

01/100

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 242/03.....

R.A/C.P No......

E.P/M.A No......

1. Orders Sheet.....*OA*.....Pg. *1*.....to *2*.....
2. Judgment/Order dtd *19.11.2003*.....Pg. *1*.....to *x* *AD*.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....*OA 242/03*.....Pg. *1*.....to *28*.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Sedits
20/11/17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 242 / 103

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - Mohua Das

Respondants: - UOI & OAS.

Advocate for the Applicants: - Mr M. Chanda

Mr S. Ghosh.

Advocate for the Respondants: -

CGSC.

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

This application is in form but not in time
Condition is not filed / not filed
for Rs. 50 deposited vide B.O. No. 99.703537
Dated 28.10.03.

[Signature]
Sp. Registrar

29.10.2003

On the prayer made by Mr. M. Chanda, learned counsel for the applicant, the case is adjourned and again listed on 9.11.2003 for admission.

[Signature]
Member

[Signature]
Vice-Chairman

bb

Steps taken

[Signature]
28/10/03

10.11.03

NO Bench today.
Adjourn to 18.11.03.

B/D
10

18.11.2003 Present: The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman
The Hon'ble Shri S.K.Naik Administrative Member.

Mr.G.N.Chakraborty, learned counsel for the applicant.

The learned counsel ~~for~~ the applicant ^{submits} that certain developments are taking place with the respondents, on which he would like to get instruction.

List the case on 19.11.2003 for admission.

[Signature]
Member

[Signature]
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. S. Ghosh, learned counsel for the applicant submits that he does not wish to press this O.A. and seeks permission to withdraw the same.

Taking note of the above submission, the O.A. is disposed of with liberty to the applicant in accordance with law. No costs. *[Signature]* 19.11.03

[Signature]
Member

[Signature]
Vice-Chairman

mb

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

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

Order passed separately. The application is disposed of in terms of the order. No costs.

[Signature]
Member

[Signature]
Vice-Chairman

mb

[Handwritten] 11/12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 1111 242/2003

DATE OF DECISION 19.11.2003

...**Mohua Das**.....APPLICANT(S).

...**Mr. S. Ghosh**.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

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

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

THE HON'BLE ~~MR.~~ **SMT. 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 ?

Judgment delivered by Hon'ble ~~Member~~ **Vice-Chairman.**

B
19/11

10

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 242/2003

Date of Order : This the 19th day of November, 2003.

THE HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE CHAIRMAN.

THE HON'BLE SRI S.K. NAIK, ADMINISTRATIVE MEMBER.

Mohua Das,
D/O Sri Mahendra Das
Resident of College Nagar,
P.O. Bidyapara, District - Dhubri (Assam).

By Advocate Mr. S. Ghosh.

. . . Applicant.

-Versus-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Rural Area & Development
New Delhi - 110 001.
2. The Agricultural Marketing Adviser,
Govt. of India
Directorate of Marketing and Inspection
NH IV, Faridabad - 121001.
3. The Deputy Agriculture Marketing Adviser
Govt. of India
Directorate of Marketing and Inspection
Bharalumukh, Guwahati.
4. The Regional Director (NER)
Staff Selection Commission,
Rukmini Nagar, P.O. Assam Sachivalaya,
Guwahati - 6.

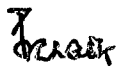
. . . Respondents.


O R D E R

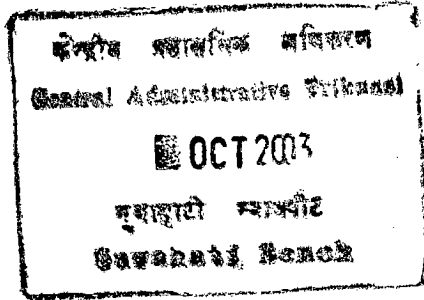
SMT. LAKSHMI SWAMINATHAN, (V.C.) :-

Mr. S. Ghosh, learned counsel for the applicant submits that he does not wish to press this O.A. and seeks permission to withdraw the same.

Taking note of the above submission, the O.A. is disposed of, with liberty to the applicant in accordance with law. No costs.


(S.K. NAIK)
ADMINISTRATIVE MEMBER


(LAKSHMI SWAMINATHAN)
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL 'GUWAHATI BENCH
 (An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No. 242 /2002

Mohua Das : Applicant

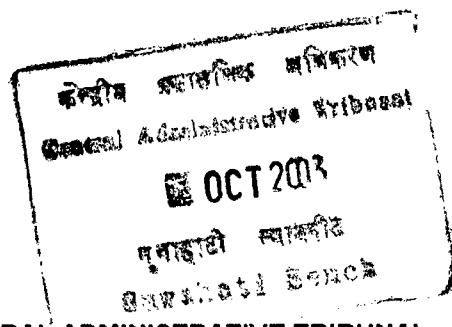
- Versus -

Union of India & Others : Respondents

List of dates and synopsis

1997	Applicant passed M.Sc. from Gauhati University in chemistry.	<u>Annexure-1</u> Page-13
24 th -30 th April 1999	Respondent No. 4 advertised for the post of (One) Junior Chemist reserve for SC which is laying vacant before the office of Respondent No.3.	<u>Annexure-2</u> Page- 14
22.3.2000	Applicant called for the interview which was schedule to be held on 22.4.2000	<u>Annexure-3</u> Page-15-16
9 th -15 th September 2000	Selection post result was published and in the said selection result the name of the applicant was declared selected for the sole post of junior chemist.	<u>Annexure-4</u> Page-17
25.7.2001	Applicant submitted representation for the her appointment.	<u>Annexure-5</u> Page-18
15.8.2001	Applicant submitted representation before the R-2	<u>Annexure-6</u> Page-19
4.6.2000	Applicant submitted representation before the Chief Vigilance Officer.	<u>Annexure-7</u> Page-20
16.7.2003	Chief Vigilance Officer addressed a letter to the Respondent No.2 for redressal of the grievances of the petitioner.	<u>Annexure-8</u> Page-21
4.8.2003	Applicant submitted a representation before the R-2	<u>Annexure-9</u> Page-22
5.4.2002	Similarly situated persons approached before the Hon'ble Tribunal in OA No. 471/2001 and granted relief from this Tribunal.	<u>Annexure-10</u> Page-10

Submission:- The applicant submits that being a duly selected candidate for the sole post of Junior Chemist and due to non consideration of her appointment to the said post as such, the applicant has been deprived of her legitimate expectation and the respondent have acted in an arbitrary, unjust and unfair. In the premises aforesaid it is prayed Your Lordships may be pleased to direct the respondent to appoint the applicant in pursuance to the advertisement and duly selected candidate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No. 242 /2002

Mohua Das : Applicant

- Versus -

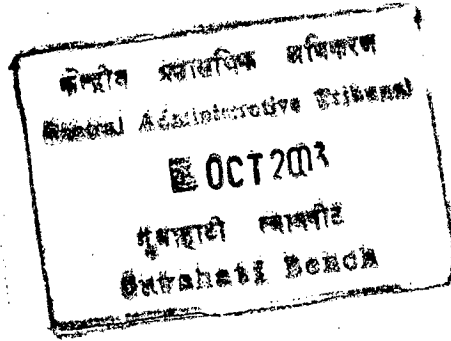
Union of India & Others : Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-11
02.	----	Verification	12
03.	1	B.Sc. passed certificate	13
04.	2	Advertisement 24-30 April 1999	14
05.	3	Call letter dated 20.3.2000	15-16
06.	4	Selection post result	17
07.	5	Copy of the representation dated 25.7.2001	18
08.	6	Copy of the representation dated 15.8.2002	19
09.	7	Copy of representation dated 4.7.2003	20
10.	8	Copy of the letter dated 16.7.2003	21
11.	9	Copy of the representation dated 24.8.2003	22
12.	10	Judgment in OA No. 471/2001	23-28

Date: 28/10/03

Filed by
Kanjit Shah
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.
GUWAHATI BENCH : GUWAHATI

(An Application under Section 19 of the Administrative
Tribunals Act, 1985)

O. A. No. 242 /2002

BETWEEN

Mohua Das

D/O Sri Mahendra Das

Resident of College Nagar

PO Bidyapara, District- Dhubri(Assam)

.....Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Rural Areas & Development ,
New Delhi-110001.
2. The Agricultural Marketing Adviser,
Govt. of India
Director of Marketing and Inspection
NH IV, Faridbad- 121001
3. The Deputy Agriculture Marketing Advisor
Govt. of India

Filed by:-

Mohua Das

Applicant

Through:-
Sunita Ghosh, Advocate. 28/10/03

Mohua Das.

Director of Marketing and Inspection
Bharalumukh, Guwahati.

4. The Regional Director (NER)
Staff Selection Commission
Rukmini Nagar, PO Assam Sachivalaya
Guwahati-6

.....Respondents.

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made against the non consideration of appointment to the applicant in pursuance to the selection to the

post of Junior Chemist following the advertisement issued in the

Employment news dated 24-30 April 1999 bearing No. 1/99-NER,

F.No.SSCG-A-12024/4/98-Rectt. And also praying for a direction

upon the respondents to appoint the applicant to the post of

Junior Chemist in the office of The Deputy Agriculture Marketing Advisor Govt. of India Director of Marketing

Allohu Das

and Inspection Bharalumukh, Guwahati, Department of Agriculture and Cooperation..

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant passed M.sc. in Chemistry from Gauhati University in the year 1997. She belongs to a poor Schedule caste Community and After passing of her M.Sc. she has been searching for job. In the mean time Staff Selection Commission (NER) advertised for filing up a post of Junior Chemist

Chokua Das.

which is reserved for schedule cast and lying vacant in the office of the Respondent No.3.

Copy of the M.sc. mark sheet is annexed hereto and is marked as Annexure-1

4.2 That your applicant, in response to the advertisement dated 24-30 April 1999 published in the Employment News under No. 1/99 NER F.No. SSCG-A/12024/4/98-Rectt by the Staff selection Commission submitted an application for the post of Junior Chemist which is reserved for Schedule caste and is laying vacant in the office of the Respondent No.3. Accordingly being an eligible candidate the applicant was called for the interview vide call letter date 22.3.2000 and the applicant appeared before the said interview on the stipulated dated which was conducted by the Staff Selection Commission. NER, Guwahati.

A copy of the advertisement dated 24.4.1999 and call letter dated 22.3.2000 are annexed hereto and the same are marked as Annexure 2 and 3 respectively.

4.3 That the applicant states that she did well in the said interview and being found suitable, she was selected for the post of Junior Chemist in the Directorate of Marketing & Inspection, Department of Rural Development, Ministry of Rural Areas &

Mohua Das

Development which would be evident from the result published in the Employment News, dated 9-15 September 2000 wherein the name of the applicant was shown at serial No.6 against the advertisement No. 1/99-NER .

Copy of the result sheet published in the Employment News is annexed hereto and marked as Annexure-4.

4.5 That thereafter Staff Selection Commission informed the applicant that his name has been sent to the Office of the Respondent No.2 for appointment to the post of Junior Chemist but till today respondent No. 2 did not make any offer of appointment to the applicant and is silent on the matter.

4.6 That it is further stated that the applicant on 25.7.2001 submitted a representation addressed to the Ministry of Rural Areas and Development Brach, Govt of India, New Delhi. In the said representation the applicant inter alia prayed for appointment of the applicant to the post of Junior Chemist in the light of his selection to the post of Junior Chemist but thereafter the respondents neither took any initiative for appointment of nor did they give any reply for appointment of the applicant.

Copies of the Representation dated 25.7.2001 is annexed hereto and is marked as Annexures 5.

ellohua Das

4.7 That your applicant begs to state that when there being no progress in the matter of appointment of the applicant to the post of Junior Chemist in the pay scale of Rs. 4500-7000, the applicant submitted another representation on 15.8.2002 addressed to the Ministry of Rural Areas and Development Branch, Govt of India, New Delhi with a copy to the Respondent No.2. But till date the respondents did not take any initiative for appointment of the applicant. Finding no other alternative, the applicant submitted a representation to the Chief Vigilance Officer, Govt. of the India on 4.6.2003 which was forwarded by the Chief Vigilance Officer before the respondent No. 2 on 16.7.2003 for redressal of the grievance of the applicant but to no result. Thereafter applicant submitted another representation on 4.8.2003 before the respondent No. 2 for appointment of the applicant but with no result whatsoever. As such finding no other alternative applicant approached before this Hon'ble Tribunal for the interest of justice.

Copies of representation dated 15.8.2002, 4.6.2003, letter dated 16.7.2003 & representation dated 4.8.2003 are annexed hereto and are marked as Annexure- 6, 7, 8 & 9 respectively.

ellohua Das,

4.8 That your applicant states that consequent upon the selection mentioned, other candidates in different department have already been appointed but in case of the applicant respondents did not take any action for the reasons best known to them.

4.9 That your applicant states that the other similarly situated candidate in the said advertisement at sl.NO. 3 for the post of Accountant was also discriminated in not giving appointment who approached before this Hon'ble Tribunal through OA No. 471/2001 for appointment as per select list and the Hon'ble Tribunal upon hearing both the parties, directed the respondents to take necessary steps so that the applicant could be fitted with the said post. In the similar facts and circumstances Hon'ble Court may also direct the respondents for grant of similar relief to the applicant in the instant case.

Copy of the Judgment and order dated 5.4.2002 is annexed hereto and is marked as Annexure-10.

4.10 That due to non consideration of his appointment as such, the applicant has been deprived of his legitimate expectation and the respondents have acted in an arbitrary, unjust and unfair manner. Having been denied appointment even after the applicant was selected and recommended by the Staff Selection Commission and even after the

similarly situated persons from the same select list were appointed in other departments, the applicant has been discriminated upon which is violative of Article 14 and 16 of the Constitution and so also of the principles of natural justice, more so when the post aforesaid is still lying vacant. Finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his rights and interests.

4.11 That it is a fit case for the Hon'ble Tribunal to interfere with to protect the right and interest of the applicant by passing an appropriate direction upon the Respondents for allowing the applicant as Junior Chemist either in the department of Marketing & Inspection D/O Rural Development as selected in terms of the advertisement dated 24-30 April 1999 or alternatively to the vacant post of Junior Chemist in the office of the respondent No.3.

4.12 That this application is made bona fide and for the interest of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that the applicant in pursuant to the advertisement issued under Employment News dated 24-30 April 1999 for the post of Junior Chemist in

Mohua Das.

the office of respondent No. 2 came out successful in the rigorous examination conducted by the SSC (NER), Guwahati and declared selected for appointment to the post of Junior Chemist as per result declared in the Employment News (Annexure-4), and as such has acquired a valuable right.

- 5.2 For that the applicant has become over aged for any other Central Government job and non consideration of appointment will cause irreparable loss and injury to the applicant.
- 5.3 For that the applicant has been deprived of his legitimate expectation.
- 5.4 For that the non-consideration of appointment of the applicant is violative of Article 14 and 16 of the Constitution and so also of the principles of natural justice.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other court.

The applicant further declares that he had not previously filed any application, Writ Petition or

Mohua Das

Suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

8. Reliefs sought for :

Under the facts and circumstances stated above, the applicant humbly prays that your Lordships be pleased to issue notice to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs :

- 8.1 That the respondents be directed to appoint the applicant to the post of Junior Chemist which is lying vacant in the office of the respondent No. 3 in accordance to his selection following the advertisement dated 24-30 April 1999.
- 8.2 Costs of the application.
- 8.3 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

ellohua Das.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief :-

9.1 That the Hon'ble Tribunal be pleased to make an observation that the pendency of this application shall not be a bar for the respondents to appoint the applicant to the post of Junior Chemist or in any other equivalent post.

9.2 That the Hon'ble Tribunal be pleased to direct the respondent No. not to fill up one post of Junior Chemist which is lying vacant in the office of respondent No. 3 till final disposal of this application.

10. This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I.P.O. No. : 76703537
ii) Date of issue : 28.10.03
iii) Issued from : G.P.O., Guwahati.
iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the Index.

Chokua Das

VERIFICATION

I, Sri Mohua Das, S/o Sri Mahendra Das, aged about 31 years, resident of College Nagar PO Bidyapara District-Dhubri, Assam, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the
.....28th.....day of October, 2003.

Mohua Das

Signature

No 000053



M. Sc. (Final Semester) Examination in Chemistry

The following are the marks obtained by Mohme Das Roll No. 54 of U Classes at the M. Sc. (Final Semester) Examination in Chemistry, 1997 held in Dec 1997

Theory Paper-I Inorganic-Bio-Inorganic Chemistry Organic-Natural Products and Medicinal Chemistry Physical-Polymer Chemistry		Theory Paper-II Inorganic-Applied Techniques in Analytical Chemistry Organic-Organic Synthesis Physical-Catalysis		200 66 Total Theory Marks Pass Marks		Practical			Total of Fourth Semester	Total of Earlier Semesters	1500 GRAND TOTAL	Results		
External-80	Internal-20	External-80	Internal-20	External	Internal	Literature Survey	Project Works/Advance Practical-II and Literature Survey	Total Marks Pass Marks	Total Marks Pass Marks	Total Marks Pass Marks		Minimum for a Pass	1st Class	2nd Class
151	14	50	14	129	52	22	38	—	241	527	768	11		

Rs. $\frac{50-00}{100-00}$

Nku
Marks entered by
Date 17.3.98

A
Marks compared by
Date 17.3.98

[Signature]
Joint/Asstt. Controller of Examinations.
Date

True copy
Sujit Chakrabarti
Adm.



STAFF SELECTION COMMISSION

ADVERTISEMENT NO. 1/99-NER.

F.No. SSCG-A-12024/4/98-Rectt.

APPLICATIONS ARE INVITED FOR THE FOLLOWING POSTS:

Experience

- ① Stock Exchange
- ② Project Expenses (Mumbai)
- ③ J.P.C.

(NER-1): ONE PA TO DIRECTOR: Farm Machinery Training & Testing Instt. (NER), D/o Agr. & Co-operation, Biswanath Chariali, Sonitpur, Assam. (Vacancy Unreserved).

PS: Rs. 5000-8000 Age: 18-25 yrs. (5 yrs. age relaxation for Govt. Servants).

EQ: Matriculation or its eqv. with minimum speed of 120 w.p.m. in English Shorthand and 40 w.p.m. in Eng. Typing.

DQ: Ability to type and organise technical reports.

IP: Sonitpur, Assam AISL: Nil.

JR: Taking dictation, typing and maintenance of records including confidential files correspondence independently under Director's instructions.

(NER-2): ONE LIBRARY ASSISTANT: Botanical Survey of India, O/o the Scientist-SE, M/o Environment & Forests, Shillong-3. (Vacancy Reserved for ST).

PS: Rs. 4500-7000 Age: 18 to 31 yrs. (Relaxable upto 35 yrs. for Govt. Servants).

EQ: (i) Graduate of any recog. Univ. (ii) Deg. in Library Science from any recog. Univ.

DQ: (i) Exp. of work in Modern Scientific Library (ii) Ability to read and write HINDI.

IP: Shillong, Meghalaya, with AISL

JR: Maintenance of Library, reclassification, cataloguing and classifying of books, scientific journals and periodicals etc. received in the Library, preserving them with insecticides, maintenance of records and accounts relating to library, etc. to research workers for reference.

(NER-3): ONE ACCOUNTANT: Farm Machinery Training & Testing Instt. (NER), D/o Agr. & Co-operation, Biswanath Chariali, Sonitpur, Assam (Vacancy Unreserved).

PS: Rs. 4500-7000 Age: 18 to 25 yrs.

EQ: (i) Deg. of a recog. Univ. or its eqv. OR Higher Secondary or its eqv. & shall have completed Cash & Accounts Training conducted by ISTM.

(ii) Five yrs. exp. of Accounts work in a reputed establishment.

IP: Sonitpur, Assam AISL: Nil.

JR: Supervision of Accounts work maintenance of Budget Estimates and expenditure accounts, submission of returns checking up of pay bills, contingent bills, GPF accounts of Group 'D' employees and cash book etc.

(NER-4) TWO ASSISTANT COMPILER: O/o the Director of Census Operation, Meghalaya, Shillong (Vacancy Reserved for UR-1; ST-1).

PS: Rs. 3050-4590 Age: 25 yrs. (Relaxable by 5 yrs. for ST and 10 yrs. for Govt. Servant).

EQ: (1) Matriculation or eqv. (2) Minimum speed of 30 w.p.m. typewriting (in English) OR Proficiency in operating calculating machine, viz. electrically operated hand model or Comptomators OR exp. in coding and punching in an office or firm having mechanical tabulation equipment.

IP: East Khasi Hills, Meghalaya with AISL

JR: Tabulation of Census Data.

(NER-5) ONE JUNIOR CHEMIST: D/o Marketing & Inspection, D/o Rural Development, M/o Rural Areas & Development, Branch Head Office, Nagpur. (Reserved for SC).

PS: Rs. 4500-7000 Age: 30 yrs.

EQ: (1) Master's Deg. in Chemistry OR Dairy Chemistry or Oil Technology or Food

Technology from recog. Univ. or eqv.

OR-

(1) B.Sc. Deg. with Chemistry as one of the subject of B. Sc. (Hons.) in Chemistry from a recog. Univ. or eqv. and with 2 yrs. exp. in analytical work.

IP: Guwahati (Assam) with AISL

JR: Chemical analysis of samples of all agmark articles.

(NER-6) ONE DRAFTSMAN: O/o the Director of Census Operations, Manipur, Imphal. (Vacancy Unreserved).

PS: Rs. 4000-6000 Age: 25 yrs. (Upto 40 yrs. for Govt. Servant).

EQ: (1) Matriculation or eqv.

(2) Diploma in Commercial or Fine Art or Draftsmanship from a recog. Institution with some knowledge on drawing maps, charts and book covers.

DQ: (i) At least 1 yr. exp. as Draftsman cum Artist.

(ii) Having knowledge of Regional Language (Manipur).

IP: Imphal, Manipur with AISL

JR: Drawing of maps, charts and book covers.

(NER-7): ELEVEN COMPUTERS O/o the Director of Census Operations:

(1) Nagaland (ST-2; UR-1),

(2) Meghalaya (ST-1; UR-3) and

(3) Assam (ST-1; UR-3)

PS: Rs. 4000-6000 Age: 19 to 26 yrs. (29 yrs. for OBC, 31 yrs. for SC & ST).

EQ: Deg. with Economics or Statistics or Mathematics as a subject from any recog. Univ.

IP: Kohima, Shillong and Aizwal respectively.

AISL: Nil.

JR: Data Processing, tabulation and analyse.

NOTE: Candidates may send their applications directly to the Regional Director (NER), Staff Selection Commission, Rukmani Nagar, P.O. Assam Sachivalaya, Guwahati-781006. Fees may be paid through CRFS. If fee paid through IPOs, then IPOs may be made payable to the Head Post Office Guwahati.

ABBREVIATIONS USED:

EQ: Essential Qualification, DQ: Desirable Qualification, UR: Unreserved, OBC: Other Backward Classes, SC: Scheduled Caste, ST: Scheduled Tribe, Ex-S.: Ex-Serviceman, PH: Physically Handicapped, OH: Orthopaedically Handicapped, HH: Hearing Handicapped, PS: Pay Scale, IPO: Indian Postal Order, CRFS: Central Recruitment Fee Stamps, IP: Initial Posting, JR: Job Requirements, Deg.: Degree, Dip: Diploma, Agr.: Agriculture, Eqv.: Equivalent, Proft-test: Proficiency Test, Recog. Recognised, AISL: All India Service Liability, Univ.: University, Instt.: Institute, Eco.: Economics, Hons.: Honours, Exp.: Experience, Exam.: Examination, Subts: Subjects/Dte.: Directorate, Ops.: Operations, M/o: Ministry of, D/o: Department of, O/o: Office of.

2. FEE PAYABLE: Rs. 25/- (Rupees twenty five only). No fee for Scheduled Caste, Scheduled Tribe, Physically Handicapped and Ex-Serviceman. However, no fee concession would be admissible to Ex-S who would otherwise be considered as General Candidate in terms of para 6(vii) of Important Instructions. Such candidates

would be required to pay the requisite fee for the examination. Fee concession is not admissible to sons & daughters & dependants of Ex-S. Service Clerks in the last year of their colour service are not exempted from payment of fee. Remission of fee may be allowed to those repatriates from Kuwait/Iraq who are not in a position to pay it.

NOTE: Mode of payment of examination fee has been indicated in para 7 of Important Instructions.

3. PRELIMINARY SELECTION: Mere filling of minimum prescribed qualifications, etc. will not entitle candidates to be called for the interview. Commission may make a preliminary selection of candidates on the basis of their educational qualifications, academic records, percentage of marks, etc., and the candidates thus selected will be required to undergo an interview (alongwith Proft-test, wherever specified).

The Commission may at its discretion, decide to hold a Proficiency-Test in appropriate subject for any one of the categories of posts where it is felt necessary, before the candidates are called for interview. The Proft-test would be in the relevant subject which will be intimated to the candidates in due course of time.

The Commission may, at its discretion, waive holding of proficiency test in those categories of posts where a proft-test has been prescribed.

at its discretion decide to hold a screening test for any one of the categories where it is felt necessary before interview/Proficiency Test as per the following scheme.

The test will consist of one single paper of objective-cum-multiple-choice-type questions of one hour duration on:

Subject	No. of Question	No. of Marks
i) General Intelligence & Reasoning	50	50
ii) General Awareness	50	50
	100	100

Only such of the candidates who qualify in the screening test at the standard fixed by the Commission at their discretion would be eligible for being called for the interview.

4. HOW TO APPLY: Application must be submitted in the form published in the Employment News/Rozgar Samachar dated 24.04.99. The applications may be typed out in double space or written in hand neatly but format should be the same as published.

NOTE: Applications submitted on a format which is not exactly the same as published in the advertisement, are liable to be rejected summarily.

5. DOCUMENTS TO BE ATTACHED WITH THE APPLICATIONS:

- i) IPOs or Central Recruitment Fee Stamps affixed and clearly cancelled on the application form.
- ii) One recent passport size photograph, duly signed on the front by the candidate should be pasted (NOT STAPLED) on the space provided in Application Form. Another copy of the same photo should be retained by the candidate for pasting on the Attendance Certificate.
- iii) One self-addressed post card duly affixed with an additional 3 Rupees Stamps. The candidates must indicate the name of

the post, Category Number, and Advt. No. on the post card.

iv) Two self-addressed envelopes of 10 cms. x 22 cms. size. One of these should be affixed with postage stamps worth Rs. 6/-

v) Two slips indicating name and postal address

vi) Documents in favour of claim of SC/ST/OBC/OJ/HH/Ex-S/Disabled persons.

vii) Attested copies of certificates showing age and educational qualifications.

viii) Documents in support of claim of age-relaxation (for categories not covered in item (vi) above).

ix) Attested copies of experience certificate.

x) Candidates in Govt. Service are to attach an undertaking that they have informed in writing their Head of Office/Deptt. that they have applied for the examination.

NOTE:

(1) Candidates should note that the Date of Birth as recorded in the Matriculation/Secondary Examination certificate OR an equivalent certificate on the date of submission of application, will be accepted by the Commission and no subsequent request for its change will be considered or granted.

(2) If the above documents are not submitted alongwith the application, application will be rejected summarily or at any stage of the recruitment process.

(3) Incomplete or unsigned applications or applications without photograph/fee or late applications will be rejected summarily.

(4) A candidate should submit only one application against a particular category of Advt. However, separate applications can be submitted against different categories of Advt.

(5) Copies of all attested certificates should be clear and legible. Applications with illegible copies of certificates may be rejected summarily.

6. IMPORTANT INSTRUCTIONS:

(1) Usually, the selection to the posts will be made on the basis of an interview. However, where it is felt necessary a proficiency test may also be held prior to interview for selecting candidates for the interview. For posts of Typists and Stenographers, selection will be made only on the basis of performance of the candidate(s) in Proft-Test. Syllabus of Proft-test will be mentioned in the call letters sent to the candidates for appearing in the Proft-test.

Wherever, a proft-test has been prescribed, only such candidates who obtain a certain minimum marks in the proft-test will be called for interview.

(ii) Certificates in support of educational qualifications must have been obtained from a recog. Univ./Instt./Board.

(iii) Closing date for the receipt of applications is 23.5.99 (5.00 PM).

iv) Age limit and Essential Qualifications as on 23.5.99.

Upper age-limit has already been indicated above categorywise. SC/ST candidates must submit prescribed certificate in the proforma given at Appendix III. Like-wise OBC candidates must submit prescribed certificate in the proforma given at Appendix-IB. No relaxation is admissible to sons and daughters of Exs.

Continued

*True copy
Suyasham
Adv.*

Handwritten signature/initials

No. SSCG-A-12024/1/99-NER/Recdt./
 Government of India
 Staff Selection Commission
 Deptt. of Personnel & Training
 Tukrini Nagar
 P.O. Assam Sachivalaya
 Guwahati-781006.

Date : 22.03.2000

To,

Shri / Smti Mohua Das.

Roll Number. 1/99-NER-5/8

Sub. :- Interview for the post of Jr. Chemist
 (Cat. NER-5 of /dvt. No. 1/99-NER)

Sir/Madam,

With reference to your application for recruitment to the above mentioned post, I am directed to request you to present yourself at the office of the :-

Regional Director (NE R),
 Staff Selection Commission,
 Tukrini Nagar,
 P.O. Assam Sachivalaya,
 Guwahati - 781006.

on 22.04.2000 at 8:30 AM. You are also requested to bring the following documents in original alongwith attested copies of the same (if not submitted earlier).

1. Matriculation/High School/Higher Secondary Certificate showing your date of birth.
2. All other academic degree/Diploma certificate showing your educational qualifications and also subjects studied at various levels.
3. Certificate in support of your claim regarding experience and certificates about extra curricular activities.
4. In case you belongs to SC/ST, a certificate from competent authority of your district in the prescribed proforma if not submitted earlier.
5. In case of disabled Defence / BSF personel, necessary disability certificate from the competent authority.
6. In case of Ex-servicemen discharge certificate to prove your claim as an Ex-s.
7. In case you are already in Govt. department and your application has not been forwarded through proper channel, NCC from your employer.
8. Please bring your own Pen, Pencil etc.

Contd ..2.

For copy
 Adv. Advocate

= 2 =

No travelling or other expenses will be borne by the Commission for attending this interview. However, the SC/ST candidates called for the interview will be given TA according to Govt. orders in force and they will be required to furnish the detail of journey such as Ticket No. etc.

Please bring this letter with you when you come for the interview. Any change in your address should immediately be informed to the Commission in writing, giving full details of your candidature viz. name, Roll No., name of the post etc.

In case you fail to attend the interview, it will be presumed that you are not interested for the post and your candidature will be rejected. No further correspondence will be entertained in this regard.

Please bring the enclosed three copies of Bio-Data forms duly filled in at the time of interview.

Please acknowledge the receipt of this letter.

Yours faithfully,



REGIONAL DIRECTOR (NER).

(M. Bergstein)

Regional Director

of Selection Commission (NER)

NEW DELHI

@AGRICULTURE



STAFF SELECTION COMMISSION

Selection Post Result

ANNEXURE-4

Recruitment to the following selection posts have been finalised by the Commission during the period from 1.4.2000 to 30.6.2000. The recommended candidates have been informed individually by post. Applications of other candidates were also duly considered but it had not been possible to call them for the interview/select them for these posts :

Sl. No.	Advt. No.	Cat. No.	Name of the post/user office	Name and Roll Number of recommended candidates
1.	ER-2/99	ER-6	Welfare Worker, Office of the Welfare and Cess Commissioner, Labour Welfare Organisation Bhubaneswar Region, Bhubaneswar.	1. Partha Sarthi Chopdar, (OBC), (3010148) 2. Ananta Charan Dandapat (OBC), (3010094)
2.	ER-2/99	ER-8	Assistant Compiler, Office of the Director of Census Operations, Ministry of Home Affairs, Sikkim.	*1. Laxmi Kant Mandal, (OBC), (3010028) 2. Alok Kumar, (UR) (3010184) 3. Namilla Venkata Subbaiah, (OBC), (3010843) 4. Anupam Dutta, (UR) (3010290)
3.	SR-1/98	SR-1	Technical Assistant Indian Grain Storage Management & Research Institute, Ministry of Food & Consumer Affairs, Hapur.	1. Padmaja Bhimi Reddy, (UR) (6710134,
4.	SR-1/98	SR-2	Law Assistant, Directorate General of Mines Safety, Ministry of Labour, Dhanbad.	1. Abichandani Rashmi Jagdaep, (UR) (6710737)
5.	1/99-NER	NER-4	Assistant Compiler, Office of Director of Census Operations, Meghalaya, Shillong.	1. Rajib Paul, (UR), (0185) 2. Arijit Chakrabarty, (UR), (0189) 3. Tyronal Kharbuli, (ST), (0104)
6.	1/99-NER	NER-5	Junior Chemist, Directorate of Marketing & Inspection, Department of Rural Development, Ministry of Rural Areas & Development Branch Head Office, Nagpur.	1. Mohua Das, (SC), (1/99-NER-5/8)
7.	1/99-NER	NER-7	Computers, Office of the Director of Census Operations Nagaland, Meghalaya Aizwal	1. Imkongnungsang, (ST), (1/99-NER-7/32) 2. Ranjon Changkakoty, (UR), (1/99-NER-7/77).

Sl. No.	Advt. No.	Cat. No.	Name of the post/user office	Name and Roll Number of recommended candidates
9.	KKR-1/99	2/BG	Junior Soil Surveyor, Office of the Soil Survey Officer, All India Soil & Land use Survey, Ministry of Agriculture & Co-operation Bangalore.	1. Amalan Datta (OBC), (6210004)
10.	KKR-1/2000	3/BG	Draftsman, Office of the Director of Census Operations, Karnataka, Ministry of Home Affairs, Bangalore.	1 Shivakant Shekhar, (UR) (6213073)
11.	KKR-1/2000	6/BG	Assistant Compilers, Directorate of Census Operations, Office of the Registrar General, Ministry of Home Affairs Trivandrum, Kerala	1. Biju S. (UR), (6210222) 2. Indu M.S. (UR), (6210061) 3. Sreeja S., (UR), (6210168) 4. Riaz S., (OBC), (6210721)
12.	1/99	NWR-2	Laboratory Assistant, Central Forensic Science Laboratory, SPR & D, Ministry of Home Affairs, Govt. of India, Chandigarh.	1. Atul Bajaj (UR), (1510014) 2. Prameshwar Ram Mehto (OBC), (1510532) 3. Suman Kumar, (UR), (1510024) 4. Parag Mishra, (UR) (1510020)
13.	1/99	NWR-3	Investigator Grade-II (Jr. Investigator), Labour Bureau, Ministry of Labour, Chandigarh	1. Jaion, (UR), (1510031) 2. Vandana Malhotra, (UR), (1510044) 3. Pankaj Gera, (UR), (1510034) 4. Vijaya Kumar Mishra (UR), (1510033) 5. Shellendra Singh, (UR) (1510018) 6. Santosh Kumar Goyal, (UR), (1510032) 7. Santosh Kumar Agarwal (UR), (150002)
14.	1/99	NWR-4	Calculating Machine Operator, Directorate of Marketing & Inspection, Branch Head Office, Nagpur	1. Ajit Kumar, (UR), (1510036)

*Trinivandya
Sujitha
Adm*

Annexure- 5

To
The Minister,
Ministry of Rural Areas and Development Branch,
Govt. of India, New Delhi

Sub:- Prayer for appointment of candidate selected against a post reserved for S.C. by the staff selection commission.

Sir,

I have the honour to inform you that I have been selected by the staff selection commission for the post of Junior Chemist after proper interview (Cat No.- NER-5 of Advt. No. 1/99- NER), Roll No. 1/99-NER-5/8) held on 22.4.2000 vide Employment News (24th- 30th) April'99 at Guwahati, Assam.

The selection post result - Sl. No.-6, Advt. No. 1/99 NER, Cat No. NER-5, Junior Chemist; Mohua Das (S.C) (1/99-NER-5/8) was published in the Employment News (9th - 15th) September,2000.

In this connection, I had a contact with the Head Office at Nagpur, and the reply was that the office had sent proposal for appointment to the Ministry Concerned.

Under the circumstance, may I, therefore request to kindly consider my application and thus help me to get the appointment and thereby oblige.

Yours Faithfully
Sd/-
(Miss Mohua Das)
College Nagar, Dhubri
Dist- Dhubri
Pin- 783324

Enclosure:
Xerox copy of
1. Advertisement
2. Call letter for interview
3. Post Selection result
Date- 25.7.2001
Place:- Dhubri (Assam)

*True copy
Sujitkosh
Advocate*

To
The Minister,
Ministry of Rural Areas and Development Branch,
Govt. of India, New Delhi

Sub:- Prayer for appointment of candidate selected against a post reserved for S.C. by the staff selection commission.

Sir,

I have the honour to inform you that I have been selected by the staff selection commission for the post of Junior Chemist after proper interview (Cat No.- NER-5 of Advt. No. 1/99- NER), Roll No. 1/99-NER-5/8) held on 22.4.2000 vide Employment News (24th- 30th) April'99 at Guwahati, Assam.

The selection post result – Sl. No.-6, Advt. No. 1/99 NER, Cat No. NER-5, Junior Chemist; Mohua Das (S.C) (1/99-NER-5/8) was published in the Employment News (9th – 15th) September,2000.

In this connection, I had a contact with the Head Office at Nagpur, and the reply was that the office had sent proposal for appointment to the Ministry Concerned.

Under the circumstance, may I, therefore request to kindly consider my application and thus help me to get the appointment and thereby oblige.

Yours Faithfully
Sd/-
(Miss Mohua Das)
College Nagar, Dhubri
Dist- Dhubri
Pin- 783324

Enclosure:
Xerox copy of
4. Advertisement
5. Call letter for interview
6. Post Selection result
Date- 15.8.2001
Place:- Dhubri (Assam)

COPY TO-
Director of Marketing and Inspection,
Agriculture Marketing and Inspection
NH IV, Faridabad- 121001

*True copy
Sijutosh
Adv.*

To
Dr.R.C.Panda,
Joint Secretary,(TM) & C.V.O.
9th Floor, Paryabaran Bhaban,
C.G.O.Complex,Lodi Road,New Delhi-110003.

From Miss Mohua Das, M.Sc.

Subject :- Grievance for not being appointed to a
post after selection by the Staff Selection
Commission . Dated,Dhubri the 4th June,03.

Sir,

I request you to kindly go through my following
grievance and take up the matter with the appropriate
authority for a favourable consideration and thereby
oblige.

Yours sincerely,
Mohua Das

Name and address of the
complainant :-

Miss. Mohua Das,
College Nagar,Dhubri.
P.O.Bidyapara,Dist.Dhubri,Assam.
PIN-783324,
PH.No. 231518 (03662)

I have not been appointed even after 2 1/2 Yrs after
my selection by the Regional Director (NER) Staff Selection
Commission,Guwahati,Assam for the post of Junior Chemist
(Cat NER 5,Adut No.1/99 NER vide Employment News 24-30
April,1999) after proper Interview held on 22.04.2000.

(The Selection post result was published in the Employment
News of 9-15 Sept,2000,SL.No.6 Cat No.NER/5
Mohua Das (Sc)1/99 NER-5/8 NER-5/8).

Designation and full address of the Govt.authority approval
earlier for redress:-

- 1) Union Minister, Ministry of Rural Development Govt.of
India,New Delhi.
- 2) Joint Agri Marketing Adviser,Directorate of Marketing
and Inspection, new Secretariat Building, Branch Head
Office,Nagpur,440-001.

- (Documents enclosed :-
- 1. Attested copy of Admit for the post.
 - 2. Attested copy of Interview Admit Card.
 - 3. Attested copy of Selection post result).

*Tone copy
Sujit Choudhary
Advocate*

-21-

ANNEXURE-8

28

No.F.24011/1/2003-Vig.
Government of India
Ministry of Rural Development

Registered

Krishi Bhavan, New Delhi

Dated the 16th July, 2003

To


The Agricultural Marketing Adviser
to the Government of India,
Directorate of Marketing & Inspection,
N.H. IV, Faridabad-121001

Sub - Public Grievances - Non-appointment to the post of
Junior Chemist -Petition of Ms. Mohua Das

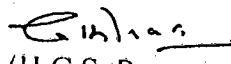
Sir,

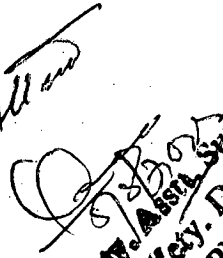
I am directed to send herewith a petition dated 4.6.2003, in
original, received from Ms. Mohua Das, College Nagar, Dhubri, for
further necessary action.

Yours faithfully,


(H.C.S. Rawat)
Desk Officer (Vig)

✓ Copy forwarded to Ms. Mohua Das, College Nagar, P.O.
Bidyapara, Dhubri-231318 (Assam) with reference to her petition dated
4.6.2003, addressed to Dr R.C. Panda, Jt. Secretary & CVO of this
Ministry. Directorate of Marketing & Inspection is now under the
administrative control of the Department of Agriculture & Cooperation.
She may like to contact that Department or the Agricultural Marketing
Adviser to the Government of India for redressal of her grievance.


(H.C.S. Rawat)
Desk Officer (Vig)
Tel.23386441


Very. Asst. Surgeon,
State Very. Dispensary
Dhubri (P) Bidyapara

True copy
Superior
Adm

To
The Agricultural Marketing Adviser,
to the Govt. of India,
Director of Marketing and Inspection,
N.H.IV, Faridabad-121001.

From :- Mohua Das, M.Sc., Collège Nagar, Dhubri,
P.O. Bidyapara, PIN -783324, Dist. Dhubri, Assam,
Ph.No. (03662)-231518.

Dated, Dhubri the 4th August/2003.

Sub :- Non Appointment to the Post of Junior Chemist.
(Reserved for SC).

Respected Sir,

I have to honour to inform you that I was selected by the Staff Selection Commission for the post of Junior Chemist (vide advt.No.NER 5 in the Employment News on 24-30 April, 1999) after proper interview held on 22.4.2000.

The Selection post result was published in the Employment News of 9-15 Sept., 2000, Sl.No. 6 Cot No.NER/5 Mohua Das (SC) 1/99 NER 5/3.

But, Sir, 3 years have passed, I have not yet received any appointment or any information about the post.

In the mean time, I sent one application to the Grievance Cell under the Ministry of Rural Development Complaining the Non-appointment to the above mentioned Post. I was advised by the Grievance Cell office to Contact your office for the redressal of the grievance.

So, this is my earnest request to you to kindly consider my application and help me to get the said appointment as early as possible and thereby oblige.

Yours sincerely,

Documents enclosed:-

1. Copy of Advt. of the Post (Employment News). → April - 24 - 30.
2. Copy of Interview Admit Card.
3. Copy of post selection result (Employment News) → Sept 9-15, 2000.
4. Copy of the letter from Grievance Cell Office.

True copy
Sujit Chak
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.471 of 2001

Date of decision: This the 5th day of April 2002

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

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

Shri Deepak Das
Resident of Village Chanduria,
P.O. Goalpara, District Goalpara,
Assam.

.....Applicant

By Advocates Mr M. Chanda, Mrs N.D. Goswami and
Mr G.N. Chakraborty.

- versus -

1. The Union of India, through the Secretary to the Government of India, Ministry of Agriculture, Department of Agriculture & Cooperation, New Delhi.
2. The Director, North Eastern Region Farm Machinery Training and Testing Institute, Ministry of Agriculture, Department of Agriculture and cooperation, Biswanath Chariali, Assam.
3. The Regional Director, Staff Selection Commission, North Eastern Region, Guwahati.

.....Respondents

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

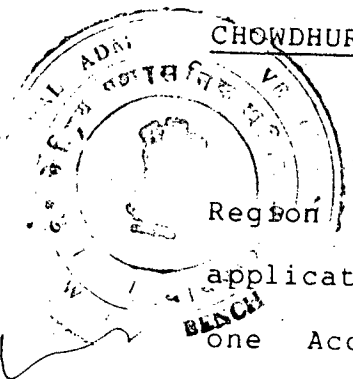
.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

The Staff Selection Commission, North Eastern Region, issued an advertisement No.1/99-NER inviting applications for a number of posts including the post of one Accountant, Farm Machinery Training and Testing Institute, Biswanath Chariali, Assam on 24-30 April 1999.

The applicant also offered his candidature for the said



*True copy of original
AM*

post. In due course he was called for the interview and finally he was selected for the post. The Staff Selection Commission (SSC for short) finalised the process of selection within a period from 1.7.2000 to 27.7.2000 and recommended the candidature of the applicant against the post of Accountant in the North Eastern Region Farm Machinery Training and Testing Institute, Biswanath Chariali and notified to that effect. By communication dated 17.7.2000 the Regional Director, SSC, North Eastern Region advised the applicant to report to the Regional Director or or before 24.7.2000 alongwith HSLC Certificate. The applicant accordingly reported in the Office of the respondent No.3, but he was not given any posting. The applicant enquired into the matter and came to know that the post against which he was selected was abolished due to long pendency of the selection process. The applicant also referred to a number of posts in the Department of Agriculture and Cooperation in the same pay scale which were lying vacant under the respondents where he could be absorbed. The applicant moved the authority to absorb him in any other suitable post. He even made known to the authority that he was willing to accept any other post including the post of UDC/LDC which are lying vacant. Failing to get any relief the applicant has moved this Tribunal by way of the present O.A.

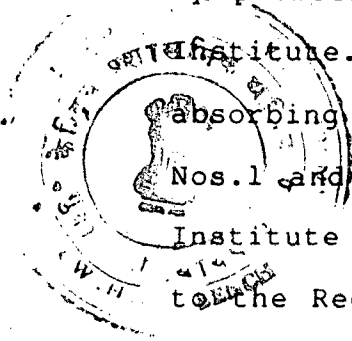
2. The SSC submitte its written statement and contended that the selection procedure for the post of Accountant was quite different from that of UDC. A candidate who was basically selected for the post of Accountant could not be nominated for the post of UDC unless the candidate qualified in the graduate level written examination conducted by the SSC from time to time.

It.....

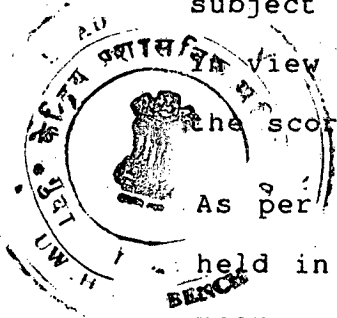
It was also averred that no vacancy report for recruitment of Accountant in the office of the Pay and Accounts Officer, Ministry of Surface Transport was received by the office. The SSC further stated that the applicant was selected only for the post of Accountant in the Department of Agriculture and Co-operation and therefore, he could not be nominated for the post of LDC unless he was qualified in the All India basis competitive Matric Level Examination conducted by the Commission. It was reiterated that the applicant was nominated for the post of Accountant in the Department of North Eastern Region Farm Machinery Training and Testing Institute, Ministry of Agriculture since he was qualified only for that post. The respondent Nos.1 and 2 did not submit any written statement. Mr A. Deb Roy, learned Sr. C.G.S.C., however, placed before us a draft copy of the written statement indicating the stand of the Department. In the said written statement the respondent Nos.1 and 2 stated that the Government of India created 23 regular temporary posts of Group A, B, C and D including one post of Accountant (Group C) in the pay scale of Rs.4500-7000. In order to fill up the post, the Under Secretary to the Government of India, Ministry of Public Grievances and Pensions, New Delhi was requested vide letter dated 5.11.1997 either to sponsor a suitable candidate for the post or to issue No Objection Certificate. The Ministry of PG and Pensions issued the No Objection Certificate vide their letter dated 27.1.1998. Accordingly, a requisition was placed before the Regional Director (NER), SSC, Guwahati vide letter dated 12.2.1998 with a request to select a suitable candidate for filling up the post in the Institute. Since

the.....

the SSC took a long time to select the candidate and as the post of Accountant remained vacant for a long period of time, in view of the Government instructions the post stood abolished. However, the SSC by letter dated 27.7.2000 sponsored the name of the applicant for the post, but the post could not be offered to him since it stood abolished as per the standing Government instructions and the papers received from the SSC, Guwahati were returned to the Commission vide letter dated 30.10.2000. It was stated that since the post of Accountant was duly abolished by the Government of India and no offer of appointment was issued to the applicant, the question of not allowing him to join the post did not arise. It was also stated that the Institute had withdrawn the requisition submitted to the SSC, Guwahati for recruitment to the post of UDC. The post of UDC was filled by promotion and there was no vacant post of UDC in the Institute. As regards the claim of the applicant for absorbing him against the post of LDC, the respondent Nos.1 and 2 indicated in the written statement that the Institute had, in fact, written a letter dated 10.8.2001 to the Regional Director (NER), Guwahati with a copy to the applicant, requesting that the dossier of the applicant be returned to the Institute to adjust the applicant to the post of LDC. The applicant by his representation requested the Institute to adjust him against the post of LDC. According to the respondent Nos.1 and 2 if the said adjustment is allowed by the SSC the Institute did not have any objection to adjust the applicant against the post of LDC.



3. We have heard Mr M. Chanda, learned counsel for the applicant and also Mr A. Deb Roy, learned Sr. C.G.S.C. at length. From the facts enumerated above it is apparently clear that the post was duly notified and the applicant was found qualified for the post advertised. The only reason for not appointing the applicant as was mentioned by the department was that the post was abolished in view of the Government Instructions. By communication dated 24.7.2001 the respondent Nos.1 and 2 indicated that in view of the abolition of the post of Accountant the applicant could not be appointed though by letter dated 24.4.2001 the department requested the competent authority to revive the post of Accountant and the respondents were awaiting the reply. The materials also indicate about the existence of the post of LDC in the department, in which post the respondents were willing to accommodate the applicant subject to clearance by the SSC. The post stood abolished in view of the Government of India O.M. dated 27.3.2000 on the score that the post was lying vacant for a long time.



As per the clarification by the Department if a post is held in abeyance or remains unfilled for a period of one year or more, it would be deemed to be abolished. The same clarification also indicated that if the post is required subsequently, the prescribed procedure for creation of new posts will have to be followed. The materials also indicate that necessity of the post of Accountant is not disputed. The existence of the post is justified on account of the workload in the department. In the circumstances, in our view there is valid reason for reviving the post of Accountant. The applicant already went through the process of selection and he was selected for the.....

-29-

35-...
802

the post. If there was delay in the selection process the applicant could not be blamed for that.

4. For the all the reasons stated above, we are of the opinion that the case of the applicant who was duly selected is to be considered for appointment to the post of Accountant and for that purpose all the concerned authority should take necessary steps to revive the post with the sanction of the competent authority. The competent authority should accordingly be moved by the respondents so that the applicant could be fitted with any of the post of Accountants. Till the aforesaid exercise is completed, the respondents may work upon and explore the possibility of accommodating the applicant in the post of LDC since the respondent Nos.1 and 2 were willing to adjust the applicant against the post of LDC subject to the clearance given by the SSC and since the applicant was already selected for a higher post and he fulfilled the qualifications, the SSC may consider his case for giving the appropriate indication for adjustment in the absence of any statutory impediment so that the applicant may be engaged in the post of LDC, which post is vacant and the respondents are in need of the same. The respondents are accordingly directed to resolve the situation so that the applicant may be appointed to the post of LDC till further clearance comes for the post of Accountant for which post he was already selected.

Subject to the above observation the application is allowed. No order as to costs.

TRUE COPY
प्रतिनिधि

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)

certified to be true Copy
प्रमाणित प्रतिनिधि

NS
23/11/02

nkm

Section Officer
आयुक्त अधिकारी
Central Administration
केन्द्रीय प्रशासनिक
Gandhinagar, New Delhi
नया दिल्ली, दिल्ली