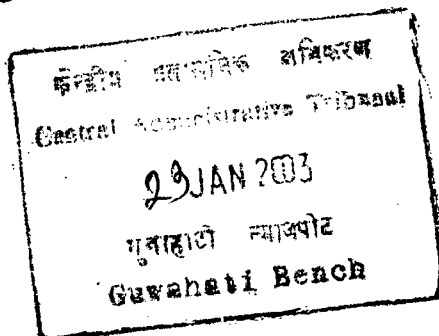
5. NOW, THEREFORE, in exercise of the power conferred by Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, undersigned hereby removes from services Md Zakir Hussain Ansari who shall be compulsorily retired from services in the supplementary Establishment, Station Cell HQ 51 Sub Area with effect from the date this order is served on the said Md Zakir Hussain Ansari.



(AK Bhanot)  
Brigadier  
Station Commander

Md Zakir Hussain Ansari  
Chowkidar  
Station Cell HQ 51 Sub Area  
C/O 99 APO

Attested  
[Signature]



Union of India & ors  
- Respondents  
23/1/03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

In the matter of :-

G.A.No.375/2002

Zakir Hussain Ansari ..applicant

-Versus-

Union of India & others

... Respondents

Written statement for and on behalf of Respondents  
/Officiating

1) I, Lt Col RV Kotabage, Administrative Commandant, Station Cell, HQ 51 Sub Area, C/O 99 APO and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have underseal the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statements may be deemed to have been denied. I/authorised to file the written statements on behalf of all the respondents.

2) That at the outset the respondent submits that they had asked District Employment Exchange, Guwahati on 20 May 1975 to forward the list/names of candidates eligible for the post of Conservancy Sweeper to be employed in Station Headquarters, Guwahati. The said vacancies were reserved for Schedule Castes only. Thus on 28 May 1975, 59(fifty nine) names of Schedule Caste candidates were received from District Employment Exchange, Guwahati for the said vacancies. Name of Sri Jagir Basfero (applicant) was also included in the list of candidates at Ser No.1. The photo copy of Identify Card bearing Registration No.3820/75 and list of candidates received from District Employment Exchange, Guwahati is annexed as (Exhibit R-1).

Contd..p/2-

- 3) That accordingly, the said Jagir Basfore was selected as Schedule Caste candidate for the post of Conservancy Sweeper and he continued to draw his pay and allowances from 1st June, 1975 to June, 1989 as Jagir Basfore S/O Musafir.
- 4) That on 27 Feb 87, the said Jagir Basfore (applicant) submitted an affidavit (Exhibit R-2) changing his name from Jagir Basfore to Jakir Hussain Ansari S/O Shri Musafir and subsequently requested the authority to record the change in his official records as well. Accordingly on 11 Jun 90 vide Part II Order No. 20/90/Civ (Exhibit R-3) his name was changed from Jagir Basfore to Jakir Hussain Ansari based on Court affidavit and News paper advertisement dated 05 July 89 (Exhibit R-4).
- 5) That as per CAT OA 126/98 (MISC-OA) No. 140/2000, the applicant requested for the promotion to Group 'C' post of General Supervisor claiming that he has requisite qualifications for the said promotion. The authority turned down his request, as he was not having the requisite qualification, vide letter dtd. 10 Mar 2001 (Exhibit R-5). Thereafter, aggrieved by the decision of his authority, he filed an OA No. 181/2001 in the CAT Guwahati seeking his promotion to the post of General Supervisor. On the directions of Hon'ble CAT Guwahati Order dated 13 Feb 2002 the applicant produced his original High School certificate from BIHAR VIDYALAYA PARIKSHA SAMITI issued on 21 May 2002 (Exhibit R-6) as per which he had passed his High School Examination in the year 1967 as Shri Zakir Hussain S/O Shri Maulavi Miya.
- 6) That the authority then realized that the said Jagir Basfore (applicant) was known as Shri Jakir Hussain since his birth and not as Jagir Basfore, Schedule Caste. The applicant in order to gain exx employment had willfully concealed his real identity and falsely reported himself as Jagir Basfore which was an offence under the Rule 11 of the CCS (CC&A) Rules 1965.

7) That to uncover the truth, Competent Disciplinary Authority ordered an inquiry on 31 Aug 2002 in accordance with Rule 14 of the CCS (CC&A) Rule 1965 in which Shri Jakir Hussain Ansari was provided full opportunity to defend himself. The inquiry Officer after due investigation found Shri Jakir Hussain Ansari guilty of willful suppression of facts and false representation. The Competent Disciplinary Authority then imposed the penalty of Compulsory Retirement from Service on the applicant.

8) That the offence committed by individual is of serious nature and penalty imposed are as per rules and orders. It is strongly pleaded that the case lacks a merit and it is prayed that no interim stay orders be issued and case be dismissed.

9) That not withstanding the above, peruse comments on CAT Case No.372/02 dtd.26 Nov 2002 filed by Shri Zakir Hussain Ansari S/O Late Moeafir ANSARI, Chowkidar, Station Cell Headquarter 51 Sub Area are given as under -

10) That with regard to the statement made in paragraph 1,2,3,4.1, 4.2 ~~thaxRaxaxandaxkx~~ of the application the Respondents have no comments these being matters of fact.

11) That with regard to the statement made in paragraph 4.3 of the application, the Respondents beg to state that the applicant submitted his application for resignation which was accepted by appointing authority, but subsequently, the individual wanted to withdraw which was turned down by the appointing authority. However, the Hon'ble Tribunal after considering the case sympathetically asked the appointing authority to reinstate the applicant. The applicant has gone to the Court stating that he is qualified for group 'C' post and should be promoted accordingly. In this regard the directions of Army HQ given vide their letter No.B/60983/SD-7(Adm(Civ),dtd. 02 Jul 2002 have already been communicated to the applicant and Hon'ble Court vide this Office letter No.7202/EST/R dtd. 13 Jul 2002. In this case the Court ordered the applicant to submit his original matriculation certificate which he submitted after reminders and with delay in Jun 2002.

"Production of original High School Certificate raised the doubt of fraudulent enrolment of the individual, since the matriculation certificate of 1967 had shown his name as Jakir Hussain S/O Late Moulavi Miya whereas at the time of enrolment he imposed himself as Jagir Basfore, Sebdule Caste Son of Shri Musafir and he signed a Medical documents as Jagir Basfore confirming himself as Jagir Basfore."

12) That with reference to the statement made in paragraph 4.4, 4.5 the applicant's name as Jagir Basfor, schedule caste alongwith employment Card was forwarded by the employment exchange and accordingly alongwith other candidates he was enrolled in the category of Conservancy Sweeper in 1975 against the reserved vacancies for scheduled caste, The applicant worked as conservancy sweeper in Stn HQ, Narangi, Guwahati from 1975 to 1981 and thereafter as Chowkidar with the same name as Shri Jagir Basfor. At no stage he had protested about his wrong name and caste but at his own, while working as Chowkidar in 1987, he applied for change of his name from Jagir Basfore to Zakir Hussain Ansari by a Court affidavit that too in Bihar and not in Guwahati. During this entire period from 01 Jun 1975 to June 89 the applicant has been signing as Shri Jagir Basfor and receiving his a monthly salary initially as conservancy safaiwala and subsequently as Chowkidar under the name of Jagir Basfor. Drawing pay from 01 Jan 75 to Jun 89 and then changing name from Jagir Basfor to Zakir Hussain Ansari clearly indicates that the applicant was well aware that he was serving as Jagir Basfor and which he continued to do so for approx 14 years. Moreover, he has accepted on Oath and stated in affidavit that his name was Jagir Basfor S/O Shri Musafir. Appeal for change of name was done in secretive manner though Court in Bihar and not in Guwahati which also speaks of his intentions at that time. Further his intentions are also reflected by his act of withdrawal of original Affidavit immediately on publication of Part II order but the fact remains that he had willfully hidden his real identity and knowingly served in changed name. Hence his saying that the appointing authority in their own interest changed his name is totally false and baseless allegation. His recruitment to

conservancy sweeper has no connection with the vacancies available in other categories as that time only the vacancies of conservancy sweeper were being filled up. Moreover, he had not produced certificate of passing High School since it had his name as Jakir Hussain and not Jagir Basfor, the name forwarded by employment Exchange and also for the fear of his real identity getting exposed which would have lead to termination of his services as a conservancy safaiwala being reserved for schedule caste. As his name was sponsored by Employment Exchange, Guwahati and they had issued employment registration Card which might have been accepted on face value and without detailed verification. However, list of selected candidates was forwarded to Employment Exchange. In conclusion it is correct to state that the applicant has imposed himself with the name of Jagir Basfore as schedule caste to get employment as conservancy safaiwala and at no stage informed authority about his real identity which he disclosed after 12 years while serving as Chowkidar which was in strict sense not earmarked for schedule caste thus misleading his employer in well planned manner which is nothing but fraudulent enrolment an offence punishable with major penalties under CCS & (CA Rules 1965.

13) That with reference to the statements made in paragraphed 4.6 the respondents beg to state that the applicant was enrolled in 1975 as Jagir Basfor and subsequently he changed his name to Zakir Hussain in 1987 by a Court affidavit which was accepted by the office but in 2002 after the Court order on OA 181/2001 the applicant submitted his matriculation certificate in which his name is given as Zakir Hussain and he has passed matriculation in 1967. Only after submission of this certificate this office noticed the fraudulent enrolment of applicant as certificate established that he was Zakir Hussain prior to enrolment as conservancy safaiwala reserved for schedule caste. Detailed check of his records was carried out and it was established that he has used wrong means to get job of conservancy safaiwala and after 12 years tried to regain original identity and seeking help of old documents for promotion etc.

14) That with reference to the statements made in paragraph 4.7 the respondents beg to state that the applicant applied for resignation on his own and later on counselling of his family members as a good gesture by the then Administrative Commandant applicant withdraw his resignation but same was not accepted by Competent authority due to his poor conduct and involvement in theft case etc. ~~It~~ Therefore he applied to Hon'ble Tribunal as after thought which was considered sympathetically by Hon'ble Tribunal and he was reinstated.

/eligible

15) That with reference to the statements made in paragraph 4.8, the respondents beg to state that the intention of the appointing authority is neither malafied nor intended to suppress the applicant from getting promotion but he has only submitted original documents dated May 2002 of passing High School in 1967 to this office in June 2002. Merely possession of certificate does not make the applicant/for promotion to any higher rank/grade but has to be as per laid down procedures and alongwith other eligible candidates. The misdeed of applicant has come to notice only when he produced certificate in June, 2002 in the name of Zakir Hussain having passed matriculation in 1967 whereas as per office records and as per affidavit which he submitted to the Court in 1987 his name was Jagir Basfor and wanted to change his name to Zakir Hussain. At any stage during his service he has not informed & mistake in his name or same was recorded wrongly as Jagir Basfor schedule caste whereas he has given affidavit in Court in Bihar and not in Guwahati which reveals his intentions and secretly manipulation of records so that he can use his High School certificate for promotion etc. Investigation and detailed scrutiny of his records revealed fraudulent entry at the time of enrolment and imposing himself as Jagir Basfor and false affidavit in Court stating his name as Jagir Basfor whereas he was Zakir Hussain & as per his high school certificate of 1967 and birth certificate of his children dtd. 14 Feb 90. Hence it is prayed that the office order of compulsory retirement has been issued as per rules, following detailed procedures and should not be set aside, otherwise it will encourage and will be precedence of fraudulent entry by claiming benefits of being SC & ST and dropping the same at later stage by changing name etc. through affidavit in Courts of Law.

6583

16) That with reference to the statements made in paragraph 4.9 the respondents beg to state that the applicant is trying to digress the issue which is irrelevant to his case, Shri Gajen Phukan was enrolled in Oct 86 and present Respondent assumed his office in May 2001. This false and baseless allegation against the Respondent is an offence by itself which is not pardonable.

17) That with reference to the statements made in paragraph 4.10 the respondents beg to state that the same are false and there is no motive except to take action against imposter in Defence Establishment who has joined service with fraudulent entry and taken benefit of schedule caste and thereafter changing his name and religion.

18) That with reference to the statements made in paragraph 4.11 the respondents beg to state that the same are false and baseless. The applicant has already got benefits as applicable and would have been considered on a merit as and when promotion boards are held alongwith other eligible candidates.

19) That with reference to the statements made in paragraph 4.12 the respondents beg to state that the applicant's acts have been imposter in Defence installation and also submitted false affidavit/Court <sup>in</sup> while changing his name from Jagir Basfor to Zakir Hussain. Knowing fully well that he was Zakir Hussain at the time of enrolment and before that.

20) That the statements made in paragraph 4.13 & 4.14 are denied.

21) That with reference to the statements made in paragraph 5.1 the respondents beg to state that in addition to fraudulent entry the applicant has been an imposter in Defence installation as well as furnished false affidavit in Court under oath.

22) That with reference to the statements made in paragraph 5.3 the respondents beg to state that the facts have come to light when the applicant produced documents in Jun 2002 for having passed higher school in 1967 in the name of Zakir Hussain where as he worked as Jagir Basfor from 1975 to 1987 and accepted the fact on oath while submitting change of name after 12 years. Details are given at para 4.8 above.

23) That with reference to the statements made in paragraph 5.4 the respondents beg to state that the applicant had given application for resignation which was accepted by the appointing authority however subsequently the applicant wanted to withdraw his application which was turned down by the appointing authority and he has taken advantage of delay in issuing of letter/played with dates mentioned on various applications. However, the Court has given decision in favour of the applicant which was honourably implemented.

24) That with reference to the statements made in paragraph 5.5 the respondents beg to state that all supporting documents are available with the office and the same were produced during the inquiry and shown to inquiry officer. If required the same can be shown to the Court. In the present case individual (applicant) himself is accepting that his name was Jagir Basfor from 1975 to 1987 and once he got all benefits of getting employment as conservancy safaiwala, schedule caste and there after changed his identity to original i.e. before joining Govt. services, the case is proved even based on Court affidavit and original high school certificate and birth certificate of his children. In office he was Jagir Basfor whereas at time of birth of his son Md. Kashim Ansari, DOB 18 Aug 1978, Daughter Miss Julekha Ansari, DOB 14 Jan 1981 and Miss Jabeda Ansari, DOB 21 Jan 1983 his name was Zakir Hussain (date of issuing birth certificate 14 Feb 90).

25) That the statements made in paragraph 5.6 are denied.

26) That with reference to the statements made in paragraph 6 the respondents beg to state that the applicant was given all opportunities as per rules and during inquiry he accepted the circumstance in which he has committed the act of fraudulent enrolment by changing name and caste.

27) That with reference to the statements made in paragraph 7 have no comments.

28) That with reference to the statements made in paragraph 8 the respondents beg to state that due to the facts mentioned in above paras and 4.8, it is prayed that the relief sought by the applicant should not be granted. All the evidence is as per documents.

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29) That with reference to the statements made in paragraph 9 the respondents beg to state that the offence committed by the applicant is of serious nature and orders issued as per rules and documentary evidence. Moreover, applicant has been given lenient penalty by ignoring charges of being an imposter in Defence Installation and stating false information to Court while submitting affidavit for change of his name. Requested that the case does not merit consideration and no interim orders to be given.

30) That with reference to the statements made in paragraph 10, 11 and 12 the respondents have no comments.

That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

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

/Officiating

I, Lt Col RV Kotabage / Administrative Commandant, Station Cell, Headquarter 51 Sub Area, C/O 99 APO, being authorised do hereby solemnly affirm and declare that the statements made in paragraphs 1 of this written statement are true to my knowledge, those made in paragraph 2 - 30 being matters of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal.

And I sign this verification on this 16 th day of January, 2003 at Guwahati.

  
DEPONENT

By hand

56

10  
Government of Assam,  
District Employment Exchange, Gauhati.  
Department of Labour.

(95)

6

No. ORD. 201/75/ 5612 / Dated, Gauhati the 28th May, 1975.

To  
The Administrative Commandant,  
Station Head Quarters,  
Narangi Gaxhakk Camp,  
Gauhati-20.

Sub: - RECRUITMENT OF SWEEPER.

Ref:- Your letter No. 7202/EST/Cons dt. 20-5-75.

Sir,

With reference to the above, I am submitting herewith the particulars of 59 (fifty Nine) applicants for favour of your necessary action. The applicants have been directed to report to you on 29th May, 1975 at 10 A.M. along with their all original certificates and Employment Exchange Regn. Cards. for your interview/test, etc.

The result of this submission may please be intimated to us in due course.

Yours faithfully,

*[Signature]*  
28/5/75

Employment officer,  
District Employment Exchange,  
Gauhati.

*[Signature]*

....

CTC

*[Signature]*  
CC Adm Comd  
Gauhati

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11

List of applicants submitted to the Administrative  
Commdt. Narangi Camp, Gauhati. For the post of Sweeper  
(Conservatory)

No. ORD: 201/75/  
N.C.O. No. 541.20

SL. No.	NAME OF THE APPLICANTS	REGN. No.	DATE	REMARKS.
1	2	3	4	5
1.	Shri Jagir Basfore, ✓	3820/75.		S/Caste. ✓ Accepted
2.	" @Sabaya ✓	2104/75.		"do- ✓ Accepted
3.	" B. Jagullu, ✓	12,113/74		"do- ✓ Accepted
4.	" Sankar,	2762/75		"do- ✓ Accepted
5.	" Ranjit,	2760/75		"do-
6.	" Sareshlal Basfore,	2108/75		"do-
7.	" Basu R. Basfore,	2105/75		"do-
8.	" Huplal Basfore,	2172/75		"do-
9.	" Mongal Basfore,	2175/75		"do-
10.	" Ch. Demru	2156/75		"do-
11.	" Shamlal Basfore,	2174/75		"do-
12.	" Punnaman Basfore	2101/75		"do-
13.	" Ramoo Basfore, ✓	3116/75		"do- ✓ Accepted
14.	" Ram Prasad, ✓	2754/75.		"do- ✓ Accepted
15.	" Sema Chalen,	2103/75.		"do-
16.	" Kalchan Lal	2752/75		"do-
17.	" Panchiram	2761/75		"do-
18.	" Simansalam	3767/75		"do-
19.	" Raghu Nanda Basfore,	10,287/75		"do-
20.	" Badsha Prasad	11,594/75.		"do-
21.	" Sabilal Harijan,	4757/75.		"do-
22.	" Mani Raj.	4756/75.		"do- ✓ Accepted
23.	" Radha Shyam	4755/75.		"do-
24.	" B. Apparao,	4754/75.		"do-
25.	" Sumarah Harijan,	4753/75.		"do-
26.	" C. Chanaya,	4752/75.		"do-
27.	" Potraj,	4751/75.		"do-
28.	" Sambhu Harijan,	4750/75.		"do-
29.	" Deboban Ram,	4748/75.		"do- ✓ Accepted
30.	" Subhas Raj Harijan,	4747/75.		"do-
31.	" B. Sree Ram Mutri,	4743/75.		"do-
32.	" Rao Naya Harijan,	4742/75.		"do-
33.	" Suren Harijan,	4741/75.		"do- ✓ Accepted
34.	" Suhan Ealmiki,	4740/75.		"do- Accepted by order of S/Comdant
35.	" Krishna Harijan,	4739/75.		"do-
36.	Mrs. B. Muthalamma,	W/217/75.		"do- ✓ Accepted
37.	" Radhika Basfore,	W/480/75.		"do- ✓ Accepted
38.	" Kaulasiya,	W/182/75.		"do-
39.	" Sima Chalam,	W/197/75.		"do-
40.	" Yama,	W/361/75.		"do-

+Contd. Page....2.

etc

Lt Col *[Signature]*  
Offg Adm Comd  
the HQ Gauhati

1	2	3	4
41.	Mrs. Madhu Harizan,	W/941/74.	S/Caste-
42.	Chenemalu,	W/253/75.	-do-
43.	Sulemi Harijan,	W/145/75.	-do- <i>Accepted</i>
44.	K. Arikama,	W/938/73	-do- <i>Accepted</i>
45.	Eapanama,	W/184/75	-do-
46.	Dalama,	W/183/75	-do- <i>Accepted</i>
47.	Kandama,	W/185/75	-do- <i>Accepted</i>
48.	Chandu Balmiki,	W/251/75	-do-
49.	Sawaria Basfore,	W/939/74.	-do- <i>Accepted</i>
50.	Sukraji Basfore,	W/284/75	-do-
51.	Radha Devi Basfore,	W/198/75.	-do-
52.	Maya Harijan,	W/942/74.	-do-
53.	Ram Devi,	W/283/75	-do-
54.	Maryam Harijan,	W/500/75.	-do-
55.	Bello Mina Harijan,	W/499/75	-do-
56.	Kandama Harijan,	W/498/75.	-do-
57.	Deurama Harijan,	W/497/75.	-do-
58.	Mahalakshmi Harijan,	W/496/75.	-do-
59.	Sri K. Appa Rao,	469/75.	-do- <i>Accepted</i>

26. *Sawaria*  
35. *Madhu*

*28/5/75*  
Employment Officer,  
District Employment Exchange,  
Gauhati  
*PS/S*

CTC

*[Signature]*  
Lt Col  
Offg Adm Comd  
HQ Guwahati

GOVERNMENT OF ASSAM  
DEPARTMENT OF LABOUR  
EMPLOYMENT EXCHANGE  
IDENTITY CARD

(Not an introduction card for interview with employers)

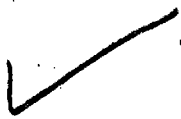
1. Name of Applicant Jagbir Basfor

2. Date of Registration 1-5-75

3. Registration No. 3820/35

4. N. C. O. Code No. 54120

INSTRUCTIONS TO APPLICANT	
(a) Bring this card with you whenever you come to the Exchange.	Date before which registration should be renewed
(b) Quote your Registration Number and N. C. O. Number whenever you write to the Exchange.	
(c) Renew your Registration every three months. If you do not renew by the due date your registration will be cancelled.	1/75
(d) You can renew your registration personally or by post. For renewal by post DO NOT SEND THIS CARD. Apply to the Exchange on a REPLY PATTERN CARD.	

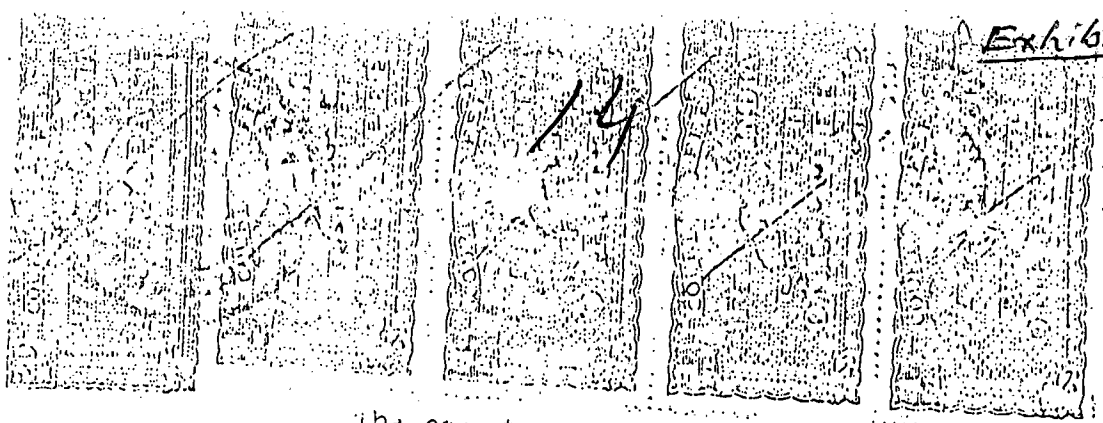


28/8/75

....  
CTC

Handwritten signature  
CC  
Offg Adm  
to HO Guwahat

60



211  
27.2.27

R-2

The court of Shri B W Rai

Notary public  
Gopalganj

Affidavit.

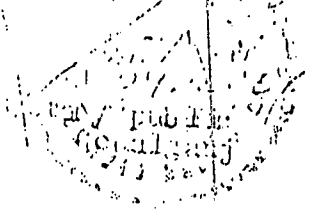
I Jagir BASTARASAXXKX Bastore son of Shri  
Bustar Resident of village Bhikhar  
P.S. Bheray Dist. Gopalganj, aged about 38 yrs  
solemnly affirm as follows.

dependent etc  
by solemnly  
from the contents  
of this affidavit

Signature  
Bhikhar Singh

1. That previously I was known by the name  
of Jagir Bastore but I want to change my  
name as Jagir Hussain Ansari.

Jagir Bastore  
deponent.



In the deponent do hereby solemnly affirm  
and declare that the statement made above  
in this affidavit is true and correct

Jagir Bastore  
deponent.

I identify the deponent who has signed  
in my presence.

Advocate. Gopalganj

27.2.27

etc

Offg Adm Comm  
Sta HO Guwahati

EXTRACT COPY

RESTRICTED

DAILY ORDERS PART II (CIV)

Unit : Station HQ Ser No 20/90/Civ  
 Station : Guwahati (Narangi Camp) Sheet No 1  
 Dated : 11 Jun 90

(Last DO II No 19/90/Civ dated 04 Jun 90)

Ser No 1 to Ser No 2 : x x x x x x x x

Ser No 3 : CHANGE OF NAME

Chow Shri JAGIR BASTORE :

The marginally noted individual has changed his name as JAKIR HUSSAIN ANSARI through affidavit issued from the Court of Shri BN Rai, Notary Public Copalganj (Bihar).

Hereafter the individual will be known as Jakir Hussain Ansari.

The said casualty has been published in News paper "The Assam Tribune" dated 05 Jul 89.

(Auth : Court affidavit Ser No 211 dated 17.2.87).

Sd/- PC Choudhury  
(PC Choudhury)  
Lt, Col  
For Adm Comdt

Distribution  
CDA Basistha  
AAO Shillong  
Pay Bill  
Office Copy

RESTRICTED

C.T.C.

*[Handwritten Signature]*  
Lt Col  
CDA Basistha  
AAO Shillong

Addressed in

To Bureau / 5 5 Jul 89

EXHIBIT R-4

(62)

CORRIGENDUM

Reference to the result  
advt. for admission to En-  
gineering Colleges of As-  
sam and Assam Quota of  
seats in Regional Enginee-  
ring Colleges and other  
Technical Courses for the  
Session 1989-90 published  
in this paper on 25.6.89  
please read the correct  
Roll Nos. under General  
Merit List 'A' as follows:  
5180 instead of 0180 (80th  
position) 7540 instead of  
9540 (159th position).  
G/Edc/1319/IC

cor Div. J C/o ...  
10th Floor (Room No.2 & 3)  
33A Jawaharlal Nehru Road,  
Calcutta-700071  
SV/2393/1

PUBLIC NOTICE

I, Jagir Basfore have by  
an affidavit in the Gopal-  
ganj Court, changed my name,  
henceforth I shall be  
known as Jakir Hussain  
Ansari.  
PN/2400/1

I Shri Dhan Bahadur Giri  
S/o Shri Padma Bahadur  
Giri of Vill & P.O. Tewari-  
pal, P.S. Chatla Dist. Sonit-  
pur, Assam hereby changed  
my name as Sri Dhan Raj  
Giri before a First Class  
Magistrate of Guwahati  
Court on 3.7.89  
PN/2390/1

Jokal India Ltd. requi-  
res an Electrical Engineer  
for its Group of Gardens  
to be based at Jokal Cen-  
tral Workshop, Panitola.  
The candidate should be a  
qualified graduate Engi-  
neer with minimum experi-  
ence of four years on va-  
rious maintenance and Elec-  
trical Project works. Age  
group 26 to 30 years, which  
may be waived for excep-  
tional candidate. Post will  
be in Management Cadre.  
Candidates applying for  
the post should attach  
photo copies of their  
School and University cer-  
tificates, local Employment  
Exchange Registration cer-  
tificate and address it  
under private and confi-  
dential cover to the Se-  
nior Manager (Plantations)  
Jokal India Limited, Pani-  
tola T.C. Panitola-786183.  
Applications receive upto  
10th August 1989 will be  
considered.  
SV/2394/3

CTC

*[Signature]*  
Lt Col  
Mtg Adm Comd  
HQ Guwahat

16

Station Cell  
HQ 51 Sub Area  
10 Mar 2001

(63)  
75

7202/EST/R(Dis)/ZHA

Md Zakir Hussain Ansari,  
Chowkidar,  
Station Cell  
HQ 51 Sub Area

CAT ORDER ON PROMOTION : CAT OA 126/98(MISC-OA  
NO 140/2000) DATED 19 DEC 2000

1. Reference CAT Order dated 19 Dec 2000.
2. You are hereby informed that as per existing orders and instructions on the subject as per following rules your case is not being covered by the rules :-
  - (a) SRO - 128/80
  - (b) CPRO-123/77
3. The following rules as per SRO - 128/80 is appended below for your information :-

For General Supervisor

Educational qualifications : (i) Matriculation or equivalent.  
(ii) 3 years experience of supervising conservancy staff.

Eligibility : Promotion : Store Keepers and Account clerk with 8 years regular service in the grade.

For Store-Keeper / Account clerk :

Promotion : By conservancy Sanitary Mate/Land Supervisor with 5 years regular service in the grade.

Educational qualifications :

Essential : Matriculation and its equivalent.

Desirable : Experience in Store-Keeper.

For Account clerk

Eligibility : Matriculation and its equivalent. Typing speed 30 words per minute. Knowledge of accounting.

For Land Supervisor/ Conservancy Sanitary Mate

Qualification : 4th Standard pass.

CTC

..... 2 / -

*[Signature]*


Offg Adm Comm  
HQ Guwahati

Promotion : Conservancy Safaiwala with minimum 5 year service in the grade who is able to write and read Hindi, English or regional language.

Period of probation if any :- 2 years.

4. In view of the above, your case can not be considered on the subject cited above.

5. You are advise to appear in the next Departmental Promotion Committee as per rules cited above.



(T. Singha)

Lt Col

For Adm Comdt

*Handwritten initials and date*  
12/3/2001

For information please, wrt your CAT Order dated 19 Dec 2000.

For information please.

Copy to :-

Central Administrative Tribunal,  
Guwahati Bench  
P.O. Bhangagaraha  
Guwahati

HQ 51 Sub Area ( G Br)  
C/O 99 APO

CTC

Lt Col  
SAC Adm Comdt  
HQ Guwahati

18

# बिहार विद्यालय परीक्षा समिति

F No 042150



प्रमाणित किया जाता है कि ..... जाकिर हुसैन .....  
 जो श्री ..... मोलवी मिथां ..... के  
 पुत्र/की पुत्री हैं और जिनकी जन्म तिथि तीन दिसम्बर (02.12.1985) .....  
 है, को 0 आठ उच्च विद्यालय, आहियापुर .....  
 पूरक ..... 1986 ई० की माध्यमिक परीक्षा .....  
 में ..... में उत्तीर्ण हुए/हुई।

### परीक्षा के विषय

- 1. आधुनिक भारतीय भाषा हिन्दी
- 2. अंग्रेजी
- 3. सामान्य विज्ञान
- 4. समाज शास्त्र

5 }  
 6 } कम्पार्टमेंटल  
 7 }

CTC

*[Signature]*  
 Offg Adm Comm  
 HO Gwahat

बिहार विद्यालय परीक्षा समिति  
 पटना, तिथि 21.12.2002 ई०