

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 132/2004

R.A/C.P No.

E.P/M.A No. 54/2004

1. Orders Sheet. OA-132/2004 Pg. 1 to 2
MD-54/04 orders pg-1 to disposed
2. Judgment/Order dtd. 23/07/2004 Pg. NO separate order Dismissed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 132/04 Pg. 1 to 23
5. E.P/M.P. 54/2004 Pg. 1 to 4
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.)

FORM No. 4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Org.App./MiscPetn/Cont.Petn/Rev.Appl.....132/04.....

In O.A.....

Name of the Applicant(s) ... Shri. N. Nath. Deka

Name of the Respondent(s) ... H.O.D. J. W.

Advocate for the Applicant K.K. Phukan, B.K. Baruah, J. Likhale

Counsel for the Railway 16.6.2004 Heard Mr. K.K. Phukan; learned counsel for the applicant.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

Issue notice to show cause as to why the application shall not be admitted. Returnable by 16.6.2004.

Till the returnable date the impugned command structure dated 26th March, 2003 shall be kept in abeyance.

List on 16.6.2004 for admission.

Member (A)

mb

16.6.2004 Present: The Hon'ble Smt. Bharati Roy
Member (J).

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

Mr. K.K. Phukan, learned counsel for the applicant and Mr. A.K. Chaudhri, learned Addl. C.G.S.C. were present.

Respondents are directed to file counter reply within four weeks from today and applicant is also directed to file rejoinder, if any, within two weeks thereafter. List on 19.7.2004 before Division Bench.

Interim order to continue.

Member (A)

Member (J)

bb

Ly. Registrar

119289508

Dated 20.5.04

Steps taken with
envelope.

119289508

Received
for respondent no-2
2/6/04

23.7.2004 present: The Hon'ble Shri K.V.Sachidan-
andan, Member (J).

The Hon'ble Shri K.V.Prahladar
Member (A).

Notice & order
sent to D/Section
for issuing to
respondent no-
1 to 4, by regd. post
with A/D post.

9/6/04.

D/Memo No=996
to 999,
Dt. 10/6/04.

A/D card return
from resp. No-4.

4/7/04.

10.8.04

Copy of the order
has been sent to
the D/Sec. for issue
the same to the applicant
by post.

When the matter came up for ~~xxxx~~
~~xxxx~~ admission, Mr.A.K.Chaudhuri, lea-
rned Addl.C.G.S.C. objected to the ad-
mission of the O.A. since cause of
action does not lie with this Tribunal
under Rule 6 (a) of the C.A.T. Proce-
dure Rules, 1987. Mr.K.K.Phukan, lear-
ned counsel for the applicant, submitted
that in that event, he may kindly be
given permission to withdraw the O.A.
permission granted and the applicant
is at liberty to take up the matter in
appropriate forum.

O.A. is dismissed on withdrawal.
Interim order will automatically be
vacated.

K.V.Prahladar
Member (A)

bb

Member (J)

O.A. NO. 132/04

Gopi Nath Deka

... Applicant

-versus-

Union of India & Ors.

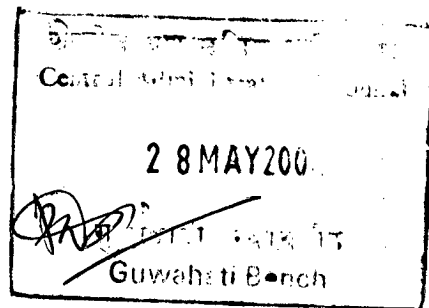
... Respondents.

LIST OF DATES

Paragraph	Date	Particulars	Annexure	Page
4(ii)		Applicant belongs to ST	II	4
4(iii)	1.11.73	joined as C.O. Tezpur	II, III	4-5
-do-	2.2.74	under SSB transferred as C.O.		4-5
-do-	1.9.76	transferred to Sadiya as C.O.		4-5
-do-	10.7.78	transferred to Dhemaji As C.O.		4-5
-do-	24.1.80	transferred to Barpeta as C.O.		4-5
-do-	29.10.82	promoted to SAO		4
-do-	10.4.86	transferred to Haflong		4
-do-	21.8.90	transferred to Simla		4
-do-	22.2.91	promoted to Joint A.O. and posted at Barpeta		4
-do-	12.12.91	promoted to A.O. and posted at Tezu		4
-do-	31.5.93	transferred to Itanagar as A.O.		4
-do-	17.2.97	transferred to Kokrajhar as A.O.		4
-do-	11.9.00	transferred to Kohima as A.O.		4
-do-	13.2.03	transferred to Purnia as A.O.		4
-do-		Promotion to Dlg from combatised and non-combatised cadre on 1:1 basis		5

Paragraph	Date	Particulars	Annexure	Page
4(iv)		6(six) post of DIG lying vacant, 3(three) post to be filled up from A.O. having 8 years experience.		5-6
4(v)		Applicant is the senior-most A.O. having 13 years experience as A.O.		6
4(vi)		Applicant's case for promotion was not considered. Stagnant since 12.12.91.		6
4(vii)		Filed representations and reply. Promotion of the applicant is under process		6-7
4(viii)		Illegally promoted one Sri B.B.Das, IPS, Commandant to DIG, violating Service Rule.		7
4(ix)		Filed representation as seniormost A.O. having more than 8 years service to promote to DIG	IV	7-8
4(x)		seniormost A.O., 13 years experience as A.O., belongs to ST and provisions in Service Rule are the grounds for consideration for promotion as DIG		8
4(xi)		Having requisite norms and availability of vacancies not promoting the applicant. Block the promotion of the applicant from further promotion in future.		8-9

Paragraph	Date	Particulars	Annexure	Page
4(xii)	18.10.02	Representations before the Director National Commission for SC and ST New Delhi		9
4(xiii)		Few post of DIG are lying vacant which to be filled up from AO but attempted to filled up from combatised ^{combatised} cadre violating Rule.		10
4(xiv)	26.3.03	Impugned revised command structure with impugned guideline was issued. Relevant paragraphs 2(iv) 2(v)	I I	10-12
4(xv)		Impugned command structure not yet approved and cannot be implemented and has no force of law. As such no impediment to promote as per existing Service Rule.		12
4(xvi)		Impugned revised structure made for the benefit of combatised personnel not for civilian cadres. stopped promotional avenues for A.O.		12-13
4(xvii)		Impugned revised structure liable to be set aside and quashed.		14
4(xviii)		Eligible and entitled to be promoted. Not Delaying the matter without any reasons		14
4(xix -4(xxii)		Submissions		15



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH : GUWAHATI

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

O.A. NO. 132 OF 2004

Sri Gopi Nath Deka

... Applicant

-Vs-

Union of India and others

... Respondents

I N D E X

Sl No.	Particulars	Page No.
1.	Application	: 1 - 20
2.	Verification	: 21
3.	Annexure - I	: 22 - 24
4.	Annexure - II	:
5.	Annexure - III	:
6.	Annexure - IV	:
7.	Annexure - V	:

Filed by

28.5.04

Advocate

Filed by — 8
Sri Gopi Nath Deka
Through — ~~Applicant~~
Batie Krishna Borth
Advocate.
28.5.04

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI

(An application under section 19 of the
Administrative Tribunal Act, 1981)

O.A NO. 132 OF 2004

Sri G.N. Deka,
S/o late Balram Deka,
R/o Village Seujpur Ward
No.8, P.O. Barpeta Road,
Dist. Barpeta, Assam.

... Appellant

-Versus-

1. Union of India, represented
by the Secretary to the
Government of India,
Department - Ministry of
Home Affairs, North Block,
New Delhi.
2. The Director General,
Special Service Bureau,
Block-5 (East), R.K. Puram,
New Delhi - 110066.
3. Inspector General,
F.T.R., H.Q. Patna,
Arpan New Balli Road,
Patna - 8011503.

4. Deputy Inspector General,
Sector H.Q.,
Special Service Bureau,
Purnia, Dist. Purnia,
Bihar.

... Respondents

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

(1). Non-consideration of the applicant's representation for promotion to the post of Deputy Inspector General (DIG) as per SSB (Senior Executive Service Rules, 1977) issued by the Government of India Notification dated 13.12.1989.

(2). Violation of the mandatory provisions of SSB (Senior Executive) Service Rules, 1977 and amended thereafter regarding promotion to the post of Deputy Inspector General (DIG).

(3). Illegal promotions to some other incumbents violating the required norms as per provisions of SSB Senior Executive Service Rules.

(4). Arbitrary, Discriminatory, unfair, unjust and illegal acts of the respondents with regard to non-promoting the applicant to the post of Deputy Inspector General (DIG) as per SSB Senior Executive, Service Rules.

(5). Illegal impugned letter dated 26th March 2003 regarding Command Structure and officering in SSB Nationalization of higher post issued under the hand and seal of Sri M.S. Kalania, Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi depriving the applicant to get promotion to the next higher post i.e. DIG.

2. JURISDICTION OF THE HON'BLE TRIBUNAL:-

The applicant declares that the subject matter of the orders are within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION

The applicant further declares the application is within the limitation prescribed under Sec. 218 of the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE :

- (i) That the applicant is a citizen of India having his permanent residence at village Seujpur Ward No.8, Dist. Barpeta, Assam. As such, he is entitled to all rights and protection guaranteed under Part-III of the Constitution of India and other legal Rights granted under different Act, Orders, Notification, Schemes etc. and the rules framed there-under.

- (ii) That the applicant belongs to the Scheduled Tribes of Bodo Kachari Community of Assam.

~~That the applicant belongs to the Scheduled Tribes of Bodo Kachari Community of Assam.~~

- (iii) That the applicant was appointed as Circle Officer (C.O.) under SSB and posted at Tezpur, Assam and accordingly he joined as C.O. at Tezpur on 1.11.73. Thereafter, he transferred to Margherita as C.O. and joined in Margherita 2.2.74 then on transfer he again joined as C.O. on 1.9.96 at Sadiya then on 10.7.78 at Dhemaji then on 24.1.80 at Barpeta. While working as C.O. at Barpeta the applicant was transferred to Haflong and joined on 10.4.86 and then to Simla and joined on 21.8.90. While working as S.A.O. at Simla he was promoted to Joint A.O. and posted at Barpeta and accordingly joined on 22.2.91. Thereafter, the applicant promoted to the post of A.O. (Area Organiser) and joined at Tezu^{on 12.12.91} and worked upto 30.5.93. Thereafter, he transferred to Itanagar where he worked upto 16.2.97, then to Kokrajhar where he worked upto 10.9.2003, then to Kohima where worked upto 7.2.03, then to Sector H.Q. Purnia (Bihar) where he joined on 13.2.03

and has been working till date. As such, the petitioner has been working as Area Organiser in Special Service Bureau since 12.12.91, ~~that~~ As per SSB (Senior Executive) Service Rules, 1977 and amended thereafter an incumbent having 8 years continuous service as Area Organiser become automatically eligible for promotion to the next higher post of Deputy Inspector General in Special Service Bureau and the vacant post of DIG in SSB has to be filled up on promotion from two (2) cadres i.e. from Combatised cadre and from Non-Combatised Cadre (Civilian Cadre) on 1:1 basis.

[Handwritten signature]

- (iv) That the applicant respectfully states that at present more than 6(six) post of DIG are still lying vacant in Special Service Bureau and out of those 6(six), 3(three) numbers of DIG post has to be filled up from the non-combatised cadres i.e. from Civilian by way of giving promotion to the incumbents who have gathered more than 8

years continuous service experience as Area Organiser in the Department.

- (v) That the applicant being senior most incumbent working as Area Organiser in the Civilian cadre having about 13 years experience as Area Organiser in the Department is eligible as well as entitled for promotion to the post of Deputy Inspector General as per SSB (Senior Executive) Service Rules, 1977, and amended thereafter.
- (vi) That the applicant respectfully states that having been found eligible and having numbers of vacancies of DIG lying vacant, the petitioner's case should have been considered by the respondent authorities for giving promotion to the post of DIG as has been done earlier to other similarly situated persons. But for the reasons best known to the respondents the applicant was not considered for giving promotion to the next higher post i.e. DIG. As a result the applicant has been stagnant in the same post as A.O. since 12.12.91 although there is a promotional avenues as per SSB (Senior Executive) Service Rules.
- (vii) That on being aggrieved at and dissatisfied with the actions of the

respondents the applicant filed number of representations before the authority concerned for redressal of his grievances but in reply respondent authorities stated that re-structuring of various post has been under process and the applicant's case for promotion to the rank of Deputy Inspector General will be considered in due course.

(viii) That the applicant respectfully states that the vacant post of DIG which are to be filled up through the Civilian cadre i.e. from Area Organiser have been filled up from other cadres for example one Sri B.B. Das, IPS, Commandant had been promoted as DIG and posted at Directorate General H.Q. SSB, New Delhi violating the mandatory provisions of SSB Senior Executive Service Rules 1977. As a result of which the applicant being Senior most Area Organiser who deserved to be promoted to the post of DIG has been deprived from promotion to the said post.

(ix) That thereafter also the applicant filed number of representations before the authority concerned with prayer to consider his promotion to the post of Deputy Inspector General in SSB without further

delay as the applicant is the seniormost Area Organiser in SSB and as his promotion was due since completion of 8 years continuous service as A.O. i.e. since 1999 but those representations still are not considered by the respondent authorities and no reply has been given till date.

THE APPLICANT
IS NOT ONLY SENIORMOST
BUT ALSO BELONGS TO SCHEDULED
TRIBE COMMUNITY IN SSB.

- (x) That the applicant respectfully states that ^{the applicant is} not only seniormost Area Organiser but also belongs to Scheduled Tribe Community in SSB in Civilian cadre with required norms for promotion to the post of Deputy Inspector General. As such on the above grounds as per Roster point maintained in Directorate General Head Quarter SSB the applicant is eligible for consideration for promotion to the next rank as Deputy Inspector General in Special Service Bureau but ^{as there is} ~~any reason~~ whatsoever the applicants case for promotion to the post DIG in SSB was not considered.

- (xi) That the applicant respectfully states that had he been promoted in time as per provisions of aforesaid Service Rule the applicant would have been promoted further

16

9

to the next higher post i.e. Inspector General, Director General etc. but by not giving promotion to the post of Deputy Inspector General in spite of obtaining required norms as per service rule and in spite of vacancies available, the applicant was not promoted to the post of Deputy Inspector General ~~in~~ SSB. As a result of which the petitioner has been deprived not only from the post of Deputy Inspector General but also from further promotion in future. As such the applicant has been suffering from irreparable loss, injury and hardship and has been deprived from higher status and prospectus and better standard of living.

- (xii) That the applicant also filed a representation dated 18.10.2002 before the Director National Commission for Scheduled Caste and Scheduled Tribes, New Delhi, a constitutional authority set up under Article 338 with a prayer to intervene in the matter and give justice and enable the applicant to get to the next promotion as Deputy Inspector General in SSB but the reply was negative and misled the Commission by giving some false information and explanations.

(xiii) That still few posts of Deputy Inspector General are lying vacant which are to be filled up only from civilian cadre i.e. from Area Organisers. But the respondent authorities are reluctant to fill up those vacant posts from the civilian cadre and for this purpose the respondent authorities adopted such tactics/policies to fill up those vacant posts of DIG with the incumbents from combatised cadre. For example one Sri B.B. Das IPS Commandant had been promoted as DIG violating the mandatory provisions of law laid down in SSB (Senior Executive) Service Rules 1977.

(xiv) That the applicant respectfully states that the respondent authorities issued the impugned revised command structure vide letter dated 26th March 2003 whereby post of DIG reduced from 21 existing post to 19 besides that a guideline was also issued which should be strictly followed while rationalizing the revised command structure. In the said guideline in paragraph 2(iv) & 2(v) are not in consistent with the provisions of Part-III of the Constitution of India and the same is in-contravention of the laws of the land presently being in force. According to the aforesaid guidelines all the civilian

- cadres in the force is declared as dying cadre. No recruitment will be made in the force against any civilian post(s) in any cadre. The civilian cadres will be phased out in due course of time as and when the present incumbents vacate such post and the vacancies in this cadres will be filled in by the combatised personnel at a initial recruiting levels. However, vide guideline
- No.2 (V) the existing practice of promotion from the Area Organisers to the rank of DIG will continue in the force, however, the ratio among the Area Organisers and Commandants to be promoted to the grade DIG will be 2:3 instead of 1:1. As such, the said revised command structure dated 26th March 2003 along with the guidelines issued by the Under Secretary to the Government of India, Ministry of Home Affairs is arbitrary, discriminatory, whimsical, against the mandatory provisions of law and violative of Fundamental and Legal Rights of the applicant and same is inconsistent and contravention of the provisions of Constitution of India and bad in law and as such is liable to be set aside and quashed.

A copy of the said impugned revised command structure and 26th March 2003 is

annexed herewith and marked
as Annexure-~~Q~~ T

(xv) That the applicant respectfully states that the impugned letter/notification dated 26th March 2003 is not yet approved from the competent authority. As such, no concurrence have been received from the Department of Personal and Training or any competent authority of the Government of India. As such, DPC cannot be formed without concurrence. So said impugned revised command structure dated 26th March, 2003 cannot be implemented without obtaining concurrence/approval from the competent authority. As such, the said impugned letter dated 26th March 2003 cannot be implemented without obtaining concurrence/approval from the competent authority. As such, the said impugned letter dated 26th march 2003 has no force of law and as such there is no impediment to promote the applicant to the post of DIG on the basis of earlier existing service Rules.

(xvi) That the impugned revised command structure has been made for the benefit of combatised personalⁿ only. The applicant has been working in the Department in the civilian

cadre for last 30 years and there is also promotional avenues upto the top ranking post such DIG, IG, DG etc. Accordingly personalⁿ working in the civilian cadre have been promoted to those top ranking post. As such, there is no impediment to promote the applicant to the next higher post within stipulated time as per existing service Rules. The impugned revised command structure dated 26th March, 2003 will be a great hindrance/impediment to promote the applicant to the post of next higher post in as much as the said impugned command structure is made to discourage the personal of civilian cadre and insisted to leave the job and also made to ousted the personalⁿ of civilian cadre from the Department and by changing the ratio of promotion from 1:1 to 2:3 cut-off/block the promotionalⁿ avenues to the personalⁿ of civilian cadre. Although the rank and status and qualification of the A.O. in civilian cadre are equal to the rank of commandant in combatised cadre. Therefore the actions and non-actions of the respondent authorities are fully guided by extraneous consideration and the same is guided by doctrine of malice in law as well as malice in fact.

- (xvii) The impugned revised command structure dated 26th March 2003 is discriminatory, arbitrary, unjust, unfair, illegal, violative of Fundamental and Legal Rights of the applicant and same is inconsistent and contravention of the Laws laid down in the Constitution of India. As such, the said impugned revised command structure dated 26th March, 2003 is liable to be set aside and quashed.
- (xviii) That as per existing service Rule the applicant is eligible and entitled to be promoted to the next higher post since completion of 8 years continuous service as Area Organiser in the Department but with a malafide intention not to promote the civilian cadre to any higher post the respondent authority have been playing some tactics and delaying the matter without any reason whatsoever and to stop giving promotion forever to any higher post i.e. DIG onwards the impugned revised command structure have been made and without obtaining any approval as per law stop giving promotion to the applicant on the strength of that impugned revised command structure. As such, the actions and non-actions of the respondents with regard to non-giving promotions to the applicant in

due time are all bad in law and liable to be set aside and quashed.

- (xix) That the applicant shall suffer, irreparable loss, injury and hardships and shall be deprived from his higher status and livelihood if the respondent authorities are not directed to give promotions to the applicant to the post of DIG and suspend/set aside/quashed/withdraw/cancel etc. the impugned revised command structure dated 26th March 2003 (Annexure-I).
- (xx) That the applicant demanded justice, which has been denied to him.
- (xxi) That there is no efficacious and alternative remedies available to the petitioner and the remedy sought for if granted would be just and proper.
- (xxii) That this application is made bonafide and for the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

- I. For that non-promoting the applicant to the post of DIG as per provisions of SSB (Senior Executive) Service Rules since after completion of 8 years service as A.O. is illegal, arbitrary, whimsical, unfair,

unjust and against the mandatory provisions of law and violative of fundamental and legal rights of the applicant.

- II. For that, non-consideration of the applicant's representation for promotion to the post of Deputy Inspector General (DIG) as per SSB (Senior Executive) Service Rules is illegal, arbitrary, unfair, unjust and against the mandatory provisions of law.
- III. For that, the impugned command structure dated 26th March 2003 (Annexure-~~V~~) is bad in law and liable to be set aside and quashed in as much as the same is inconsistent and contravention with the provisions of Part-III of the Constitution of India.
- IV. For that, the respondent authority shall not make any law which takes away^{or} all abridges rights conferred by Part-III of the Constitution of India the impugned revised command structure dated 26th March 2003 was made in-contravention of the fundamental rights of the applicant. As such, the^{same is} void:ab:initio.
- V. For that, without obtaining approval/ concurrence from the competent authority

no law/ notification/ circular/ order/ memorandum etc. shall have no force. As such, the same shall not be given effect to with regard to promotions of the applicant to the post of DIG.

- VI. For that, in any view of the matter the actions and the non-actions of the respondent authorities for non-promoting the applicant to the post of DIG are all bad in law and liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant has submitted representations praying for promotions to the post of DIG as per mandatory provisions of SSB (Senior Executive) Service Rules.

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

That the applicant declares that before this application the applicant has not filed any application, writ petition or suit etc. before any court of law for redressal of his grievances as prayed in this application.

8. RELIEF SOUGHT :

It is, therefore, prayed that Your Lordships would be pleased to admit this application, call for the entire records of the case, ask the Respondents to show cause as to why they should not be directed to give promotion to the applicant to the post of Deputy Inspector General as per SSB (Senior Executive) Service Rule and/or as to why the impugned revised command structure (Ann-I) shall not be revised/modified/cancel/ shall not be given effect to/ suspended/set aside and quashed and/or reliefs as to this Hon'ble Tribunal may deem fit and proper shall not be passed and upon hearing the parties perusal of records and show causes if any, make the rule absolute.

And for this act of kindness the applicant as in duty-bound shall ever pray.

9. INTERIM ORDER IF ANY PRAYED FOR :

It is, further prayed that pending this rule the impugned revised command structure dated 26th March, 03 (Annexure-V) shall not be given effect to/suspended/stayed for the ends of justice. And it is further prayed that pending this rule shall not operate as bar to consider the case of the petitioner for promotion to the post of DIG as per provisions of existing SSB (Senior Executive) Service Rules.

10. The application will be presented by the advocate of the applicant.

11. Particulars of the Postal order/Bank Draft in respect of the application fee.

I.P.O./D.D. No. DATED 20-5-04 ISSUED BY THE
116-389508

Guwahati P.O. payable at Guwahati is enclosed.

12. LIST OF ENCLOSURES :

1. Annexure-I : Caste certificate will be produced before Hon'ble Tribunal. *at the time of hearing*
2. Annexure-II : Appointment order will be produced before Hon'ble Tribunal, *at the time of hearing*
3. Annexure-III : Transfer order will be produced before Hon'ble Tribunal *at the time of hearing*
4. Annexure-IV : Copies of representation will be produced before the Hon'ble Tribunal *at the time of hearing*
5. Annexure-V : Impugned revised command structure dated 26th March, 2003.

VERIFICATION

I, Sri Gopi Nath Deka, aged about 54 years, Son of Late Balram Deka, resident of village Seujpur Ward No.8, P.O. Barpeta Road in the district of Barpeta (Assam) do hereby verify that the statements made in Paragraphs No. 4(i), 4(ii), 4(v), 4(vi), 4(vii), 4(viii), 4(ix), 4(x), 4(xi), 4(xii), 4(xiii) to 4(xv) are true to my personal knowledge and the statements made in paragraphs No. 4(xvi), 4(xvii), 4(xviii), 4(xix) are believed to be true on legal advice and that I have not suppressed any material fact.

And I sign this verification on this the 28th day of May, 2004 at Guwahati.

Place: Guwahati

Date:

Gopi Nath Deka

- 22 -

Annexure - I, 29
~~Annexure - V~~

No.7/SSB/A.2/2001(2)Pt.1070-
Ministry of Home Affairs 1120
Government of India
Director General : SSB
East Block V, R.K.Puram,
New Delhi - 110066.

Dated the 9th April, 2003.

Memorandum

A Copy of Min.of Home Affairs letter No.II/27012/80/02-PF.III, dated 26th March, 2003 is sent herewith for perusal.

2. It is requested that necessary action on sub para i) to viii) of para 2 & para 3 of the said letter may be taken as per the requirement of MHA UNDER INTIMATION to all concerned.

Encl:a.a:

(Kamal Ram)
Asstt. Director(EA-II)

To

1. The Inspectors General, FTR HQ Patna/Lucknow
2. PS to IsG (Trg&Ops), (Pers), (Prov), (G), C.E., Director(Medical) SSB Force Hqrs.
3. Dy. Inspectors General SHQs, Ranikhet, Rani-danga, Bahraich, Purnia, Gorakhpur, Muzaffar-pur.
4. DOs, Tezpur, J&K, Manipur.
5. DIsG (Trg), (Ops), (EB), (EA), (Admn), SSB Hqr.
6. Trg. Centres, FA Gwaldam, Dharampur, Sapri, Hailong, Faridabad, Shamshi, Kumarsain.
7. Comdt (RC), JDD(EA), AD(EA-II), AGCTTS Br.
8. SOs CSC, A I, A-2, A-4, E-I, E-II, E-III, B 1, B2m P1, P2, (Trg), (Ops).

No.II-27012/80/02-PF.III
Government of India
Ministry of Home Affairs

North Block, New Delhi
Dated the, 26th March, 2003

To

✓ The Director General,
Special Service Bureau,
Block V(East), R.K. Puram,
New Delhi 110066.

Subject :- Command structure and officering in SSB - rationalization of higher posts.

Sir,

Consequent upon the transfer of the administrative control of SSB to this Ministry and assigning it the mandate of guarding Indo Nepal Border, rationalisation of command structure of SSB has been considered in this Ministry and the undersigned is directed to convey approval of the competent authority to the rationalization of command structure and officering in SSB as under :-

Sl. No.	Designation/Post	Existing strength	Revised strength
1.	DG (formerly Principal Director)	1	1
2.	Addl. DG (formerly Director, SSB)	1	1
3.	IG (formerly Joint Director/ Divisional Organiser)	13, SSB Hqrs. - 3 10 Divisions - 10	8* 1. IG (Trg.&Ops) 2. IG (Pers, Hqr. & Welfare) 3. IG (Prov.) 4. IG(G) 5. IG, FHQ, Patna 6. IG, FHQ., Lucknow 7. Principal, FA Gwaldam 8. IG, Indo Bhutan Border* *subject to the force being assigned the duty of guarding the Indo Bhutan Border by the Govt.
4.	DIG	21 SSB Hqr. - 5 10 Divisions - 10 One addl. post for Kohima in M&N Division - 1 5 Trg. Centres - 5	19** Sector DIsG - 6 DIG (Indo Bhutan Border)- 2* DIsG, Training Centres - 7 SSB DG Hqrs. - 4 **subject to the force being assigned the duty of guarding the Indo Bhutan Border by the Govt.

Contd...2

31/ *Answer-1* *24*
2. The following guidelines may also be strictly followed while rationalizing the revised command structure :-

- i) As a result of rationalisation, some posts of IsG and DisG will become surplus in SSB. Such excess posts which are vacant at present should not be filled in and those which are occupied, should be surrendered as and when the present incumbent relinquishes office.
- ii) One post of IG and two posts of DIG approved for Indo Bhutan Border will be subject to the force being assigned the task of guarding the Indo Bhutan Border by the Govt.
- iii) The number of officers at the level of Commandant and below also will be rationalised keeping in view the command structure of the CPMFs and staff requirements. Any excess in these levels will be phased out as and when the incumbents vacate such posts.
- iv) All the civilian cadres in the Force is declared as dying cadre. No recruitment will be made in the Force against any civilian post(s) in any cadre. The civilian cadres will be phased out in due course of time as and when the present incumbents vacate such posts and the vacancies in these cadres will be filled in by the combatised personnel at the initial recruitment levels.
- v) The existing practice of promotion from the Area Organisers to the rank of DIG will continue in the Force; however, the ratio among the Area Organisers and Commandants to be promoted to the grade of DIG will be 2:3.
- vi) 40% of posts in the rank of DIG should be reserved for IPS and the remaining 60% for the cadre officers. This will amount to 8 posts of DIG for the IPS and 11 from the SSB cadre (both combatised and Area). A roster for SSB cadre should be maintained for maintaining 2:3 ratio between Area Organisers and Commandants at DIG level.
- vii) At the level of IG, 66.7% should be reserved for IPS and the remaining for the cadre officers i.e. 5 posts out of 8 should be reserved for the IPS and 3 for those who have been promoted to the rank of DIG from the two streams of the cadre i.e. combatised and the civilian.
- viii) SSB will conduct an exercise to work out the future recruitment plans in such a way, that, as and when the vacancies arise among the Civilian posts because of superannuation, resignation or otherwise the same must be filled in on the combatised side, in such a way and on such a rank so that in a stipulated time frame, the Force would get the requisite number of personnel of different ranks and grades to man the sanctioned posts for 25 Battalions of the Force.

3. SSB is requested to restructure the existing command structure on the basis of above guidelines and intimate compliance to this Ministry in a time bound manner.

4. This issues with the approval of Home Secretary.

Yours faithfully,

M.S. Kalania
(M.S. Kalania)

Under Secretary to the Govt. of India

Copy to:-

1. PPS to HS for information of HS.
2. PS to JS(P) for information of JS(P).
3. FA(Home)
4. Director (PF)/Director (Pers.)/Director (Finance), MHA
5. PAO, SSB, Block-IX(East), R.K. Puram, New Delhi.
6. PAC, MHA
7. AFA(H), MHA
8. PF.I/PF.II/PF.IV Desk.
9. Pers. II Desk/ "G" Desk.
10. Guard File (PF.III Desk)

(M.S. Kalania)

Under Secretary to the Govt. of India