

01/10/00

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 232/2003.....

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SECTION OFFICER (Judl.)

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 232/03

Misc Petition No: \_\_\_\_\_

Contempt Petition No: \_\_\_\_\_

Review Application No: \_\_\_\_\_

Applicants: - Arman Jyoti Das

Respondants: - U. O. T. Gurn

Advocate for the Applicants: - Mr. M. K. Hark  
Miss U. Das

Advocate for the Respondants: - CAGC

Notes of the Registry	Date	Order of the Tribunal
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Application is for  
but not for the  
information. It is  
not a P  
or R. S. D. S. D. S.  
vide 100/100 No 99159482  
Dated 26.8.03

Dr. Regan

Steps taken along with  
envelopes.

Dr.

The file received 21.10.2003  
on 20/10/03 and Notice  
with order dt. 17/10/03  
Sent to D/S for  
issuing to respondents.

CAGC  
20/10/03. D/No-2127, 2128  
Dt- 20/10/03

Heard Miss U. Das, learned  
counsel for the applicant.

Issue notice of motion,  
returnable by four weeks.

Also issue notice to show cause  
as to why interim order as prayed  
for shall not be granted. Returnable  
by 21.10.2003.

List the matter on 21.10.2003.

Vice-Chairman

Heard Ms. U. Das, learned counsel for the  
applicant and also Dr. M. C. Sharma, learned  
counsel for the respondents.

Ms. U. Das is pressing for an interim or-  
der, but let Dr. Sharma obtain necessary in-  
struction on the matter and put up the mat-  
ter again on 29.10.2003 for further order.

Vice-Chairman

29.10.2003

Heard Ms.U.Das, learned counsel for the applicant.

The application is admitted, call for the record.

List the case on 3.12.2003 for order.

Any appointment to to Group 'C' post under Scouts & Guides quota in terms of employment notice No.E/227/ Rectt.Sports/Scouts & Guides ~~dated~~ for the quota for the block year 2002-03, shall be subject to the outcome of this application.

  
Member

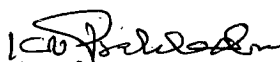
  
Vice-Chairman

bb

24.12.2003 Present : The Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.

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

Let written statement be filed within six weeks. Rejoinder, if any, within two weeks after service of copy of the written statement to the learned counsel for the applicant. Let the matter appear on 29.1.2004 for hearing.

  
Member

  
Vice-Chairman

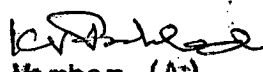
mb

24.2.2004 Present : The Hon'ble Sri Shanker Raju, Judicial Member.

The Hon'ble Sri K.V. Prahladan Administrative Member.

Heard learned counsel for the parties.

The O.A. is disposed of for the reasons recorded in separate sheets.

  
Member (A)

  
Member (J)


pg

order dt. 29/10/03

Sent to D/Section  
for both the parties.

3/11/03

No. Written statement  
has been filed.

  
23.2.04

9.3.04

Copy of the order  
has been sent to  
the office for copy  
the same to the  
applicant as well as  
to the Repd No. 2

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / R/A. No. 232 . . . of 2003

DATE OF DECISION 24.2.2004.....

Sri Amar Jyoti Das

.....APPLICANT(S).

Miss U. Das

..... ADVOCATE FOR THE  
APPLICANT(S).

- VERSUS -

Union of India & Ors.

.....RESPONDENT(S).

None present for the respondents

..... ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE SRI SHANKER RAJU, JUDICIAL MEMBER

THE HON'BLE SRI K.V.PRAHALADAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ? ☒
2. To be referred to the Reporter or not ? ☒
3. Whether their Lordships wish to see the fair copy of the judgment ? ☒
4. Whether the judgment is to be circulated to the other Benches ? ☒

Judgment delivered by Ho'ble MEMBER(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

Original Application No. 232 of 2003.

Date of Order : This the 24th Day of February, 2004.

The Hon'ble Sri Shanker Raju, Judicial Member.

The Hon'ble Sri K.V. Prahladan, Administrative Member.

Sri Amar Jyoti Das,  
Son of Tuleswar Das,  
resident of East Gotanagar,  
P.O. Maligaon, Guwahati - 11.

By Advocate Miss U. Das.

. . . Applicant.

- Versus -

1. Union of India  
represented by Secretary to the  
Government of India  
Ministry of Railways (Rail Bhawan)  
New Delhi.

2. The General Manager,  
N.F. Railway, Maligaon,  
Guwahati - 11.

. . . Respondents.

None present for the respondents.

ORDER (ORAL)

SHANKER RAJU, JUDICIAL MEMBER :

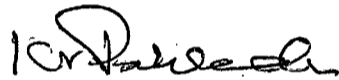
Applicant seeks his appointment in Group-C post on the strength of the fact that respondents circular provides for reservation to Scouts and Guide though the applicant applied and interviewed he was not appointed. The applicant also approached this Tribunal by filing O.A. 220/98 in which a direction was issued by this Court to the respondents to consider the case of the applicant against future vacancy. In para 4.5 of the O.A. it is contended that the respondents have notified the posts meant for the quota for the block year 2002-03, in this view of the matter it is stated that the applicant may be considered against the aforesaid quota.

2. We have heard Miss U. Das, learned counsel for the applicant. The respondents despite sufficient opportunities

granted to them have not filed their written statement and none appeared for them today. We proceed to dispose of this matter under Rule 16 of the CAT procedure Rules, 1987.

3. Having regard to the facts, we are of the considered view that the applicant being a Scout/Guide has a right to be considered for appointment in Group C post as per the policy of the Railways. Accordingly O.A. stands disposed of with a direction to the respondents to consider the case of the applicant for appointment in Group C post as advertised by them for the block year 2002-2003 and as per their own policy and subject to the eligibility of the applicant otherwise.

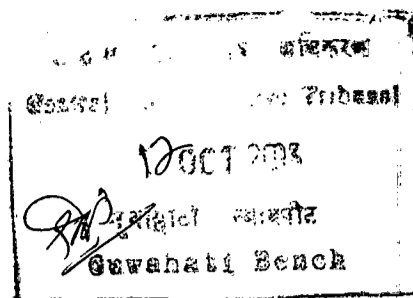
With this O.A. stands disposed of.



( K.V. PRAHLADAN )  
ADMINISTRATIVE MEMBER



( SHANKER RAJU )  
JUDICIAL MEMBER



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case :

*232*  
O.A. No. .... of 2003

BETWEEN

Shri Amar Jyoti Das ..... Applicant.

AND

Union of India & ors. .... Respondents.

I N D E X

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1.	Application	1 to 9
2.	Verification	10
3.	Annexure-1 ( <i>copy</i> )	11-17
4.	Annexure-2	18-20

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Filed by : *Asha Das*

Regn. No. :

File : c:\WS7\Amar

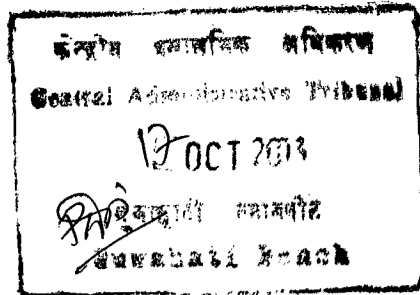
Date :

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

SYNOPSIS.

The applicant in this application is aggrieved by the action of the respondents in not considering his case without any reason and even after his repeated persuasion nothing has been communicated to him till date. As per the new advertisement the respondents are now proceeding in the matter of section and appointment however the applicant could come to know that his case would not be considered by the said respondents. The respondents have not even accepted the candidature of the applicant and they are now going to held the interview in the last part of October 2003 excluding the applicant who is qualified and eligible to appear in the interview.



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Filed by,  
the applicant through  
Asha Das,  
Advocate  
21-10-03

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

U.A.NO. 232 of 2003

BETWEEN

Sri Amar Jyoti Das  
son of Tuleswar Das  
resident of East Gotanagar  
P.O. Maligaon, Guwahati-11  
Dist. Kamrup, (Assam)

..... Applicant.

- AND -

1. The Union of India.  
Represented by Secretary to the  
Govt. of India.  
Ministry of Railways (Rail Bhawan)  
New Delhi-1

2. The General Manager(P)  
N.F.Railway, Maligaon

..... Respondents.

DETAILS OF THE APPLICATION

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

This application is not directed against any  
particular order but has been made against the action of the  
respondents in not considering the case of the applicant for  
appointment in Group-C posts under Scouts/Guides quota.

2. LIMITATION:

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

*Asha*

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3. JURISDICTION:

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

4. FACTS OF THE CASE:

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

4.2. That the applicant in this application is aggrieved by the action of the respondents in not considering his case without any reason and even after his repeated persuasion nothing has been communicated to him till date. As per the new advertisement the respondents are now proceeding in the matter of ~~selection~~ and appointment however the applicant could come to know that his case would not be considered by the said respondents. The respondents have not even accepted the candidature of the applicant and they are now going to hold the interview in the last part of October 2003 excluding the applicant who is qualified and eligible to appear in the interview.

This is the crux of the matter for which the applicant has come under the protective hands of the Hon'ble Tribunal.

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4.3. That the applicant in the year 1984 joined the Bharat Scouts/Guides Organisation under N.F.Railway. In the year 1987, applicant was awarded with the certificate as President's Scout. Under N.F.Railway Scouts/Guides Organisation there are very few number of Scouts/Guides having such Presidential certificate and the applicant is one of such certificate holder. In the year 1990, the applicant joined Rover in Head Quarter N.F.Railway Scouts/Guide Organisation while he was 18 years of age. The applicant was an active Rover under the said organisation and he attended all the high Skill Programme under the said organisation like Rock Climbing, 8th All India Jamboree etc.

Copies of the certificates as mentioned above are annexed herewith and marked as Annexure-1 colly.

4.4. That the Railway authority for future upliftment of Scouts/Guides established by the Railways, provided some quota for filling up of Group-C posts under Railways. During the years from 1990 onwards every year few number of Group-C posts have been filled up from amongst the Scouts/Guides. It is pertinent to mention here that the respondents issued an advertisement in the year 1998 and the ~~applicant~~ who is a qualified person for such appointment in Group-C posts applied pursuant to such advertisement. The respondents accepted his candidature and he was interviewed on 30.7.98. However, the respondents showed favoritism to some of the candidates and the petitioners have been allowed to supersede by their juniors in the Scouts/Guide movement. Situated thus the applicant had to approached the Hon'ble Tribunal by way of filing OA No.220/98. The Hon'ble Tribunal

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after hearing the parties to the proceeding was pleased to dispose of the said DA directing the respondents to consider the case of the applicant with utmost care for future vacancy.

A copy of the said judgment and order dated 27.4.2001 is annexed herewith and marked as Annexure-2.

4.5. That the applicant begs to state that as per the Rules guiding the field, the respondents are required to fill up a required number of vacancy through the active Scouts/Guides each year, but contrary to that the respondents held interviews in the year 1998 and there after no such interviews were held. Although advertisement was made vide notice No.E/227/Rectt./Sports/Scouts & Guides dated 26.5.99 for the quotas meant for the year 97-98 and 98-99. The applicant applied for the posts advertised vide notice dated 26.5.99 but no interview held. The respondents have once again issued an advertisement vide Employment Notice No.E.227/Rectt/Sports/Scouts & guides for the quota for the block year 2002-03. The respondents however, have not yet mentioned as to the fate regarding the earlier advertisement where in the applicant placed his candidature. Now the respondents have added some irrelevant criteria which has got no nexus with the employment.

The applicant craves leave of the Hon'ble Tribunal for a direction towards the respondents to produce the said notice/advertisement at the time of hearing of the case.

4.6. That the applicant who is fully qualified to get consideration of his for appointment against the quota meant

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for Scouts/Guides of N.F.Railways, is required to get employment under N.F.Railway against any Group-C posts. The applicant placed his candidature pursuant to the Notice issued in the 2003 but he could come to know the fact that the respondents have not accepted his such candidature for the reasons best known to ~~them~~. Apart from that the respondents have now decided to hold interview within the month of November 2003 without taking into consideration the case of the applicant. It is therefore the applicant has come before the protective hands of this Hon'ble Tribunal seeking an urgent and immediate relief for redressal of his grievances.

4.7. That the applicant could learn from the reliable source that the respondents have illegally modified the recruitment rule without the approval of the Railway Board to suit the requirement of their blue eyed boy. The applicant who is the senior most Scout/Guide in the North Eastern Region is going to be deprived of his legitimate claim of employment.

4.8. That the applicant states that the advertisement published by the respondents in the year 2003 is in fact the revised advertisement for filling up of vacancies of Scouts and Guide Quota for years 1997 onwards and as such the Respondents during the intervening period can not modify the condition prevailing earlier. In the earlier advertisement dated 26.5.99 those conditions were never mentioned and the applicant who applied pursuant to the said advertisement is yet to know the fate of that advertisement. In fact, no interview was held although the respondents have not

published ~~any~~ notice for cancellation/modification of such advertisement. It is therefore the applicant prays for a direction towards the respondents for production of records including the vacancy position etc. at the time of hearing of this case.

4.9. That the applicant states that he is fully qualified and eligible to be considered for employment against the Scouts/guide quota and as per the judgment of this Hon'ble Tribunal dated 27.4.2001 passed in OA No.220/98 the respondents are required to consider the case of the applicant pursuant to the advertisement issued in the year 2003. In view of the above the applicant through this application prays for an interim order directing the respondents to accept his candidature and to consider his case along with the other candidates and not to publish the result till finalisation of the OA.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the respondents have acted illegally in not considering the case of the applicant for appointment in Group-C post under Scouts and Guide quota even though he is fully qualified to get such consideration.

5.2. For that the Respondents have acted illegally and arbitrarily in not commencing year wise panel from amongst the Scouts and Guides and as such appropriate direction need be issued to the respondents to segregate the vacancies each year and to consider the case of the applicant holding interview for each year.

*Shas*

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5.3. For that the respondents have acted illegally in modifying the condition of recruitment for appointment in Group-C post against the quota meant for the Scouts and Guides without the approval of the Railway Board as such same is not sustainable and liable to be set aside and quashed.

5.4. For that in any view of the matter the impugned action of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

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

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8. RELIEF SOUGHT FOR:

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

8.1. To direct the Respondents to consider the case of the applicant for appointment in Group-C post under the Scouts and Guide quota.

8.2. To set aside and quash any other subsequent modification made in the Recruitment Rules which may be detrimental to the applicant to get due consideration for his appointment against the posts advertised in the year 2003 under the scouts and Guide quota under the Railways.

8.3. Cost of the application.

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

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the applicant prays for an interim order directing the respondents to accept the candidature of the applicant and to consider his case by calling him in the interview scheduled to be held pursuant to the advertisement made in the year 2003 for the posts to be filled up from amongst the Scouts and Guides and

not declare the result of the interview without the leave of  
this Hon'ble Tribunal.

10. ....

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

1. I.P.O. No. : 96 159487  
2. Date : 26-8-2003  
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

*Adas*

## VERIFICATION

I, Shri Amar Jyoti Das, aged about 31 years, son of Sri Tikeswar Das, resident of East Gotanagar, P.O. Guwahati-11, P.S. Jalukbari, do hereby solemnly affirm and verify that the statements made in paragraphs ... 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 ... are true to my knowledge and those made in paragraphs ... 11, 12, 13, 14, 15 ... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 17<sup>th</sup> day of October of 2003.

*Amar Jyoti Das*  
Signature.

1919  
ANNEXURE - 1 Celly

AMAR JYOTI DAS To. S. V. A. S. J. D. S.

of the

N. F. R. L. STATE

AS A PRESIDENT'S SCOUT

You have prepared yourself for service to God, country and your fellowmen and have shown yourself a true member of the great family of Scout brotherhood. I congratulate you and wish you God speed. May your life be a joyous adventure in the service to others.

15.11.1919/21.12.1919  
16 DEC 1919

R. Venkateswara  
PRESIDENT OF INDIA

Attested

G. V. S. S. S.

ADVOCATE GENERAL  
S. D. S. S. S.

Attested  
Advocate

12

ANNEXURE

1 copy

No 0930

MEGHALAYA BHARAT SCOUTS



GUIDES

SHILLONG

This is to Certify that Amr Jyoti Das

R.F. Railways School/College, (Ywa)

has won the Third Prize in Skill Project

from \_\_\_\_\_ to \_\_\_\_\_, 19\_\_\_\_, held at \_\_\_\_\_

on 24 December 85

**Witnessed**  
*Advocate*

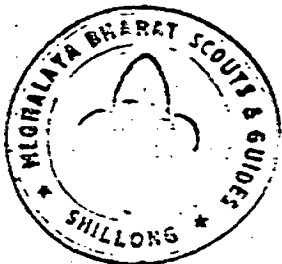
*Secretary*  
Secretary

13 - 13 -

ANNEXURE - 1 Colly

No 836

MEGHALAYA BHARAT SCOUTS & GUIDES



SHILLONG

This is to Certify that Amarjyoti Das

of N. F. Railway School/College,

has attended the I. Y. Y. National Integration Camp

from 29th November to December 1995, held at Shillong

Date 31 December 95

*[Signature]*

*[Signature]*  
State Secretary

15  
193

ANNEXURE - 1 Colly

Subject	Date	Sig.
Project project		
6. Cross Country Overnight Adventure Hike		
7. Fund-Raising Community Meeting		
Tests Completed		
Presentation of Award		
Additional Information: Budget		



# The Bharat Scouts & Guides

## ROVER TEST CARD



Name Sri Arun Kumar Das

Address Post G. T. Nagar Bikaner

Date of Birth 1-7-72

Date of joining the Crew 12-1-80

Name of the Crew 12-1-80

Signature of the Rover Sri Arun Kumar Das

Signature of the Rover Leader [Signature]

For Text of Tests, see A.P.F.O. Part II

Alister  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

ANNEXURE

1 copy

15



# 7TH STATE RALLY

N. F. Railway Bharat Scouts & Guides, Maligaon

This is to certify that SRI AMARJYOTI DAS

attended the 7th State Rally of N. F. Railway Bharat Scouts & Guides, held at  
Railway Stadium, Maligaon from 25th to 30th April 1951 as a member of the

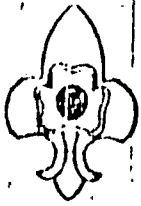
MALIGAON, (H)

Contingent.

State Secretary

State Chief Commissioner

# NORTHEAST FRONTIER RAILWAY



Bharat Scouts And Guides  
State Head Quarters/ MALIGAON

Sl No. AD/19.

Date 26/02/98

## This is to certify

That Shri/Miss. AHAR JYOTI DAS  
of HQ/MALIGAON had participated as trainee in the Rock  
Climbing cum Trekking Course organised by N.F. Railway  
Bharat Scouts And Guides from 20/02/98 to 25/02/98.

On completion of the Training His/Her performance  
was rated " B "

### RATINGS :

Excellent : A

Good : B

Average : C

State Secretary

N.F. Railway Bharat Scouts & Guides  
Maligaon

Mountaineering Instructor

Directorate of Sports and Youth  
Welfare, Assam, Guwahati-7

*Attended*

*18/2/98*  
Manager  
N.F. Railway  
Maligaon

*Adm. Secy*  
*18/2/98*

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ANNEXURE

1 copy

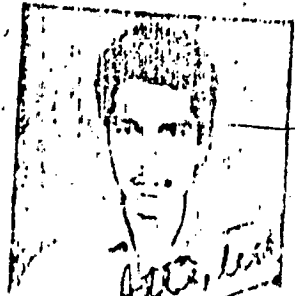
(To be filled up by the candidate except Roll No.)

**Bhaskhando Sangit Vidyapeeth**  
LUCKNOW.

4640

EXAMINATION FOR 1991

Shri/Smt./M<sup>rs</sup> Anandjyoti Das  
Prathama (Vocal)



You have been admitted to Sangit, Vadya, Natya, Prathama, Madhyama Visheśad Part I, Part II  
Nipun Part I, Part II, Part III and two years and three years Proficiency Diploma Part I & Part II  
in Folk Dance (a) Vocal (b) Sitar and Setai (c) Violin (d) Saranggi and Guitar (e) Tabla &  
Aludang (f) Flute (g) Dance (h) Anhak-Manipuri and Bhaut Natyam  
Roll No. 18888 Examination Centre Videopole Sahaspur

N. B : Theory Examination shall be by means of Question Papers. The question paper shall be given  
out simultaneously at all the centres on the date and at the time fixed by the Vidyapeeth  
For the practical examination you should contact the Head of the Centre at which you are  
appearing at the examination.

Date \_\_\_\_\_

Controller of Examination  
Bhaskhando Sangit Vidyapeeth

Registrar

Accepted  
[Signature]  
cc.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 220 of 1998

Date of decision: This the 27 day of April 2001

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

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

1. Shri Amar Jyoti Das,  
Resident of East Gotanagar,  
Maligaon, Guwahati.
2. Shri Baikuntha Kumar,  
Resident of Gotanagar,  
Maligaon, Guwahati.

.....Applicants

By Advocate Mrs K. Deka.

- versus -

1. The Union of India, represented by  
The Secretary,  
Human Resource Development,  
(Department of Education),  
New Delhi.
2. Shri Dinesh Kalita,  
Commissioner of State Committee,  
Scouts and Guides,  
N.F. Railway,  
Maligaon, Guwahati.

The Selection Committee, represented by  
The Chairman Constituted for Selection.

N.F. Railway, represented by  
General Manager,  
Maligaon, Guwahati.

5. Shri Pranab Das,  
Resident of Maligaon,  
Guwahati.
6. Shri Bhupen Kr Kalita,  
Resident of Maligaon,  
Guwahati.
7. Smt Nibedita Dey,  
Resident of Maligaon,  
Guwahati.
8. Shri Subrat Das,  
Resident of Maligaon,  
Guwahati.
9. Shri Anup Mazumdar,  
Maligaon, Guwahati.

.....Respondents

By Advocate Mr B.K. Sharma, Railway Counsel.



*Amended*  
*W.D.*  
*Advocate.*

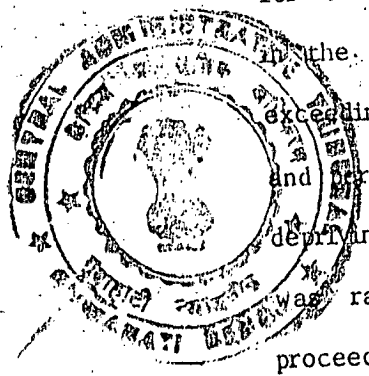
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O R D E R

CHOWDHURY.J. (V.C.)

The legitimacy of the action of the respondents pertaining to selection of candidates for Groups 'C' and 'D' posts under the respondents in Scouts and Guides Quota for the year 1996-97 is the key issue for adjudication.

2. A notification was made notifying about the selection to be held for filling Groups 'C' and 'D' posts against the Scouts and Guides Quota for the year 1996-97 for about twelve posts - four posts in Group 'C' category and eight posts in Group 'D' category. The notification mentioned the eligibility criteria. As per the notification applications were to be forwarded through the District Associations. The two applicants also applied for the post and according to the respective pleadings the two applicants (one belonging to Scheduled Caste community and the other to Backward community) were also called for the interview for Group 'C' and 'D' posts for Scouts and Guides Quota and appeared in the interview on 30.7.1998. According to the applicants they fared exceedingly well in the interview, but their cases were unfairly rejected and persons of inferior quality were selected arbitrarily and discriminately depriving the suitable candidates. According to the applicants there was rampant favouritism in the selection. The applicants, in this proceeding, impleaded the Commissioner of State Committee, Scouts and Guides and some of the persons selected, alleging malafide.
3. The respondent Nos. 2, 5, 6, 7 and 8 filed one set of written statement through one Anup Mazumdar, a Junior Clerk in the Office of the Chief Engineer and one set of written statement has been filed on behalf of respondent Nos. 1, 3 and 4 through the Law Assistant. It appears that the respondents undertook the matter of filing and verification of the pleading very lightheartedly. In the matter of signing the pleadings the respondents should have acted with responsibility. We express our strong disapprobation on the matter and rest here for the time being.



*W.D.*  
Advocate

4. On the basis of the facts pleaded by the applicants, it is difficult to hold the impugned selection as arbitrary and discriminatory, nor do we find any bias from the materials on record to hold the process of selection vitiated by favouritism and nepotism.

5. Considering the facts and circumstances in its entity, we are, however, of the opinion that the case of these two applicants also require to be considered justly and fairly. We accordingly dispose of the application with the direction on the respondents to consider the case of the applicants against any such future vacancy as per law without any predilection or predisposition alongwith other persons similarly situated.

6. The application thus stands disposed of. There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Certified to be true Copy  
प्रमाणित प्रतिलिपि

*[Signature]*  
30/4/01  
Section Officer (J)

आनुमान अधिकारी (न्यायिक शाखा)  
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक आयोग  
Guwahati Bench, Guwahati-8  
गुवाहाटी बेंच, गुवाहाटी-८

*[Signature]*  
30/4/201

Accepted  
*[Signature]*  
Advocate



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