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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

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O.A/T.A No. 94/2002

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL ; GUWAHATI BENCH.
GUWAHATI.

ORDER SHEET

Original No. 94/2002
Misc. Petition No.
Contempt Petition No.
Review Application No.

Applicant(s) F. G. Momin

Respondent(s) H.O.I FORM Govt Adv. Meghalaya

Advocate for Applicant(s) Mr. L. P. Sarma, Smt. R. Bhattacharyya
Eni S. Chakraborty

Advocate for Respondent(s) CGSC

Notes of the Registry

Date

ORDER OF THE TRIBUNAL

This is application in form

C. F. Rs. 50/- deposited

Vide IP No. 07.05.49.203

Dated 18.3.2002

N. S. Sarma
Dy. Registrar

21.3.02

Heard Mr. L. P. Sarma, learned counsel
for the applicant and Mrs. B. Dutta, learned
counsel for the State of Meghalaya.

The application is admitted. Call for
the records.

Mrs. B. Dutta, learned counsel accepts
notice on behalf of the State Respondents.

List on 22.4.2002 for order.

Member

Vice-Chairman

mb

22.4.2002

List the case on 29.4.2002 for order

Vice-Chairman

mb

Steps taken
excess money
deposited.

Notice prepared and sent
to D/S for iming the
Respondent No 1 to 8
to Regd AD.

DINo 1068w/1075

Dtd 4/4/02

Notice duly served on
Respondent No 1, 2, 4
& 8.

21/4

29.4.02 Heard Mr L.P.Sarma, learned counsel for the applicant, Mrs B.Dutta, learned Government Advocate, Meghalaya and Mr XXX B.C.Pathak, learned Addl.C.G.S.C for the other respondents.

The matter pertains to appointment to Indian Administrative Service in conformity with the Indian Administrative Service (Appointment by Promotion) Regulation 1955. According to applicant his case was not rightly considered though he was eligible for appointment to IAS. The applicant submitted his representation to the authority expressing his grievances and that was in fact forwarded to the respondents authority by the State Government by communication dated 14.3.2001 and 12.4.01. The learned counsel appearing on behalf of the respondents questioned the maintainability of the application. Admittedly the applicant submitted his representation before the authority and ^{that} the State respondents also forwarded the same to the concerned authority including UPSC. In our view the respondents authority should consider and dispose of the said representation and communicate its decision to the applicant.

In the circumstances we direct the respondents to examine and dispose of the representation of the applicant as expeditiously as possible and preferably within three months from the receipt of the order.

The application is accordingly disposed of. There shall, however, be no order as to costs.

K. K. Shan
Member


Vice-Chairman

[RECEIVED]
19 JAN 2002
GAUhati BENCH

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH : AT GAUHATI

O. A. NO. 94 OF 2002

Shri F. G. Momin .. : APPLICANT

- versus -

The Union of India
and others .. : OPP. PARTIES

I N D E X

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Filed by:

Dated, Gauhati,

the day of 2002.

L. P. Sharma,
Advocate

Francis Newton

Filed by
Sri F.G. Momin
Through: Santanu Chakraborty
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH: AT GUWAHATI

1. PARTICULARS OF THE APPLICANT

Shri F. G. Momin,
Son of Shri C. Ch. Momin,
Aged about 48 years,
by profession: State Civil Service Officer
of Government of Meghalaya,
Now posted as Commissioner of Transport,
resident of Rencot Compound,
Rita Road, Shillong - 793 001.

... APPLICANT.

A N D

2. PARTICULARS OF RESPONDENT

i) The Union of India,
represented by The Secretary,
Government of India, Ministry of Personnel,
P.G. Pensions, Department of Personnel
and Training, New Delhi - 110 001.

ii) The State of Meghalaya,
represented by The Chief Secretary
Government of Meghalaya, Shillong-793 001.

iii) The Commissioner & Secretary,
Government of Meghalaya,
Personnel & A.R. Department,
Shillong.

...2/-

Francis Momin

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- iv) The Commissioner, Assam & Meghalaya Joint Cadre,
Dispur, Guwahati-6, Assam.
- v) The Union Public Service Commission, Shahejehan Road,
New Delhi-1. Represented by its Secretary.
- vi) Shri Jopthiaw Lyngdoh, Deputy Commissioner, Ri-Bhoi
District, Nongpoh, Meghalaya
- vii) Shri Sankey Ford Khongwir, Deputy Commissioner,
Jaintia Hills District, Jowai, Meghalaya.
- VIII) Smti. Maria Helena K. Marak, Deputy Commissioner,
East Garo Hills District, William Nagar, Meghalaya.

... RESPONDENTS.

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION
IS MADE.

Non consideration/Selection of the petitioner's case
for promotion/nomination to the Indian Administrative
Service under Regulation 5/6 of The Indian Administrative
Service (Appointment by promotion) Regulation, 1955.

4. JURISDICTION OF THE TRIBUNAL.

The applicant declares that the subject matter of this
application, for which he wants redressal is within the
jurisdiction of this Honourable Tribunal.

5. LIMITATION.

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

6. FACTS OF THE CASE.

The petitioner named above most humbly sheweth
as follows :

Pravara M...

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6(i) That the Petitioner above named is a Member of the Meghalaya Civil Service (M.C.S.) Cadre and belongs to the Garo Scheduled Tribe of the State of Meghalaya and hails originally from village Koraibari in West Khasi Hills and permanently domiciled at Upper Babupara, Tura, West garo Hills and is a bonafide Indian National/Citizen.

6(ii) That in the year 1975, the Petitioner sat in the Competitive Examination and appeared in the interview in pursuance with the Govt. of Meghalaya Advertisement for the selection to the Meghalaya Civil Service (M.C.S.) and came out successful and was placed at Sl. 14 of the merit list published under Govt. of Meghalaya Notification No. PER/185/75/43 dt. 10-11-1975 as recommended by the Meghalaya Public Service Commission The Petitioner belongs to the First Batch of the State Civil Service, recruited since the creation of the State of Meghalaya.

6(iii) That subsequently, after clearing the prescribed Department Examination, the Petitioner was confirmed in the service w.e.f. 01-05-1986, vide Gradation List published by the Government of Meghalaya dt. 20-10-2000, being the latest, and was placed at serial No. 3.

6(iv) That the Petitioner, being placed at serial no. 3, is now seniormost among the eligible Officers for promotion to the Indian Administrative Service (I.A.S.) Officers place at Serial no. 1,2, and 4 having been (presumably) debarred for eligibility due to age factor.

6(v) That the Petitioner came to know that the State Government of Meghalaya recommended M.C.S. Officers of the 2nd Batch, who were recruited 7 (seven) years after the Ist Batch and sent up for promotion to the Indian Administrative Service (I.A.S.).

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6(vi) That while appreciating the fact that the M.C.S. Officers of the 2nd Batch also have every right to promotion and selection to the I.A.S., it may be humbly pointed out that 7(seven) years of difference in service experience and seniority will definitely not have the same merit for recommendation for promotion and for holding higher responsibilities as I.A.S. Officers.

6(vii) That to the best of his knowledge, the Petitioner has not been given any adverse remarks in his Annual Confidential Reports during his entire service career, spanning more than 25 years for which period the petitioner had served most dedicatedly. The Petitioner had never been communicated with any such adverse remarks (If any), till filing of this petition.

6(viii) That throughout his service as a State Civil Service Officer, the petitioner had discharged his assigned duties in most conscientious, dedicated, honest and loyal manner.

6(ix) That the petitioner, during his service career, has been assigned the most challenging and difficult tasks / postings, even to the point of affecting his family life. He has come out successful and triumphant despite many odds. A chronological order of such postings are listed below :

31.12.1975 to April, 1976	: Block Development Officer, Dadenggiri Development Block, West Garo Hills. An interior area infested with wild animals during those early years.
September '76 to June 1982	: Block Development Officer, Mawsynram Development Block. Bordering the international Border of Bangladesh, with contrasting climate (heaviest) rainfall, difficult terrain and with mixed population of tribal and nontribal inhabitants.

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Ganesh Narayan

June 1982 to Nov. 1987

: Extra Assistant Commissioner, (Revenue) Compensation Officer (Abolition of Zamindari/ Jotdary Lands) Principal Survey School, Assessor, Tura Municipal Board and S.D.O. (Sadar) West Garo Hills.

December 87 to Aug/1989

: Sub-Divisional Officer (Civil) Khliehriat. A Sub-Division with peculiar coal mining problems and having population of all castes, tribes and creed. A Sub-Division with high crime rate of Jaintia Hills then.

Aug/1989 to June, 1994

: Addl. District Magistrate, Dadenggiri Civil Sub-Division and Addl. D.C. (Election) West Garo Hills, Tura, Conducted more than 4 (four elections, including by-election most successfully.

June, 1994 to June 1999

: Secretary, Meghalaya Public Service Commission. A Challenging job in as much as implementation of State Reservation Policy is concerned.

June, 1999 to August, 2001

: Managing Director, Meghalaya State Road Transport Corporation.

3rd August, 2001

: Commissioner of Transport.

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Marak

6(x) That be it stated here that the wife of the Petitioner, namely Smt D.B.Marak, now deceased since 13.05.2000, nominated/promoted to the I.A.S., belonged to the same service and had disrupted family life because of being posted at different places of Meghalaya. That despite being posted at different Districts of Meghalaya of both husband and wife, the petitioner performed his duties most efficiently and to the best staisfaction of his higher authorities.

6(xi) That the petitioner, while serving the State Government in different Departments and at different Districts of the State was highly appreciated and commended for honesty, loyalty and selfless discharge of his duties.

6(xii) That the Petitioner and his late wife was assigned duties day and night as Executive Magistrate for maintenance of Law and Order during communal riots in Shillong in 1979. The petitioner and his late wife performed their duties most efficiently and satisfactorily, leaving their small children and infant in the care of household servants.

6(xiii) That the petitioner played an important role and was instrumental in controlling the aforesaid communal riot. He also conducted the first ever Flag March, with two columns of Gorkha Regiment Army at Laitumkhrach, Shillong; the origin of the communal riot.

6(xiv) That it is submitted that in yet another communal riot at Tura, West Garo Hills, during August, 1987, the Petitioner had put his own life in danger in order to safeguard the life of the then District Magistrate and his family and also the life of the Superintendent of Police, from the fury of violent mob who ran bersek due to the death of 2 (two) young boys as a result of hasty firing resorted to by a Section of C.R.P.F. personnel. It was during this time, that the Petitioner had to contain the infuriated mob at the risk of own life. The Petitioner successfully

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for Mr. M. M. M.

successfully protected the District Magistrate and the Superintendent of Police by keeping hidden in a protected place. The situation was thus saved due to the loyalty and sense of duty of the Petitioner.

6(xv) That it is further stated and submitted that the petitioner while serving as Secretary to Meghalaya Public Service Commission at Shillong from 1995 to 1999, performed his duties trying to bring about equal opportunity and fair play in the recruitment process to various posts among different communities of the State; viz. the Khasis, the Garos, the Jaintias and others. The Petitioner also tried his level best to maintain the State Reservation Policy of the Government of Meghalaya. In doing so and while trying to streamline the recruitment process of the Commission, some local non-Governmental Organisations, having vested interests, misconstrued the intention of the Petitioner and branded him to be communal. They attacked the assaulted the Petitioner in his office Chamber for 3 (three) consecutive occasions, with threats of life of the petitioner and his family members. The State Government was pleased to give Police protection for the safety of the Petitioner and his family. The Petitioner had undergone traumatic and nightmarish experience for more than 2 years.

6(xvi) That the Petitioner, now posted as Commissioner of Transport, was the Managing Director of State Transport Corporation from June, 1999 till 2nd August, 2001. The Corporation have huge accumulated losses and financial liabilities. Due to this, the Petitioner had to frequently face agitations of his employees like strikes, gheraos and work boycotts, etc. However, the Petitioner successfully faced the ire of the irate employees for non-disbursement of their salaries and was able to generate sufficient revenue in order to run the day-to-day business of the Corporation. By applying stringent financial measures and strict discipline among the workers, the Petitioner improved the financial and physical performance of the sick Corporation.

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Francis Klemm

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6(xvii) That it is most respectfully submitted that after the untimely demise of his late wife who was an I.A.S. Officer, promoted from the same cadre and Batch of the Petitioner, there are very few I.A.S. Officers from among the community of the Petitioner. The Present promotion of M.C.S. Officers based on the recommendation of the State Government, is a flagrant violation of the State Reservation Policy which is also applicable in spirit to the Union Government Services' recruitment and promotions.

6(xviii) That the Petitioner further submits that a representation was submitted to the State Government of Meghalaya on 12.03.2001 which was forwarded to the Government of India vide Govt. of Meghalaya letter No. PER.34/98/87 dtd. 14.03.2001.

6(xix) That the Petitioner in his representation aforesaid, apart from stating his grounds for promotion to the I.A.S. also requested the Government to apprise him of the criterion/criteria of recommendation of the M.C.S. Officers for promotion to the I.A.S.: whether it is based on Seniority or Merit; or on merit alone; or on both Seniority and Merit, for consideration for recommendation for promotion and for taking up the matter with Government of India. But the State Government is silent on the issue while forwarding the Petitioner's representation to the Govt. of India.

6(xx) That it is most humbly submitted that the Petitioner has come out successful in any assignment given to him and proved himself as efficient officer in any given situation; and has nothing adverse against him during his entire service career.

6(xxi) That the State Government have issued orders/Notifications in the matter of promotion of M.C.S. officers of the 2nd Batch of 1982 to the I.A.S. cadre, superceding the Petitioner and his other colleagues.

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Bureau of
Promotion

6(xxii) That the activities of the State Government is highly whimsical, arbitrary, biased and malafide and therefore illegal and unjust.

6(xxiii) That the action of the State Government has proved most, frustrating, discouraging- spoiling the work culture and attitude of the Petitioner for no fault of his own and for the reasons best known to the State Government.

6(xxiv) That it has become very difficult and will be more difficult in future, in case of failure to amend/correct/rectify or change the aforesaid action of the State Government. The Petitioner should be given back his original position of seniority and promotion to the I.A.S. cadre, beingⁱⁿ the most eligible position as a candidate for such promotion.

7. GROUND FOR RELIEF WITH LEGAL PROVISION

7(i) That the Action of the Respondent No. 1 to 5 in preparing the select List in which the name of the Applicant was not included though the Applicant/Petitioner was senior most among many of the M.C.S. Officers and there was no adverse remarks against the Petitioner and as such the name of the Petitioner ought to have been included in the Select List; and as such the action of the Respondents in not selecting the Petitioner is illegal and the Petitioner/Applicant is entitled to get the I.A.S. cadre before the date from which his juniors were promoted to the post of I.A.S. Cadre.

7(ii) For that the action of the Respondents in not considering the case of the Applicant to the I.A.S. cadre is most arbitrary, unfair, unreasonable and in complete violation of Rule 5 of the Indian Administrative Service (Appointment by Promotion) Regulation, 1955.

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7(iii) For non-consideration and/or improper consideration of the A.C.Rs of the Applicant is in complete violation of the norms laid down in Regulation 5 of the Regulation, 1955.

7(iv) For that the Applicant has been denied equality before the law and/or equal protection of an opportunity in the matter of Public Employment to the Applicant and the case of the Applicant was not considered without any reasonable basis and therefore, violative of the Article 14 and 16 of the Constitution of India and the case of the Applicant deserves to be considered under Regulation, 1955.

7(v) For the action of the Respondents in non-considering the case of the Applicant and/or without taking into consideration the inter-se-seniority of the Meghalaya Civil Service Cadre are illegal and the case of the Applicant is required to be considered.

7(vi) For that the case of the Applicant was not considered and has shown complete disregard to the provisions of Rule 5 of Regulation of 1955.

7(vii) For that the Selection Committee has apparently not considered the case of the Applicant and also the relevant factors of suitability and had mechanically omitted the name of the Applicant, on the basis of without consideration and as such the case of the Applicant is required to be considered.

7(viii) For non-selection of the Applicant for promotion to the Indian Administrative Service has caused adverse civil consequences to the applicant and the same has been done without consent and in total disregard to the norms of the Service Rules and provisions of the Regulation, 1955 and as such the Respondents are bound to consider the case of the Applicant.

7(ix) For that non-inclusion/non-consideration of the case of the Applicant have caused irreparable

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Francis Xavier

caused irreparable injury and hardship to the Applicant and in as much as his right for promotion to The Indian Administrative Service has been denied and as such the actions of the Respondents are in gross violation of the principles of natural justice and fair play, and therefore the case of the applicant deserves consideration.

7(x) For that the action of the Respondents for non-inclusion/non consideration of the case of the applicant to The Indian Administrative Service cadre is in violation of the provisions of service rules and regulations and the constitutional rights of the applicant has been infringed.

7(xi) For that the Respondents miserably failed to take into account the whole service record of the applicant, and also to make proper application of mind in not considering the case of the applicant to The I.A.S. and as such the action of the Respondents has resulted in arbitrariness, unreasonableness and as such is violative of Article 14 of The Constitution of India.

7(xii) For that the regulation 1955 does not confer any authority or power on the Central Government to hold for not held the Selection Committee but statutory provisions must be complied with.

7(xiii) For the preparation of Select List in every year is mandatory provision of Law and the Respondents have no authority/power to violate the said mandatory provisions.

7(xiv) For that in view of the matter the action of the Respondents for not considering the case of the Applicant to the Indian Administrative Service is illegal and the Respondents are bound to consider the case of the

Forwards
Museum

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the Applicant to the Indian Administrative Service.

7.(xv) For that the attitude of the State Government is clearly malafide in as much as the Government was the Petitioner to discriminate with malafide intention by depriving the Petitioner of the nomination to the I.A.S. , as because at the time of appointment/nomination to the I.A.S. of Sri Brisly Lyngdoh, I.A.S. in January, 2000, ~~there were~~ there were in fact 3(three) nos. of vacancies ,but only Sri Brisly Lyngdoh was appointed/nominated to the I.A.S. whereas the present Petitioner was also eligible and placed in the Penal for consideration. The Petitioner was told in clear terms (verbally) that the rules for nomination of State Civil Service Officers to the I.A.S. have been amended and that only one officer can be nominated at a time.

For Mr. Meena

Further, it may be mentioned that Sri Brisly Lyngdoh, who was nominated in 2000 was over aged. He had cross 54 years in December, 1999 but his nomination to I.A.S. was made in January, 2000 which is the gross violation of Regulation 5(3) of the Indian Administrative Service (Appointment by Promotion) Regulation 1955.

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Francis Akum

8. DETAILS OF THE REMEDIES EXHAUSTED:

That the Applicant declares that he has no other alternative efficacious remedy other than come under the protective hands of this Hon'ble Tribunal. In this context, the applicant like to mention here that his representation on the matter before the appropriate authority had not been considered.

9. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:

That the Applicant further declares that he has not filed any application/writ petition or suit except the present Application before this Hon'ble Tribunal in respect of the subject matter in the instant Application before any other Court or Tribunal and further states that no such Application, Writ Petition or suit is now pending anywhere.

10. RELIEF SOUGHT:

In view of the facts and circumstances, the applicant most respectfully prays that the Application may be admitted; relevant records may be called for and upon hearing the parties and the cause or causes that may be shown, this Hon'ble Tribunal may be pleased to grant the following reliefs to the applicant:

- (1) To direct the authorities concerned, after consideration of the case of the applicant to prepare a Select List in accordance with law, giving due consideration and weightage to all relevant factors as provided in Rule.
- (2) To consider the case of the applicant for nomination/promotion to the Indian Administrative Service by the Respondents with retrospective effect from the date of his eligibility.

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Francis Mann

- (3) To give seniority to the Applicant over the Officers who are junior to the applicant

11. INTERIM ORDER/RELIEF PRAYED FOR:

Pending disposal of the petition, the Applicant seeks the following orders/directions/reliefs:-

- (1) To restrain the Respondents from promoting any of the Meghalaya Civil Service Officers to the I.A.S. cadre and
- (2) To consider the case of the Applicant to I.A.S. cadre by the Respondents, with retrospective effect from the date of ~~his~~ eligibility.

12. PARTICULARS OF THE INDIAN POSTAL ORDER:

- (i) I.P.O No. ~~56416682~~ 76549303
Dated ~~6.12.2001~~ 18.3.02
(2) Payable at Gauhati.

13. LIST OF ENCLOSURES:

- (a) As stated in the INDEX.

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F. G. Momin

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

I, Shri F. G. Momin, Son of Shri C.Ch. Momin, aged about 48 years, presently working as a State Civil Service Officer of Meghalaya, now posted as the Commissioner of Transport, resident of Rencot Compound, Rita Road, Shillong, do hereby verify that the contents of paragraphs 1 to 6 (xxiv) are true to my personal knowledge and those made in paragraph 7 to 7 (xv) are true to my information and those para 8 to 11 are my respectful submission which I believe to be true on legal advice and I have not suppressed any material fact.

DATED :

PLACE: GAUHATI


(F. G. MOMIN)
APPLICANT.

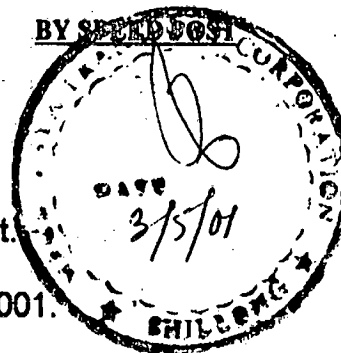
(15)

ANNEXURE - I

BY SPEED POST

No. PER.34/98/106
Government of Meghalaya,
Personnel & A.R(A) Department.

Dated Shillong, the 26th April, 2001.



From : Shri G.W.Syngai,
Under Secretary to the Govt. of Meghalaya.

To : Ms. Molly Tiwari,
Under Secretary,
Union Public Service Commission,
Dholpur House, Shah Jahan Road,
New Delhi- 110011.

Subject : Appointment of S.C.S. Officers to the IAS by
promotion.

Sir,

I am directed to inform you that Shri F.G.Momin and Smti. C.T.Sangma, SCS Officers of this State Government have submitted representations against their non-selection by Selection Committee for appointment to the IAS by promotion.

In this context, I am to inform you that the matter was referred to the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training and their observations may kindly be seen as per Dy.No.1318/2001-AIS(I) dated 9th April, 2001 (copy enclosed for ready reference).

I am therefore, to forward herewith a copy each of the representations submitted by Shri F.G.Momin, MCS and Smti C.T.Sangma, MCS for favour of your information and appropriate necessary action.

Yours faithfully,

Under Secretary to the Govt. of Meghalaya
Personnel & A.R (A) Department

Memo No.PER.34/98/106-A
Copy to :-

Dated Shillong, the 26th April, 2001.

1. Shri F.G.Momin, MCS., Managing Director, M.T.C, Shillong.
2. Smti C.T.Sangma, MCS, Director of Tourism, Shillong.

By order etc.,

[Signature]
Under Secretary to the Govt. of Meghalaya
(Personnel & A.R(A) Department)

Certified to be true Copy

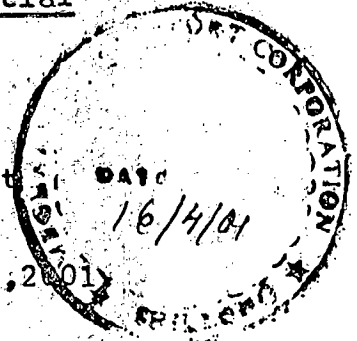
S. Chakraborty
Advocate

(16)

ANNEXURE-II

Confidential

No.PER.34/98/102
Government of Meghalaya
Personnel & A.R.(A) Department
...



Dated Shillong, the 12th April, 2001

From : Shri G.W.Syngai,
Under Secretary to the Govt. of Meghalaya

To

(1) Shri F.G.Momin, MCS
Managing Director,
Meghalaya Transport Corporation,
Shillong.

(2) Smti. C.T.Sangma, MCS
Director of Tourism,
Meghalaya.

Subject : Promotion to the I.A.S.

Sir/Madam,

I am directed to refer to your letter dated 30.03.2001 and dated 27.03.2001 respectively, on the subject quoted above and to inform you that your representations have since been forwarded to Department of Personnel & Training, Govt. of India vide this Department's letter No.PER.38/-98/87, dated 14.03.2001 response of which is being awaited.

Yours faithfully,

Syngai

Under Secretary to the Govt. of Meghalaya
Personnel & A.R.(A) Department
...

Certified to be true Copy

S. Chakraborty
Advocate.

No. PER.34/98/87
Government of Meghalaya,
Personnel & A.R(A) Department.

.....
Dated Shillong, the 14th March, 2001.

From : Shri G.W.Syngal,
Under Secretary to the Govt. of Meghalaya.

To : Shri R.Valdyanathan,
Under Secretary to the Govt. of India,
Ministry of Personnel PG & Pensions,
Department of Personnel & Training,
North Block, New Delhi- 110001.

Subject : Appointment of S.C.S. Officers to the IAS by
promotion.

Sir,

I am directed to inform you that Shri F.G.Momin and
Smti. C.T.Sangma,SCS Officers of this State Government have submitted
representations against their non-selection for appointment to the IAS by
promotion.

According to the Promotion Regulations, the matter of
propriety of selection of SCS/Non-SCS officers for appointment to the IAS by
promotion/selection is at the level of Department of Personnel & Training, Govt.
of India.

I am, therefore, to forward herewith a copy each of
the representations submitted by Shri F.G.Momin,MCS and Smti
C.T.Sangma,MCS for favour of your information and appropriate necessary
action.

Yours faithfully,

Under Secretary to the Govt. of Meghalaya
Personnel & A.R (A) Department

Memo No.PER.34/98/87-A
Copy to :-

.....
Dated Shillong, the 14th March, 2001.

1. Shri F.G.Momin,MCS,, Managing Director, M.T.C, Shillong.
2. Smti C.T.Sangma,MCS, Director of Tourism, Shillong.

By order etc.,



Under Secretary to the Govt. of Meghalaya
Personnel & A.R(A) Department

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Advocate.

GOVERNMENT OF MEGHALAYA
ORDER BY THE GOVERNORDated Shillong, the 14th March, 2001.NOTIFICATION

No.PER.34/98/Pt.I/7 – The following Notification issued by the Govt. of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel and Training, New Delhi is re-published for general information.

" Notification No.14015/30/2000-AIS(I), dated 5th March, 2001.

In exercise of the powers conferred by sub-rule(1) of Rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation (1) of Regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 and Rule 3 of the Indian Administrative Service (Probation) Rules, 1954, the President is pleased to appoint S/Shri (1) J. Lyngdoh, (2) S. F. Khongwir and (3) Smt. M. H. K. Marak, members of the State Civil Service of Meghalaya to the Indian Administrative Service on probation with immediate effect until further orders and to allocate them to the Assam-Meghalaya Joint Cadre under sub-rule (1) of Rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

Sd/-

(R. VAIDYANATHAN)

Under Secretary to the Govt. of India"

Sd/-(G.W.Syngai)

Under Secretary to the Govt. of Meghalaya
Personnel & A.R.(A) Department

Memo No.PER.34/98/Pt.I/7-A

Dated Shillong, the 14th March, 2001.

Copy to

1. The Principal Secretary to the Governor of Meghalaya, Shillong.
2. The Principal Secretary to the Chief Minister, Meghalaya, Shillong.
3. The Chief Secretary to the Govt. of Assam, Dispur, Guwahati-781006.
4. The Accountant General(A&E), Meghalaya, Shillong.
5. Shri R.Vaidyanathan, Under Secretary to the Govt. of India, Ministry of Personnel Public Grievances and Pensions, Department of Personnel and Training, New Delhi- 110001.
6. The Under Secretary, U.P.S.C. Dholpur House, Shah Jahan Road, New Delhi-110011.
7. The Chairman, M.P.S.C. Shillong.
8. Officers concerned.
9. Personnel & A.R(B)/Sectt.Admn (A) Deptts.
10. The Director of Printing & Stationery, Shillong for publication in the Meghalaya gazette.
11. Guard file/Personal file.

By order etc.,

*G.W.Syngai*Under Secretary to the Govt. of Meghalaya
Personnel & A.R(A) Department

Certified to be true Copy

S. Chakraborty

Advocate.

To

The Chief Secretary to the Government of Meghalaya,
Shillong.

Subject:-
cadre.

Promotion to the Indian Administrative Service from among the State

Respected Sir,

Having learnt from reliable sources, I have the honour to state that the Departmental Committee that sat sometime in the month of December, 2000 have not recommended me for promotion to the I.A.S. In this connection, I would like to place before you the following points for your kind appraisal and sympathetic consideration.

1. That Sir, I belong to the State Civil Service of Meghalaya of the 1st Batch, recruited since the creation of the State; in 1975 (Vide Govt. Notification No. PER.185/75/34 dt. 10.10.75, appointing me, among others as an M.C.S Officer, vide sl. no. 14 of the merit list as recommended by the Meghalaya Public Service Commission. Subsequently, after clearing the prescribed Departmental Examination, I was confirmed in the service w.e.f. 01.05.86; vide Gradation List issued by Government dt. 10.05.89. In the subsequent Gradation List published by Government (being the latest) on 20.10.2000 I am placed at sl. no. 3, being now the seniormost among the eligible Officers for promotion to the I.A.S; Officers in sl. no. 1, 2 & 4 having been debarred (presumably) due to age factor.
2. That Sir, it is reliably learnt that the Officers of the 2nd Batch who were recruited after 7(seven) years after the recruitment of the the 1st Batch have been send up for cconsideration to Government India for promotion to the I.A.S. While appreciating the fact that the Officers of the 2nd Batch also have the right of promotion, I may kindly be permitted to point out that 7(seven) years of difference in seniority will not have the same merit or natural justice to claim such consideration. Hence there appears to a violation of natural justice as well as clear violation of well established tradion of Civil Service/Administrative Service, practiced since colonial times and which practice is strictly followed till today by the Civil Service Officers fraternity. That Sir, with due regard to the wisdom of the Government and the wisdom of my esteemed seniors, I may be permitted to point out that this practice will have far reaching consequences with regard to this very tradition and discipline among the new entrants to Civil Service, particularly the State Civil Service of the State.
3. That Sir, I am well aware of the fact that promotion to higher posts depend on good performance and good A.C.Rs. However, I am not aware of any adverse remarks awaded to me in any of the A.C.Rs recorded against me during my entire career, spanning 25 years of

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Advocate.

qualified and dedicated service. If any such adverse remarks are recorded or have been recorded, I would be extremely grateful, I would be communicated for my personal conviction as well as justification of my faults.

4. That Sir, throughout my service career as a State Civil Service Officer, I have performed and discharged my assigned duties in most conscientious and dedicated manner; in fact, I have always been assigned the most difficult tasks/postings even to the point of disrupting normal family life (as both husband and my late wife belonged to the same service). The joint petitions submitted to Government by us from time to time, bear ample testimony to this circumstances.
5. That Sir, I may be permitted to recall my self-less sacrifice in the performance of law & order duties during the communal riot in Shillong during 1979. Both my late wife and self were engaged day and night as Executive Magistrates, leaving our infants at home in the care servants and maids. We had sacrificed the safety of our family, including our two years old baby another infant for sake of our assigned duties. In fact Sir, I had the privilege to be ordered by the then District Magistrate to conduct the 1st (ever) **Flag March** with Army (Gorkha Regiment) at Laitumkhrah, the place of origin of communal trouble. And in yet another communal riot at Tura, during August, 1987, I have even sacrificed my own personal safety in order to safeguard the lives and safety of the then District Magistrate (and his family) and the Superintendent of Police, West Garo Hills from the fury of violent mob; as a result of the death of 2(two) youths in the C.R.P.F firing. I may not elaborate on these as all records are available with the Government.
6. That Sir, even during my recent posting as Secretary to the Meghalaya Public Service Commission, I have tried my level best to discharge my duties by trying to bring about equal opportunity and fair play in the recruitment process to various posts conducted by the Commission. While trying to maintain the State Government's Reservation Policy among the Khasis, Garos, Jaintias and Others (genral), I have been misconstrued to be partial by certain interested local N.G.Os and have been assaulted even in my Office chamber for 3 (three) conspicuous occasions. Thereafter threats with dire consequences were given to me openly and through telephonic calls. I would like to put on record that I greatly appreciate the security measures Government has taken to protect me; however, I may be permitted to say that few Government Officers/Civil Service Officers have faced similar traumatic situations as I have faced in their service lifetime.
7. That Sir, even my current assignment as Managing Director, Meghalaya Transport Corporation is most challenging. With the inherited financial loss and consequent liabilities, I have to face the ire of the employees, demands of payment of outstanding liabilities of

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Advocate.

Parties as well as from various statutory establishments. It is a well known fact that in the recent past, there had been frequent agitations and strikes from Workers Associations (mostly instigated by antisocial organisations). However, during my tenure of a little over one year, I have conducted myself honourably and tried my utmost to improve the performance of the Corporation.

8. That Sir, finally, I may be permitted to point out that there is no I.A.S. Officers among the Garo community promoted to the I.A.S after the sad demise of my late wife (L) Smt. **D.B. Marak, I.A.S. which fact is most unfortunate** for the community. Government may kindly be appraised of this fact by your good self in the interest of equal opportunity and fair play.
9. That Sir, finally, I am not aware of the criterion/criteria of recommendation of State cadre Officers for nomination/promotion to the I.A.S.: whether it is based on merit or seniority; or seniority; or merit – cum – seniority. In this connection, I would earnestly request Government to communicate this criteria in order that I may have a better understanding of my own position.

Considering the above facts and points I have raised, I would humbly request you to kindly use your good office and take up the matter of my promotion with the Union Government and also with the Departmental Promotion Committee and request for re-consideration of the decision already taken (if taken). I would appreciate the favour done to me in this regard and for which I shall always, as duty bound, shall remain ever grateful to you Sir.

Yours faithfully,

(F.G.Momin).

Dated: Shillong, 12th February, 2001.

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S. Chakraborty

Advocate

LIST OF MCS OFFICERS AS ON 20-10-2000**SENIOR GRADE TIME SCALE**

Sl. No.	Name of the Officer with date of birth	Date of 1 st Appointment to Govt. Service	Present post held	Date of joining the present post	Whether permanent (confirmed) or temporary
1.	2.	3.	4.	5.	6.
1.	Shri B.M.Rechil (02-11-43)(MCS-75)	18-07-67	D.C. Baghmara	31-07-2000(FN)	Confirmed in the MCS w.e.f. 01-12-81
2.	Shri B.Marwein (01-10-43)(MCS-75)	24-11-75	Dir.Fisheries	27-10-98(AN)	Confirmed in the MCS w.e.f. 01-05-82)
3.	Shri F.G.Momin, (01-02-52)(MCS-75)	17-11-75	M.D., M.T.C.	24-06-99(FN)	Confirmed in the MCS w.e.f. 01-05-86.
4.	Shri W.R.Marak, (01-06-44)(MCS-75)	17-07-63	T.A.& D.M., Calcutta.	19-05-99	Confirmed in the MCS w.e.f. 01-12-84.
5	Smti. C.T.Sangma, (16-12-49)(MCS-75)	01-12-75	OSD., Mining & Geology Deptt. OSD., Weights & Measures. Dir. Of Small Savings Dir. Tourism	02-11-98 02-11-98 22-08-2000 21-09-2000	Confirmed in the MCS w.e.f. 01-05-84.
6.	Shri Jopthiaw Lyngdoh, (05-05-56)(MCS-82)	16-11-77	Commr. Of Excise OSD, Finance Department.	12-10-98(FN) 06-11-98(AN)	Confirmed in the MCS w.e.f. 01-05-85
7.	Shri SandeyFord Khongwir, (21-05-49)(MCS-82)	09-06-82	OSD, Revenue OSD, Per.& A&R (A) Deptt. Director, Land Records & Survey. Secretary, M.B.R.	14-09-98(AN) 14-09-98(AN) 03-10-98(FN) 18-11-98	Confirmed in the MCS w.e.f. 09-06-84
8.	Shri H.L.Pyrtuh, (01-09-53)(MCS-82)	12-02-72	Commissioner of Transport	01-06-98(FN)	Confirmed in the MCS w.e.f. 01-05-86

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	<i>Smti Maria Helena K. Marak (MCS-82) (11.11.56)</i>	24-04-74	On deputation	01-07-99	Confirmed in the MCS w.e.f 1.1.87.
10.	<i>Shri Bhulung Dhur (01-03-55). (MCS-82)</i>	15-06-82	Dir. Border Areas Dev. OSD, Trade (including Border Trade)	14-09-98(AN) 10-10-2000	Confirmed in the MCS w.e.f. 15-06-84
11.	<i>Smti Lumlanglin Kharkongor (08-09-54) (MCS-82)</i>	07-06-82	Commr. of Taxes OSD. E.R.T.S.	25-09-98(AN) 04-11-98(FN)	Confirmed in the MCS w.e.f. 01-01-87.
12.	<i>Shri Edison Pearl Kharbhih (26-09-57) (MCS-82)</i>	05-07-82	Dir. Of Higher & Technical Education.	01-08-2000(FN)	Confirmed in the MCS w.e.f. 01-01-87
13.	<i>Shri Enderson N. Marak, (10-09-48) (MCS-82)</i>	14-11-75	Controller of Weights & Measures	31-07-2000(AN)	Confirmed in the MCS w.e.f. 01-06-92
14.	<i>Shri Tainington Dkhar (18-10-59) (MCS-82)</i>	11-06-82	Dir. Housing OSD, Housing	21-07-2000(FN) 03-10-2000(FN)	Confirmed in the MCS w.e.f. 01-06-92
15.	<i>Smti. Lutherine R. Sangma, (25-01-54) (MCS-82)</i>	05-02-79	Dir. Social Welfare	31-07-2000(FN)	Confirmed in the MCS w.e.f. 01-12-84
16.	<i>Smti. Renila D. Marak (15-12-53) (MCS-82)</i>	08-05-75	Commandant, M.C.T.F. OSD. Education Deptt.	09-08-2000 25-09-2000	Confirmed in the MCS w.e.f. 01-06-92
17.	<i>Shri Armeland Wahlang, (23-03-50) (MCS-82)</i>	01-08-75	Chief Inspector of Boiler & Factories	24-07-2000(FN)	Confirmed in the MCS w.e.f. 01-07-84.
18.	<i>Shri Freeman Kharlyngdoh (15-08-58) (MCS-82)</i>	23-03-76	Dir. Arts & Culture	28-07-2000(FN)	Confirmed in the MCS w.e.f. 01-01-88
19.	<i>Smti. Lawanda Diengdoh (22-08-57) (MCS-82)</i>	01-07-82	Dir. SIRD Nongsder	31-07-2000(FN)	Confirmed in the MCS w.e.f. 01-07-84.
20.	<i>Shri K.K. Wahlang, (01-11-48) (MCS-82)</i>	20-04-72	Dir. of Elementary & Mass Education Member SLP GC	29-08-2000(FN) 10-08-2000(FN)	Confirmed in the MCS w.e.f. 01-05-86
21.	<i>Smti. Arlene M. Sangma, (07-12-55) (MCS-82)</i>	20-07-79	P.D., D.R.D.A A.D.M., Williamnagar. CEO, W/Nagar Municipal Board	29-01-98 03-02-98 03-09-98(AN)	Confirmed in the M.C.S. w.e.f. 01-01-93

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22.	Shri Nindra Sing D. Sangma, (20-02-54)(MCS-82)	14-06-82	A.D.C., Tura O.S.D., MPSC Cell, Tura.	18-09-95(FN) 07-12-98(AN)	Confirmed in the MCS w.e.f. 01-06-94
23.	Shri Mawshanlang Khamajai (15-11-56)(MCS-82)	01-05-78	Dy. Secretary, Election Deptt. Ex-officio Dy. C.E.O., Meghalaya. Duty Secy. Health & F.W. Department	10-01-96 (FN) 10-01-96 (FN) 05-01-2000(FN)	Confirmed in the MCS w.e.f. 01-06-91
24.	Shri Vincent A. Sangma, (20-08-49)(MCS-82)	03-12-66	ADC I/C Resubelpira	23-05-2000(AN)	Confirmed in the MCS w.e.f. 01-01-93
25.	Shri Aldous Mawlong (31-08-61) (MCS-87)	10-04-87	ADM., Shillong DPO, Shillong Joint Director Sports & Youth Affairs	21-09-98(FN) 03-05-2000(FN)	Confirmed in the MCS w.e.f. 01-06-91
26.	Shri Chappel Christopher Moore Mihsil (19-11-56)(MCS-87)	Jan/81	Dy. Secy., G.A.D. State Protocol Officer. OSD., Meghalaya House, Guwahati.	24-09-98(AN) 24-09-98 10-08-99(FN)	Confirmed in the MCS w.e.f. 01-06-94
27.	Shri Silvester Kharlyngdoh (19-03-60)(MCS-87)	April/87.	ADC., Nongstoin P.D., D.R.D.A., Nongstoin DPO, Nongstoin	16-05-97(FN) 21-05-97(AN) 20-07-99	Confirmed in the MCS, w.e.f. 01-06-91.
28.	Shri Peter Sansan Dkhar (08-07-59) (MCS-87)		C.E.O. Shillong Municipal Board ADC, Shillong.	11-04-2000(FN) 20-09-2000	Confirmed in the M.C.S. w.e.f. 30-03-89.
29.	Shri Wilfred Khyllap (31-03-59) (MCS-87)	01-08-83	A.D.C. Shillong Secretary D.S.C. Shillong	14-05-97(FN) 06-06-97(FN)	Confirmed in the M.C.S. w.e.f. 01-06-89.
30.	Shri Tenang K. Marak (13-06-62) (MCS-87)	31-03-87	A.D.C. Tura Principal Meghalaya Survey School Tura	21-07-97(FN) 27-07-2000(AN)	Confirmed in the MCS w.e.f. 01-01-93.
31.	Smti Ripnar Lyngdoh (04-07-63) (MCS-87)	02-04-87	A.D.M. Jowai P.D., DRDA, Jowai A.D.C (Rev)	12-05-97(AN) 12-05-97(AN) 14-08-2000	Confirmed in the M.C.S. w.e.f. 01-06-89.
32.	Shri Walpeter Lyngdoh (1-1-59) (MCS-87)	01-04-87	S.DO(c) Sohra.	11-09-2000	Confirmed in the M.C.S. w.e.f. 01-06-89

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Advocate.

ANNEXURE-VII

GOVERNMENT OF MEGHALAYA
ORDERS BY THE GOVERNOR

NOTIFICATION

The 10th November, 1975.

No.PER.185/75/34.- Under Rule 11 of the Meghalaya Civil Service Rules, 1975, the Governor is pleased to appoint the following persons to the Meghalaya Civil Service on probation with effect from the date of taking over charge.

1. Shri Donkumar Dkhar.
2. Shri Lambha Roy.
3. Smti Celestina Lamin.
4. Shri Mickey Diengdoh.
5. Shri Wanpli Star Mawlong.
6. Shri Arindam Som.
7. Shri Mendowene Laloo.
8. Shri Bhabatosh Purkayastha.
9. Shri Bestolyn Marwein.
10. Shri Godwin Roy.
11. Smti Debilla Marak.
12. Shri Brisley Lyngdoh.
13. Shri Lurstep Roy Lyngskor.
14. Shri Francis G. Momin.
15. Shri Glifford Well Lyngdoh.
16. Shri Wilberforce R. Marak.
17. Shri Clanville Stone Soanes.
18. Shri Phringlishon Roy Lawrinliang.
19. Shri Bikash M. Rechil.
20. Smti Beatrice N. Sangma.
21. Smti Crisline T. Sangma.
22. Shri Sudhin Sangma.

No.PER.185/75/34-A.- The following Meghalaya Civil Service Officers are posted temporarily as Extra Assistant Commissioners in the Stations indicated against each with effect from the date of taking over charge and until further orders.

<u>Name of Officer</u>	<u>Place of posting</u>
1. Shri Donkumar Dkhar	Nongstoin Sub-Division, Nongstoin.
2. Shri Lambha Roy	Jowai.
3. Smti Celestina Lamin	Jowai.
4. Shri Arindam Som	Simsangiri Sub-Division, Williamnagar.

Contd.....2/-.

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S. Chakrabarti

July 1975

<u>Name of officer</u>	<u>Place of posting</u>
5. Smti Debilla Marak	Shillong
6. Smti Beatrice N. Sangma	Tura.
7. Shri Mendowene Laloo	Shillong.
8. Shri Bikash M. Rechil	Tura.

No.PER.185/75/34-B.- The services of the following Meghalaya Civil Service Officers are placed at the disposal of the Revenue Department for posting as Extra Assistant Commissioners (Revenue) with effect from the date of taking over charge and until further orders.

1. Shri Mickey Diengdoh.
2. Shri Wanpli Star Mawlong.
3. Shri Bhabatosh Purkayastha.
4. Shri Bestolyn Marwein.
5. Shri Godwin Roy.
6. Shri Lurstep Roy Lyngskor.
7. Shri Glifford Well Lyngdoh.
8. Shri Phringlishon Roy Lawriniang.

No.PER.185/75/34-C.- The services of the following Meghalaya Civil Service Officers are placed at the disposal of Community Development Department for posting as Block Development Officers with effect from the date of taking over charge and until further orders.

1. Shri Brisley Lyngdoh.
2. Shri Wilberforce R. Marak.
3. Shri Clanville Stone Soanes.
4. Shri Sudhin Sangma.
5. Shri Francis G. Momin.
6. Smti Crisline T. Sangma.

Sd/- V. Ramakrishnan,
Secretary to the Government of Meghalaya,
Personnel Department.

...

Memo.No.PER.185/75/34-D, Dated Shillong, the 10th November, 1975.

Copy to :-

1. The Secretary, Meghalaya Public Service Commission, Shillong with reference to his Memo.No.65MPSC.18/2/73-74(A), dt.7-7-75.
2. The Secretary to the Government of Meghalaya, Revenue Department with reference to his U/O.No.RDS.62/74/5, dated 3-10-75, for favour of arranging postings of the M.C.S. Officers placed at the disposal of Revenue Department.

Contd..3/-.

3. The Secretary to the Government of Meghalaya, Community Development Department for favour of arranging postings of the M.C.S. Officers placed at the disposal of C.D. Department.

4. Deputy Commissioners and Sub-Divisional Officers.

[They are requested to take necessary action to have the oath of allegiance administered to the officer concerned as in the prescribed form (copy enclosed). One copy of the oath of allegiance may please be sent to this Department for record].

[] For Secretary, Revenue/Community Development/
Deputy Commissioners & Sub-Divisional Officers only.

5. The Secretary to the Govt. of Meghalaya, Education Department with a request to release Shri Wilberforce R. Marak, Deputy Librarian, Tura College, immediately.

6. The Controller of Weights & Measures/Director of Economics and Statistics/Director of Public Instruction/Director of Housing and Registrar of Co-operative Societies, Meghalaya, Shillong with a request to release the following persons serving under them immediately.

- 1) Shri Mendowene Laloo, Inspector of Weights & Measures.
- 2) Shri Clanville Stone Soanes, Sub-Inspector of Statistics.
- 3) Shri Brisley Lyngdoh, Social Education Organisers.
Shri Lurstep Roy Lyngskor
- 4) Shri Glifford Well Lyngdoh, Inspector of Housing.
- 5) Shri Godwin Roy, Sub-Inspector of Schools.
- 6) Shri Phringlishon Roy Lawriniang, Junior Auditor of Co-operative Societies.

7. The Commissioner of Division, Meghalaya.

8. The Superintendent, Govt. Press, Shillong for publication in the Official Gazette.

9. All Treasury Officers.

10. Personal Files of the officers.

11. The Accountant General, Meghalaya, Addl. M.S. Building, Shillong - 793-001.

12. Civil Surgeon, Khasi/Jaintia Hills/Garo Hills for necessary action.

13. Director of Health Service, Meghalaya, for information and necessary action.
BY REGISTERED M/D

14. Persons concerned. They should join within 15 (fifteen) days of receipt of the order of appointment, failing which, the appointment shall be cancelled. They should also submit medical certificate of fitness from the Civil Surgeon of the district concerned in the form prescribed under S.R.5 of the F.Rs and S.Rs (copy enclosed) before joining their appointment.

By order, etc.,

Shri Francis G. Moum,
C/o Mansukh - Chitra
Lament - Htl, Old
Tarakon Building, Shillong

X / by a / to the /

Under Secretary to the Government of Meghalaya,
Personnel Department.

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Advocate