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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 252/04

R.A/C.P No.

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SECTION OFFICER (Judl.)

14/11/17

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET.

Org. App/Misc/Petn/Cont/Petn/Rev. Appl. 252/2004

In O.A.

Name of the Applicant(s) S. Tuachinkham @ samte.

Name of the Respondent(s) Union of India & ors

Advocate for the Applicant T. Rajendra, A. Sachikumar
Mohendra H. Aft. R. Madhur.

Counsel for the Railway/C.G.S.C. Sr. C. or S. C.

OFFICE NOTE

DATE

ORDER OF THE TRIBUNAL

This application is in form
is filed Rs. 50/-
deposited BD
No. 1102385580
Dated 30/10/2004

2.11.04.

Present: Hon'ble Mr. R.K. Batta, Vice-Chairman.
Hon'ble Mr. K.V. Prahladan, Administrative Member.

Heard Mr. M. Singh learned counsel for the applicant and Mr. A. Deb Roy, Sr. C.G.S.C. for the Respondents.

Application is admitted. Issue notice on the respondents. Returnable by 8th December, 2004.

The learned counsel for the applicant is permitted to the ^{effect} ~~fax~~ service by speed post in addition of usual mode of service.

Member

Vice-Chairman

Present: Hon'ble Mr. Justice R.K. Batta, Vice-Chairman.
Hon'ble Mr. K.V. Prahladan, Administrative Member.

None for the applicant. The Telegram has been sent by the Chief Secretary, Tripura and Chief Secretary Manipur in order to defend the Respondents No. 3 & 6. The other respondents are not present. Stand over to 18th January, 2005.

Member

Vice-Chairman

Dy. Registrar

11/11/04.

Notice & order
dt. 2/11/04 sent
to D/section for
issuing the same
to the resp. No
1 to 8. Notices
issued to resp.

10.12.04.

No 2 to 8 by Speed
post with A/D at the
cost of the applicant
and resp. No 1 by regl.
A/D through official post.

1m

2/11/04

18.1.05.

The learned counsel for the applicant seeks adjournment. Some of the Respondents are still not served. Stand over to 23rd Feb, 2005.

[Signature]
Member

[Signature]
Vice-Chairman

D/Memo No = 1790
to 1796 dt. 3/11/04.

1m

Notice duly served 10.2.05.
on resp. No. 2, 3, 5, 6
and 7.

~~It is seen from the order sheet that the matter was adjourned vide order dated 18.1.05 to 23rd February, 2005. The cases of O.A. Nos. 252/04 and 253/04 is unlisted to-day. The learned counsel for the applicants~~

[Signature]
18/11/04

A N/T message received
from The Govt. of Tripura 10.2.05.
to defend the aforesaid
CA 252/2004 for R. Nos. 3 & 6.

It is seen from the order sheets that the matter was adjourned vide order dated 18.1.05 to 23rd February, 2005. The cases of O.A No. 252/04 and 253/04 is unlisted to-day. The learned counsel for the applicant states that there is no notice served for preponing the date of hearing. Accordingly, let appropriate steps/taken by the learned counsel for the Respondents for preponed hearing.

List on 15th February, 2005.

[Signature]
Member (A)

[Signature]
Member (J)

1m

18.1.05
1) S/R awaited from
R. m. 1, 4 & 8
2) no lrs filed
h.

4/02/05

S/R awaited for
R. No. 1 & 4.

15.2.2005

Present: The Hon'ble Mr. M. K. Gupta,
Member (J).

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

Heard Mr. H. N. K. Singh, learned Sr. counsel appearing for the applicant. Though the matter was ordered to be listed on 23.2.2005, the matter had been mentioned on 10.2.2005 to prepone the date, and as respondents were informed by way to telex notices on 11.2.2005 that the matter required urgent hearing, and would be taken for hearing today, the matter was taken up for consideration, particularly for grant of exparte directions to respondents to convene DPC and consider him. None appears for the respondents.

In the present O.A. direction is sought to the respondents to hold meeting of selection committee for preparation of Select List of suitable MPS officers for 3 substantive vacancies in Manipur Segment of IPS (M. T. Cadre) for the year 2001. It is the contention of the applicant that vide communication dated 31.10.2003 the Govt. of Manipur included his name in connection with the preparation of IPS Select List. Therefore, he was required to be considered by the DPC, which according to him, should have been held on yearly basis. Since yearly DPC had not been held, his right to be considered for promotion to IPS was denied illegally.

After hearing learned Sr. counsel for the applicant and on perusal of the pleadings as well as the rules position, particularly Regulation 5 of IPS (Promotion) Regulation, 1955, we are of the opinion that as the applicant was born on 1.3.1947, he had attained the age of 54 years as prescribed under the Rule as on 1.3.2001. The applicant, prima facie, would not be eligible for consideration under the aforesaid Regulation, particularly when it is not the

Contd.

15.2.2005

case of the applicant that the said vacancy arose in the year 2001 prior to the said date. The contention of the applicant that the inclusion of his name by the respondents i.e. Govt. of Manipur vide communication dated 31.10.2003 created a vested right in his favour, for consideration for promotion to IPS, in our considered view, is misplaced inasmuch as the mere seeking declaration from the applicant, under no circumstances, could make him eligible under the rules/regulations. Mere inclusion of the applicant's name by the State of Manipur would not be a binding on the UPSC, who in turn, is required to consider the candidates depending as to whether the eligibility conditions as prescribed under the aforesaid regulation were satisfied or not.

Since no reply has been filed, in our opinion, no interim order as prayed in the present application could be issued. Therefore, request/prayer for interim relief by way of direction to hold selection committee within the year 2004 or any such date this Tribunal may deem fit, in our considered view, cannot be granted at this stage.

Let the O.A. to be listed on 23.2.2005 as already ordered on 18.1.2005.

[Signature]
Member (A)

[Signature]
Member (J)

bb

23.2.2005

None present for the parties.

List the case on 3.3.2005.

[Signature]
Member (A)

bb

3.3.05.

The learned counsel for the applicant is absent. Ms.U.Das, learned counsel appearing on behalf of the respondents' counsel submits that the applicant's/are coming from Imphal. There is no representation. Post the matter on 21.3.05. Send notice to the counsel for the Respondents.

[Signature]
Member

[Signature]
Vice-Chairman

lm

Order dt. 15/2/05, sent to D/section for issuing to resp both the parties.

[Signature]
21/2/05.

22-2-05
No W/S has been
B/Tect

No W/S has been
filed.
21/3/05

Order dt. 3/3/05
issuing to both
the parties.

[Signature]
7/3/05.
Letter dt. 18/2/05
received from Govt.
of Manipur, at file "C"

[Signature]
9/3/05.

Notes of the Registry Date

Order of the Tribunal

21.3.05.

Present: Hon'ble Mr. Justice G. Sivaraman,
Vice-Chairman.

Hon'ble Mr. K. V. Prahladan, Admini-
strative Member.

Mr. M. V. Ahmed, learned Addl. C.S.C
seeks four weeks time to file written
statement. He also further submits that
the written statement of the State of
Manipur is necessary in this ^{case}. Case is
adjourned to 26.4.05 for filing of written
statement and further orders.

K.V. Prahladan
Member

G. Sivaraman
Vice-Chairman

lm

9.5.05.

The Respondents have filed their
written statement. The counsel for the
applicant is absent to-day. Mr. A. Deb Roy,
appearing on behalf of the Respondent
No. 4 states that the counsel for the appli-
cant are from Manipur. In the circumstan-
ces the case is adjourned to 31.5.05. The
office will inform the posting to the
counsel for the applicant forthwith.

K.V. Prahladan
Member

G. Sivaraman
Vice-Chairman

lm

31.5.2005

None appears on behalf of the
applicant. We have heard Mr A. Deb
Roy, learned counsel appearing on
behalf of the UPSC. Hearing concluded.
Judgment delivered in open court, kept
in separate Sheets. The application is
closed.

K.V. Prahladan
Member

G. Sivaraman
Vice-Chairman

nlm

file copy order
dated 21.3.05.

22/3/05

order dt. 21/3/05.
sent to D/Section
for issuing to
Court Advocate
of Manipur.

23/3/05.

25-4-05

no w/s for Seca.
Bikar.

DM

6.5.05

w/s submitted by
the Respondent No. 4.

DM

order dt. 9/5/05
sent to D/Section
for issuing to
applicant.

12/5/05.

D/No = 727

DT = 16/5/05.

16/5.
M. V. Ahmed
a/b

Notes of the Registry Date Orders of the Tribunal

-13.6.05

Copy of the Order
forwarded over to the
Advocate for the
Respondent and copy of
the same has been
sent to the Office
for review of the same
to the applicant by
post.

RS. 14/6

8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~Rxx~~ No. 252 of 2004 & O.A. No. 253 of 2004

DATE OF DECISION 31.05.2005

1) Shri S. Tualchinkham, MPS (O.A.No.252/2004)

2) Shri Lisham Chandrakishore Singh (O.A.No.253/2004)

.....APPLICANT(S)

Mr H.N.K. Singh, Mr A.M. Singh,

Mr A. Mahendra and Mr A. Howaiban.....ADVOCATE FOR THE
.....APPLICANT(S).

-VERSUS -

The Union of India and others

.....RESPONDENT(S)

Mr M.U. Ahmed, learned Addl. C.G.S.C.

and Mr A. Deb Roy, learned Addl. C.G.S.C.....ADVOCATE FOR THE
.....RESPONDENT(S).

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE-CHAIRMAN

THE HON'BLE MR. K. V. PRAHLADAN, 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 Vice-Chairman

} no

[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.252 of 2004

And

Original Application No.253 of 2004

Date of decision: This the 31st day of May 2005

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

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

O.A.No.252/2004

Shri S.Tualchinkham, MPS,
S/o Late S. Khankam,
Resident of Churachandpur,
P.O. & P.S.- Churachandpur,
District- Churachandpur, Manipur.

.....Applicant

By Advocates Mr H.N.K. Singh, Mr A.M. Singh,
Mr A. Mahendra and Mr A. Howaiban.

- versus -

1. The Union of India through the
Home Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.
2. The State of Manipur, through the
Principal Secretary/Secretary (DP),
Government of Manipur,
Imphal, Manipur.
3. The State of Tripura, through the
Chief Secretary,
Government of Tripura,
Agartala.
4. The Union Public Service Commission,
Through its Secretary,
Dholpur House, Shahjahan Road,
New Delhi.
5. The Chief Secretary,
Government of Manipur,
Manipur Secretariat, Imphal.
6. The Chief Secretary,
Government of Tripura,
Tripura Secretariat,
Agartala.
7. The Director General of Police,
Manipur,
Police Head Quarter,
Imphal.
8. The Director General of Police,
Tripura,
Police Head Quarter,
Agartala.

.....Respondents

By Advocates Mr M.U. Ahmed, Addl. C.G.S.C.
and Mr A. Deb Roy, Advocate for Respondent No.4.

O.A.No.253/2004

Shri Lisham Chandrakishore Singh,
S/o Late L. Talangou Singh,
Resident of Thoubal Haokha,
P.O. & P.S.- Thoubal,
District- Thoubal, Manipur.

.....Applicant

By Advocates Mr H.N.K. Singh, Mr A.M. Singh,
Mr A. Mahendra and Mr A. Howaiban.

- versus -

1. The Union of India, through the
Home Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.
2. The State of Manipur, through the
Principal Secretary/Secretary (DP),
Government of Manipur,
Imphal, Manipur.
3. The State of Tripura, through the
Chief Secretary,
Government of Tripura, Agartala.
4. The Union Public Service Commission,
Through its Seceretary, Dholpur House,
Shahjahan Road, New Delhi.
5. The Chief Secretary,
Government of Manipur,
Manipur Secretariat, Imphal.
6. The Chief Secretary,
Government of Tripura,
Tripura Secretariat, Agartala.
7. The Director General of Police, Manipur,
Police Head Quarter, Imphal.
8. The Director General of Police, Tripura,
Police Head Quarter, Agartala.

.....Respondents

By Advocates Mr M.U. Ahmed, Addl. C.G.S.C.
and Mr A. Deb Roy, Advocate for Respondent No.4.

.....

O R D E R (ORAL)

SIVARAJAN.-J. (V.C.)

Though these two applications were filed by two different applicants, common questions arise in both the cases. Mr H.N.K. Singh, learned Advocate, appears for the applicant in these two cases. Though these cases were posted on earlier occasions there was no representation on behalf of the applicants.. On 9.5.2005 also neither the counsel for

gpr

applicants nor the applicants were present. Pursuant to directions issued on that day the Office had sent notice of posting of these two cases on 31.5.2005 by Registered Post. The registered letters have not come back. Ofcourse, the Acknowledgement Due Cards have not been received. In the circumstances a presumption has to be drawn that the counsel for the applicant in both these cases has received the notice of posting of these cases to 31.5.2005.

2. Mr A. Deb Roy, learend counsel appearing on behalf of the UPSC submitted as follows:

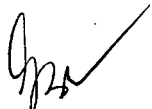
"i) Interim order dated 05.12.03 in M.A.No.556/03 in W.P.No.8982/03 passed by Imphal Bench filed by Sri S. Manaobi Singh to the effect that the Seniority list of SPS officers shall not be acted upon for preparation of Select List.

ii) In anther Interim order dated 03.12.03 passed in W.P.(C) No.1549/03 filed by Shri T. Samte H.C. directed not to finalise the eligibility list for preparation of the Select List for promotion.

iii) Sri L. Chandrakishore Singh filed Writ Appeal No.534/03 and 535/03 against Interim Order dated 5.12.03 in M.A.556/03 and the H.C. by its order dated 19.12.03 directed to prepare a list and to keep the same in a sealed cover to be acted upon only when the Hon'ble Single Bench finally disposed of the interim order dated 5.12.03.

SCM (Selection Committee Meeting) could not be cnvened in 2004 as deficiencies in the proposal could not be made good before 31.12.04.

iv) Sri L. Chandrakishore Singh filed another W.P.(C) No.1259/05 for interim direction to consider his case along with others for the year 2001 before 28.2.05. The



H.C. by its interim order dated 18.2.05 directed to consider their case for 2001 within 28.2.05.

In view of specific order interim direction dated 18.2.05 SCM was held on 28.2.05 and Minutes of the SCM has been kept in sealed cover in compliance with the order dated 19.12.03.


Further action will be taken after receipt of further orders from H.C."

3. From this we find that the Writ Petitions as well as Writ Appeals are pending before the Hon'ble Gauhati High Court and that interim directions issued by the Hon'ble High Court had been complied with by the respondents. It would appear that a final decision in all these matters has to be taken by the Hon'ble Gauhati High Court itself. Probably, for that reason neither the applicants nor the counsel in these two cases are interested in prosecuting the cases.

4. Taking into account of the circumstances we close these two applications with liberty to the applicants to pursue the matter in the pending Writ Petitions and Writ Appeals before the Hon'ble Gauhati High Court.

The two applications are accordingly closed.


(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(G. SIVARAJAN)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

GUWAHATI BENCH

Original Application No. 252 of 2004.

Shri S. Tualchinkham @ T. Samte, aged about 57 years, MPS, son of Late S. Khankam, permanent resident of Churachandpur, P.O. & P.S. Churachandpur, District – Churachandpur, Manipur.

- Versus - APPLICANT.

1. The Union of India through the Home Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi – 110001.
2. The State of Manipur through the Principal Secretary/Secretary (DP), Government of Manipur, Manipur Secretariat, Imphal, Manipur – 795001.
3. The State of Tripura through the Chief Secretary, Government of Tripura, Agartala.
4. The Union Public Service Commission through its Secretary, Dholpur House, Shahjahan Road – 11, New Delhi – 110011.
5. The Chief Secretary, Government of Manipur, Manipur Secretariat, Imphal – 795001.
6. The Chief Secretary, Government of Tripura, Tripura Secretariat, Agartala.

S. Tual Chinkham

Laishram Bonomali Singh
30.10.2009
Laishram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

7. The Director General of Police, Manipur,
Police Head Quarter, Imphal.

8. The Director General of Police, Tripura, Police
Head Quarter, Agartala.

RESPONDENTS.

Details of Application :-

1. **Particulars of the letter in connection of which the application is made :-**


Letter of the Under Secretary to the Government of India, Ministry of Home Affairs being No.1.14011/16/2004-IPS.1, New Delhi, the 31st March, 2004 to the Chief Secretary, Government of Manipur (at Annexure-A/6) and the letter of the Under Secretary (DP), Government of Manipur being No.3/1/2004-IPS/DP, Imphal, the 13th October, 2004 to the Inspector General of Police (Admn.), copies of which have been circulated to all the State police officers who are within the zone of consideration for preparation of Selection List (at Annexure-A/7).

S. Chandel Singh Khanna

2. **Jurisdiction of the Tribunal :-**

The Applicant declares that the subject matter which he wants redressal in the present application is within the jurisdiction of the Central Administrative Tribunal, Guwahati Bench.

3. **Limitation :-**


Laishram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

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

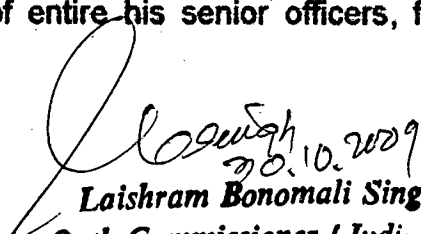
4. Facts of the case :-

- (i) That the applicant was appointed as direct recruit to the Manipur Police Service (Junior Grade) i.e. MPS (Jr. Grade) on 23/03/1975 on the recommendation of the Manipur Public Service Commission and was promoted to MPS Grade-I on 09/02/1983 and then to Selection Grade on 15/03/1988 w.e.f. 21/02/1988. The Applicant had been posted in different places in different capacities either as Superintendent of Police of the District or Commandant of the Manipur Rifles. The Applicant is the 2nd seniormost officer in the Manipur Police Service according to the present final seniority list of MPS officers as on 01/11/2000 prepared under the order of the Governor of Manipur being No.22/2/89-MPS/DP(Pt), Imphal, the 26th September, 2003.

S. Shree Krishna Sharma

A true copy of the said orders of the Governor of Manipur dated 26/09/2003 fixing the final seniority list of the MPS officers is enclosed herewith and marked as Annexure-A/1.

- (ii) That, the Applicant has been discharging his duties sincerely, honestly, diligently and faithfully with full dedication to his service to the satisfaction of entire his senior officers, fellow


 28.10.2009
Laishram Bonomali Singh
 Oath Commissioner (Judicial)
 Manipur


colleagues and subordinates in the Department since he joined the service as MPS officer on 27/03/1975.

- (iii) That, the Applicant became eligible for appointment by promotion to the Indian Police Service on 26/03/1983 on which he had completed 8 (eight) years' continuous service as direct recruit MPS officer and juniormost post of the MPS is Deputy Superintendent of Police/Assistant Commandant of the Manipur Rifles. It may be pertinent to mention that almost all the batch-mates of the Applicant who are the direct recruit MPS officers of 1975, had already been appointed by promotion to the I.P.S. and one of them is now holding the rank of the Inspector General of Police. In pursuance of the Sub Rule (1) of Rule 9 of the Indian Police Service (Recruitment) Rules, 1954, the Central Government, in consultation with the State Government and Union Public Service Commission makes the service regulation namely, "Indian Police Service (Appointment by promotion) Regulation, 1955 which shall hereinafter be called as IPS (Promotion) Regulation, 1955. Regulation 5 of the said IPS (Promotion) Regulation, 1955 clearly speaks about the manner for preparation of list of suitable members of the State Police Service for appointment by promotion to the IPS. For easy reference the Regulation 5 (as amended upto date) is quoted hereunder.

S. Chakrabarti

"5. Preparation of list of suitable officers - (1)

Each Committee shall ordinarily meet every year and prepare a list of such members of the State Police Service, as held by


 Laishram Bonomali Singh
 Oath Commissioner (Jud I)
 M in pur

them to the suitable for promotion to the Service. The number of members of the State Police Service to be included in the list shall be determined by the Central Government in consultation with the State Government concerned, and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held. In the posts available for them under Rule 9 of the recruitment rules. The date and venue of the meeting of the Committee to make the Selection shall be determined by the Commission :

Provided that no meeting of the Committee shall be held, and no list for the year in question shall be prepared when –

(a) there are no substantive vacancies as on the first day

of January of the year in the posts available for the members of the State Police Service under Rule 9 of the recruitment rules ; or

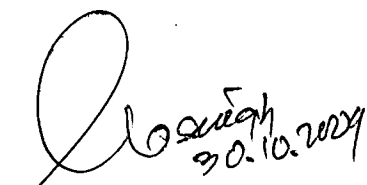
(b) the Central Government in consultation with the State

Government decides that no recruitment shall be made during the year to the substantive vacancies as on the first day of January of the year in the posts available for the members of the State Police Service under Rule 9 of the recruitment rules ; or

(c) the Commission, on its own or on a proposal made

by either the Central Government or the State Government, after considering the facts and circumstances of each case, decides that it is not practicable to hold a meeting of the Committee to make the selection to prepare a Select List.

S. Shilshram



Laishram Bonomali Singh
 Oath Commissioner (Jud 1)
 M. J. 11. 11. 2024

Lalshram Bonomali Singh
30.10.2009
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Muzaffarpur

S. Schindler

(a) had expressed his unwillingness for appointment to the Service under Regulation 9 :

(b) was not appointed to the Service by the Central Government Regulation 9(a).


7.10.2004
Laishram Bonomali Singh
Oath Commissioner (Judicial)
Muzam

(4) The Selection Committee shall classify the eligible officers as 'outstanding' 'very good' 'Good' or 'Unfit' as the case may be, on an overall relative assessment of their service records.

(5) The list shall be prepared by including the required number of names, first from among the officers finally classified as 'outstanding' then from among those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names inter se within each category shall be in the order of their seniority in the State Police Service :

Provided that the name of any officer so included in the list shall be treated as provisional if the State Government, withholds the integrity certificate in respect of such officer of any proceedings are contemplated or pending against him or anything adverse against him has come to the notice of the State Government.

(6) The list so prepared shall be reviewed and revised every year."

- (iv) That it may also be pertinent to mention that the meaning of "year" is defined in Regulation 2(I) of the IPS (Promotion) Regulation, 1955 and it means the "period commencing on the first day of January and ending on the 31st day of December of the same year." According to Sub-Regulation (1) of Regulation 5 of IPS (Promotion) Regulation, 1955, the Committee i.e. Selection Committee constituted under Regulation 3 of the said IPS (Promotion) Regulation, 1955 shall ordinarily meet every year and prepare a list of such members of the State Police Service suitable for promotion to the IPS for the number of

S. Shival Kumar

Lalshram Bonomali Singh
 20.10.2009
Lalshram Bonomali Singh
 Oath Commissioner (Jud 1)
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substantive vacancies as on the first day of January in which the meeting is held. For the purpose of determining the age of the member of the State Police Service who is within the zone of consideration for preparation of list of suitable officer for the substantive vacancies of the year in which the Committee meets, Sub-Regulation (3) of the Regulation 5 speaks very clearly that the date for determining the years of the said members of the State Police Service would be the first day of January of the year in which the Committee meets and Sub-Regulation (3) of Regulation 5 also speaks further very clearly that the Committee shall not consider the cases of the members of State Police Service who have attained the age of 54 years as on the first day of January of the year in which the Committee meets.

Regulation 5 also speaks about the holding of composite meetings of the Committee for years together in case the meeting of the Committee could not be held for every year and in such case the Committee has to prepare separate Select List of the suitable members of the State Police Service for each year as if the Committee held its meeting for every year. In this regard, the Ministry of Home Affairs, Department of Personnel & A.R., Government of India issued Office Memorandum No.22011/3/76/Estd(D) dated, the 24th December, 1980 prescribing the procedures and methods to be followed by the Selection Committee in preparation of year-wise panel by the Committee where they have not met for a number of years. The said Office Memorandum dated 24/12/1980 issued by the

S. Anandaraman

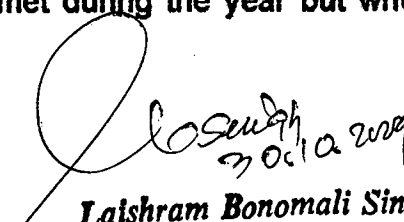
20.10.2009

Laishram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

Ministry of Home Affairs, Government of India is followed by the DPC in preparation of year-wise panels for appointment to different posts of the Union of India and different services of the Central Government. The Government of Manipur also followed the said Office Memorandum No.22011/3/76/Estd(D) dated 24th December, 1980 by issuing a notification being No.17/2/80-DP, Imphal, the 16th May, 1981 under the orders of the Governor of Manipur in exercise of his powers conferred upon him by Article 309 of the Constitution of India and in pursuance of the said notification No.1/39/71-S dated 21/01/1972.

A true copy of the said Notification dated 16/05/1981 is enclosed herewith and marked as Annexure-A/2.

- (v) That according to 2nd Proviso to Sub-Regulation (3) of Regulation 5 the Committee shall be deemed to have held its meeting every year but could not consider the member of State Police Service as no meeting of the Committee was held during such preceding year or years and in such case a member of the State Police Service who has attained the age of 54 years on the first day of January of the year in which the Committee meets shall be considered by the Committee if he was eligible for consideration on the first day of January of the year or of any of the years immediately preceding the year in which such meeting is held. In other words, candidates who would have been within the zone of consideration if the Selection Committee had met during the year but who lost the chance

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because the Selection Committee did not meet are given a chance to be considered at the first available opportunity even though they may have in the mean while attained the age of 54 years. The Committee held its meeting on 20/12/2000 and since then the Committee could not hold its meeting till date. On the recommendation of the last meeting of the Committee held on 20/12/2000 2(two) members of State Police Service namely, Shri M. Sushilkumar Singh and Shri M. Shantikumar Singh were appointed by promotion to the IPS (M.T. Cadre) vide Notification No.14011/14/99-IPS, New Delhi, the 25th February, 2000 of the Government of India, Ministry of Home Affairs.

A true copy of the said Notification dated 25/02/2000 is enclosed herewith and marked as Annexure-A/3.

- S. Sushilkumar Singh*
- (vi) That it may here be mentioned that the effective promotion quota of Manipur segment of joint IPS, Manipur – Tripura Cadre as on 01/01/2004 is 20 (twenty) against which 13 (thirteen) promotee IPS officers are reported by the State Government of Manipur to be in position. Out of 7 (seven) substantive vacancies thus available as on 01/01/2004, 3 (three) are for the year 2001, 2 (two) are for the year 2003 and 2 (two) are for the year 2004. As the Committee could not convene its meeting for the years 2001, 2002 and 2003, the Committee has to prepare year-wise Select List of 2001, 2003 and 2004. The Applicant whose name appears at Serial No.2 of the final

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seniority list of MPS officers (at Annexure-A/1) has not attained the age of 54 years on the first day of January of the year 2001 for which there are 3 (three) substantive vacancies in IPS (M.T.Cadre) for Manipur segment for which the Committee has not held its meeting till date inasmuch as the date of birth of the Applicant is 01/03/1947. Therefore, the Under Secretary (DP), Government of Manipur under his letter being No.3/1/2003-IPS/DP, Imphal, the 31st October, 2003 requested the Inspector General of Police (Admn), Manipur to obtain signatures and make available consent from the Applicant and others on or before 10th November, 2003 in connection with preparation of Select List of IPS for the years 2001, 2002 and 2003. In compliance with the said letter of the Under Secretary (DP), Government of Manipur dated 31/10/2003 the Applicant also submitted his consent for appointment to IPS. But for reasons best known to the Union Public Service Commission and Government of India the meeting of the Committee had been postponed from time to time under different letters of the U.P.S.C. to the Chief Secretary, Government of Manipur, one of which is the letter of the Under Secretary (AIS), Union Public Service Commission being No.F.No.7/12/2003-AIS dated 18/11/2003 and ultimately the Committee did not hold its meeting for preparation of year-wise Select List of 2001 to 2003 for promotion of State Police Service officer i.e. MPS officer to IPS Cadre of Manipur – Tripura joint cadre (Manipur Segment).

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True copies of the said letter of the Under Secretary (DP), Govt. of Manipur dated 31/10/2003 and the said letter of the U.P.S.C. dated 18/11/2003 are enclosed herewith and marked as Annexures-A/4 and A/5 respectively.

- (vii) That, the Government of India under the letter of the Under Secretary, Government of India, Ministry of Home Affairs being No.1.14011/16/2004-IPS.1, New Delhi, 31st March, 2004 intimated the Chief Secretary, Government of Manipur that it had been decided that during the year 2004, recruitment by promotion to Manipur Segment of joint IPS Manipur – Tripura Cadre from amongst the members of State Police Service may be made for preparing year-wise Select List of 2001, 2003 and 2004 upto 3, 2 and 2 posts in all. After receiving the said letter of the Government of India dated 31/03/2004, the Government of Manipur under the letter of the Under Secretary (DP) being No.3/1/2004-IPS/DP, Imphal, the 13th October, 2004 requested the Director General of Police (Admn) to obtain signatures and make available declaration form/consent from the Applicant and 18 (eighteen) other MPS officers.

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True copies of the said letter of Government of India dated 31/03/2004 and the said letter of the Government of Manipur dated 13/10/2004 are enclosed

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herewith and marked as Annexures-A/6
and A/7 respectively.

- (viii) That, the Applicant who is eligible for appointment to the said 3 (three) substantive vacancies in IPS (M.T. Cadre) of Manipur Segment for the year 2001 is within the zone of consideration for preparation of Select List according to Sub-Regulation(2) of Regulation 5 of IPS (Promotion) Regulation, 1955 inasmuch as the Committee shall consider for inclusion in the Select List, cases of the members of the State Police Service in order of seniority in the service of a number which is equivalent to 3 (three) times the numbers of vacancies for the year for which the Committee meets. It may not be out of place to mention that the Applicant has not attained the age of 54 years on the first day of January, 2001 in which there are 3 substantive vacancies in IPS (M.T. Cadre) for Manipur Segment and his position in the final seniority list of the MPS officers is in serial No.2. Because of such continuous non-holding of meeting of the Selection Committee due to postponement of its meetings in the manner above-said, right of the Applicant to be considered for promotion to IPS is going to be denied inasmuch as the Applicant is attaining the age of superannuation for the State Police Service on 28/02/2005. As such, the Applicant files this present application.

S. Anil Kumar

5. Grounds for relief with legal provisions :-

- (a) As stated above, according to Regulation 5 of the IPS (Promotion) Regulation, 1955, the Applicant is eligible for

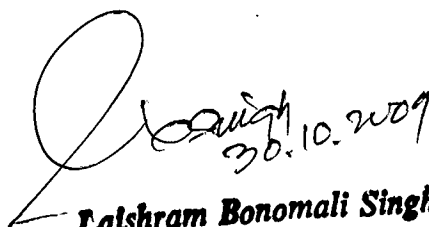
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appointment by promotion to one of the 3 (three) substantive vacancies in IPS (M.T. Cadre) for Manipur Segment for the year 2001 inasmuch as the Applicant has not attained the age of 54 years on the 1st day of January of the year 2001 and the Committee has not yet held its meeting for preparation of the list of suitable MPS officers for appointment to the said 3 substantive vacancies for the year 2001.

(b) According to Sub-Regulation (2) and 3rd Proviso to Sub-Regulation (2) of Regulation 5 of the IPS (Promotion) Regulation 1955, the Committee shall consider the case of the Applicant for appointment by promotion to one of the said 3 substantive vacancies of IPS (M.T. Cadre) for Manipur Segment inasmuch as the Applicant had completed 29 years of continuous service in the MPS, the junior-most post of which is Deputy Superintendent of Police/Asstt. Commandant of Manipur Rifles and also the position of the Applicant in the final Seniority List is at Sl.No.2.

(c) According to the said Regulation 5 of IPS (Promotion) Regulation 1955 and also the said Office Memorandum of the Government of India (at Annexure-A/2) admittedly the Selection Committee has to prepare year-wise Select List of 2001, 2003 and 2004 in the ensuing meeting of the Selection Committee. As such, the ensuing Selection Committee has to consider the case of the Applicant for

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promotion to the said 3 substantive vacancies of 2001 in
IPS (M.T. Cadre) for Manipur Segment

(d) According to Regulation 5 of the IPS (Promotion)

Regulation, 1955 date for determining the age of a member

of State Police Service is the first day of January of the year

in which the Committee meets and the number of

vacancies of a year means vacancies during the period

commencing on the first day of January and ending on the

31st December of the same year inasmuch as the meaning

of the year is defined in Sub-Regulation (1)(i) of the

Regulation 2 of the said IPS (Promotion) Regulation, 1955.

Therefore, the Committee meets for a year shall consider

the vacancies for the year in which the Committee meets

as according to Sub-Regulation (1) of Regulation 5 the

Committee shall ordinarily meet every year. According to

the principle of "Casus Omissus" in interpreting a statute

which is an edict of the Legislature, the language employed

in the Regulation 5 of the said IPS (Promotion) Regulation,

1955 and the said IPS (Promotion) Regulation, 1955 as a

whole are the determinative factors. "Casus Omissus"

should not be readily inferred and for that purpose all the

parts of a statute or section must be construed together

and every clause of a section should be construed with

reference to the context and other clauses thereof so that

the construction to be put on a particular provision makes a

consistent enactment of the whole statute.

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- (e) The Hon'ble Supreme Court of India in the case of Delhi Jal Board -Vs.- Mahinder Singh reported in (2000)7 S.C.C. 210 held that right to be considered by DPC is a fundamental right under Article 16 of the Constitution of India subject to the condition that the claimant is eligible and is within the zone of consideration. For promotion against the said 3(three) substantive vacancies of Manipur Segment of IPS (M.T. Cadre), Applicant is eligible and also within the zone of consideration as his seniority position in the final seniority list is at Sl.No.2.
- (f) The Hon'ble Supreme Court of India in the case of State of Punjab and others -Vs.- Chamanlal Goyal reported in (1995)2 SCC 570 directed the concerned authorities to consider the case of the claimant forthwith for promotion as there was delay in holding the DPC. In the present case, there has been inordinate delay in meeting of the Committee for preparation of Select List for the year 2001 and as such, the fundamental right of the Applicant under Article 16 of the Constitution of India has been denied inasmuch as the Applicant is retiring on superannuation of his State Service on 28/02/2005.
- (g) The Hon'ble Supreme Court of India in the case of S.M.D. Kiran Pasha -Vs.- Govt. of Andra Pradesh and others reported in (1990)1 S.C.C. 328 held that for enforcement of his right one can resort to Article 226 of the Constitution of India for issuance of appropriate writ, order or directions and enforcement to compel obedience to law or to compel

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of consideration and that there should be fairness in the matter of consideration for promotion. Accordingly, the Supreme Court directed the concerned authority to hold DPC as there was continuous unfair treatment meted out to the Appellant by the State of Tamil Nadu.

- (i) The Hon'ble Supreme Court of India in the case of Sharif Ahamad and others -Vs.- Regional Transport Authority Meerut and others reported in (1978)1 SCC 1 issued the writ of mandamus to the authority to perform the ministerial acts and as such, the Respondents of the present application can be directed to perform/obligation/compulsion under the IPS (Promotion) Regulation, 1955 to prepare Select List of the suitable MPS officers for promotion to IPS (M.T. Cadre) against the 3 (three) substantive vacancies of the year 2001 not to infringe the fundamental right of the Applicant guaranteed under Article 16 of the Constitution of India.
- (j) There are other sufficient grounds which will be agitated as and when necessary for allowing the present application at the time of consideration of the same.

S. Shalish Khan

6. Details of the remedies exhausted :

The applicant declares that there is no remedy available to him or provided under the relevant Service Rules, except by way of the present application.

7. Matter not previously filed or pending with any other Court :

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The Applicant further declares that he had not previously filed any application, writ-petition or 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 :**

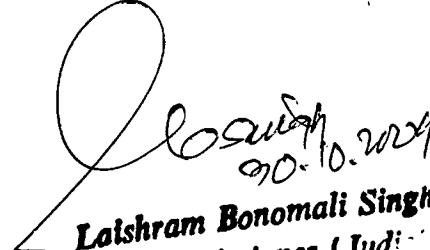
In view of the facts mentioned in para No.4 and the grounds mentioned in para Nos.5 and 6 above the Applicant prays for the following reliefs :-

- (a) a direction to the Respondents to hold meeting of the Committee for preparation of Select List of suitable MPS officers for 3 substantive vacancies in Manipur Segment of IPS (M.T. Cadre) for the year 2001 and appoint the Applicant in the case of his inclusion in the right place of Select List before the Applicant attains the age of superannuation in the State Service on 28/02/2005.
- (b) Any such relief as considered just, expedient and equitable be also granted.

9. **Interim order, if any, prayed for :**

Pending final decision of the application, the Applicant seeks the following interim reliefs :

Interim direction to the Respondents to hold meeting of the Selection Committee for the said 3 substantive vacancies for promotion to IPS (M.T. Cadre) Manipur Segment for the year 2001 and to complete preparation of Select List not later than the month of December, 2004 or as early as possible or

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within the year of 2004 or any other date which the Hon'ble Tribunal deems fit and proper in the interest of justice and public policy.

Signature of the Applicant.

Dated/Imphal,

S. Tualehinkham

The 30th October, 2004.

By :-

Ajit. H

Advocate.

10. The application is being submitted by hand through the Applicant's duly appointed counsel.

11. Particulars of Postal Orders filed in respect of the application fee :-

12. List of enclosures :

- (1) Application in triplicate.
- (2) Affidavit
- (3) Postal Order No. 11G 385580 dated 30/10/2004.
in favour of the payee, the Registrar, CAT, Guwahati Branch, Guwahati.
- (4) 8 extra copies of the application for 8 Respondents.
- (5) Index in Form-1.
- (6) Receipt Slip.
- (7) Vakalatnama.

S. Tualehinkham

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VERIFICATION

I, S. Tualchinkham @ T. Samte, aged about 57 years, MPS, son of Late S. Khankam, permanent resident of Churachandpur, P.O. & P.S. Churachandpur, District – Churachandpur, Manipur, do hereby verify that the contents of paragraph Nos.1,4 & 9 are true to personal knowledge and contents of Para Nos.2 and 3 are believe to be true on the legal advice and the contents of the para Nos.5,6,7 and 8 are true and correct excepting those legal points and those legal points are based on the information of my counsel which I also verily believe to be true.

Dated/Imphal,

Signature of the Applicant.

The 30th October, 2004.

S. Tualchinkham

By :-

Adv. H.
Advocate.

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.

S. Tualchinkham

Lalshram Bonomali Singh
30.10.2004
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Manipur

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

ORIGINAL APPLICATION NO. _____ OF 2004.

S. Tualchinkham @ T. Samte,

Applicant.

- Versus -

1. The Union of India and others.

Respondents.

AFFIDAVIT

I, S. Tualchinkham @ T. Samte, aged about 57 years, MPS, son of Late S. Khankam, permanent resident of Churachandpur, P.O. & P.S. Churachandpur, District – Churachandpur, Manipur, do hereby solemnly affirm and state as follows :-

1. That, I am the Applicant in the accompanying application. I have gone through the contents of the present application and as such I am well conversant with the facts and circumstances of the case. I am presenting this affidavit in support of the statements made in the said application. These are true to my knowledge.

2. That, the statements made in the foregoing paragraph Nos.1, 4 and 9 are within my personal knowledge ; and contents of Para Nos.2 and 3 are believed to be true on the legal advice and the contents of the Para Nos.5, 6, 7 and 8 are based on the information received by me from my counsel which I believe the same to be true.

Lalshram Bonomali Singh
20.11.2004
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur



3. That, the documents at Annexure-A/1 to A/7 are the true and correct copies of their originals.

S. Tualchinkham

Dated/Imphal,

(S. Tualchinkham)
DEPONENT.

The 30th October, 2004.

Drawn up by :-

Ajit. H

Advocate.

Solemnly affirm before me on 30.10.2004
at Imphal at the Court premises
by the Deponent who is identified
by Ajit. Hamsaibam (Advocate)
The Deponent seems to understand
the contents fully well on their
being read over and explained to him.

Lalshram Bonomali Singh
30.10.2004
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

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ANNEXURE- A/1

**GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)**

ORDERS BY THE GOVERNOR : MANIPUR

Imphal, the 26th September, 2003.

No.22/2/89-MPS/DP(Pt) : In supersession of all previous orders issued in this regard, the Governor of Manipur, under Rule 28 of Manipur Police Service Rules, 1965 (as amended from time to time), is pleased to fix the seniority of Manipur Police Service Officers as on 01/11/2000 as below :-

Sl. No.	Name of Officer	Date of birth	Date of apppt. to MPS.	Mode of Rectt.	Remarks.
1.	2.	3.	4.	5.	6.
1.	A. Rajendro Singh	28/06/50	23/03/75	D.R.	
2.	S. Tulchinkham	01/03/47✓	23/03/75	D.R.	
3.	N. Ngaraipam	05/03/47	23/03/75	D.R.	
4.	L.K. Haokip	01/03/53	23/03/75	D.R.	
5.	Kh. Netra Singh	01/09/44	23/03/75	D.R.	Retired on 31/08/02
6.	M. Mani Singh	01/02/46	02/12/81	P	
7.	S. Manglemjao Singh	01/03/56	12/05/83	D.R.	
8.	G. Bimolchandra Sharma	01/03/55	12/05/83	D.R.	
9.	Kh. Chandramani Singh	01/10/56	12/05/83	D.R.	
10.	S. Ibocha Singh	01/02/58	12/05/83	D.R.	
11.	L. Chandrakishore Singh	01/03/47	12/10/83	P	
12.	S. Leirenjao Singh	01/12/48	12/10/83	P	
13.	Laxmi Prasad	16/03/53	12/10/83	P	
14.	P. manikanta Singh	01/03/51	12/10/83	P	
15.	P. Dhiren Singh	01/09/52	12/10/83	P	
16.	Chawnghnuna Lushai	01/03/49	12/10/83	P	
17.	T. Jamkholet Kuki	01/03/46	12/10/83	P	Expired on 08/08/02
18.	L. Tolendro Singh	01/03/42	13/10/83	P	Retired on 29/02/00
19.	Th. Pratibhamaya Singh	01/03/45	13/10/83	P	Retired on 28/02/03
20.	K. Ningthem Singh	01/04/42	23/06/84	P	Retired on 31/03/00
21.	Henkholam H. Thadou	01/09/44	06/07/84	P	Retired on 31/08/02
22.	S. Manaobi Singh	01/03/56	04/01/86	D.R.	

True Copy

Ajit. H.

Advocate.

Latshram Bonomali Singh
20.10.2003
Latshram Bonomali Singh
Oath Commissioner (Jud. I)

At Imphal.

Sl. No.	Name of Officer	Date of birth	Date of apptt. MPS.	Mode of Rectt.	Remarks.
1.	2.	3.	4.	5.	6.
23.	Smt. Vandana Karki	01/01/60	04/01/86	D.R.	
24.	K. Radhashyam Singh	01/03/62	01/01/86	D.R.	
25.	P. Dhanakumar Singh	01/09/55	04/01/86	D.R.	
26.	K. Chaoba Lokho Mao	07/03/63	04/01/86	D.R.	
27.	V. Raj Rai	01/01/50	24/05/86	D.R.	
28.	K. Pishak Singh	01/03/44	16/07/87	P	Retired on 28/02/02
29.	N. Bijoy Singh	01/03/47	16/07/87	P	
30.	A. Kundo Singh	01/04/53	16/07/87	P	
31.	K. M. Pulmate	01/03/47	16/07/87	P	
32.	P. Kpgen	01/03/47	16/07/87	P	
33.	G. Gainairung Kabui	01/03/49	16/07/87	P	
34.	Kh. Suresh Singh	01/01/62	11/02/88	D.R.	
35.	E. Priyokumar Singh	08/05/62	11/02/88	D.R.	
36.	Smt. R.K. Meme Devi	01/12/58	11/02/88	D.R.	
37.	S. Amirlal Sharma	01/03/62	11/02/88	D.R.	
38.	K. Jayenta Singh	01/01/65	11/02/88	D.R.	
39.	Km. R.K. Tutusana Devi	14/12/62	11/02/88	D.R.	
40.	John Shelshi Shelhan	01/03/56	11/02/88	D.R.	
41.	Th. Brojen Singh	11/11/61	11/02/88	D.R.	
42.	Chanso Keishing	09/11/63	11/02/88	D.R.	
43.	N. Sudhirschandra Singh	01/04/47	16/08/89	P	
44.	R. Ngamver	01/01/44	16/08/89	P	Retired on 31/12/01
45.	Th. Radheshyam Singh	13/08/64	23/09/91	D.R.	
46.	Smt. Mamata Wahengbam	01/03/65	23/09/91	D.R.	
47.	Th. Basantakumar Singh	01/01/65	23/09/91	D.R.	
48.	Smt. Achin Haokip	11/04/64	23/09/91	D.R.	
49.	Faumei Gonglin	01/01/65	23/09/91	D.R.	
50.	N. Ibobi Singh	01/12/42	12/10/83	P	Retired on 30/11/00
51.	Th. Dhanesh Singh	01/03/47	29/06/95	P	
52.	Ksh. Janmo Singh	30/11/46	29/06/95	P	
53.	H. Brjamani Sharma	01/03/48	29/06/95	P	
54.	Premkumar Kabui	01/09/46	29/06/95	P	
55.	Kamchinpau	01/04/49	29/06/95	P	
56.	K. Chaoba Singh	01/03/45	29/06/95	P	Retired on 28/02/03

S. Swalebintham

True Copy

Art. H

Advocate.

Lalshram Bonomali Singh
 Oath Commissioner (Judicial)
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Sl. No.	Name of Officer	Date of birth	Date of apptt. to MPS.	Mode of Rectt.	Remarks.
1.	2.	3.	4.	5.	6.
57.	K. Saratchandra Sharma	01/11/43	29/06/95	P	Retired on 31/10/01
58.	R.K. Bijoy Singh	01/09/48	17/08/96	P	
59.	Y. Joykumar Singh	01/03/43	17/08/96	P	Retired on 28/02/01
60.	K. Jajo Tangkhul	01/03/43	17/08/96	P	Retired on 28/02/01
61.	L. Ibopishak Singh	20/03/50	17/08/96	P	
62.	K. Tomba Singh	01/03/52	17/08/96	P	
63.	T. Iboyaima Singh	01/03/51	17/08/96	P	
64.	N. Ibohal Singh	01/09/47	17/08/96	P	
65.	W. Shamungou Singh	01/03/47	17/08/96	P	
66.	Md. Jalil Khan	01/03/51	17/08/96	P	
67.	Kh. Dhanachandra Singh	01/08/49	17/08/96	P	
68.	Ch. Dwijamani Singh	01/03/53	17/08/96	P	
69.	Kh. Nabakishore Singh	01/03/47	17/08/96	P	
70.	S. Manihar Singh	01/03/46	17/08/96	P	
71.	Chandra Prasad Gurung	07/12/45	17/08/96	P	Retired on 31/03/01
72.	Paokhup Kom	01/08/46	17/08/96	P	
73.	Tonsing Kosing Anal	01/01/59	17/08/96	P	
74.	James Manao Tangkhul	01/03/53	17/08/96	P	
75.	A. Saratkumar Singh	01/03/56	17/08/96	P	
76.	N. Satrajit Singh	01/07/53	07/04/99		Deemed to have been appointed to MPS on encadrement of the post of Dy. SP (MP) to MPS
77.	K. Gourahari Singh	01/03/49	28/04/99	P	
78.	Kh. Dhaja Singh	01/03/46	28/04/99	P	
79.	N. Sudhir Singh	01/08/46	28/04/99	P	
80.	K. Baruni Singh	01/03/46	28/04/99	P	
81.	M. Achouba Singh	01/12/45	28/04/99	P	
82.	T. Khuplet Haokip	01/08/45	28/04/99	P	Retired on 31/08/03
83.	M. Nengkhozam	10/12/46	28/04/99	P	
84.	Ng. Innocent	01/09/48	28/04/99	P	Voluntarily retired on 31/08/03

True Copy

Ajit. H

Advocate.

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 Oath Commissioner (Judicial)
 Manipur

Sl. No.	Name of Officer	Date of birth	Date of apptt. MPS.	Mode of Rectt.	Remarks.
1.	2.	3.	4.	5.	6.
85.	G. Yaima Sharma	01/03/47	28/04/99	P	
86.	P. Ranjit Singh	01/03/52	28/04/99	P	
87.	Md. Quayamuddin	01/03/50	28/04/99	P	
88.	Y. Imocha Singh	01/03/47	28/04/99	P	
89.	H. Nimai Singh	01/03/49	28/04/99	P	
90.	N. Mangi Singh	01/02/44	28/04/99	P	Retired on 31/01/02
91.	M. Khamzathong	01/03/49	28/04/99	P	
92.	S. Kamzapau Ngaite	01/03/54	28/04/99	P	
93.	N. Gourakishore Singh	01/03/49	06/05/99	P	
94.	K. Herachandra Singh	01/03/49	06/05/99	P	
95.	RVS Lamkating	01/03/56	06/05/99	P	Expired on 28/10/00
96.	S. Robin Sandhap	01/04/56	06/05/99	P	Expired on 26/03/01
97.	Md. Firoz Khan	01/03/57	31/07/99 (Offg)	P	Regularised w.e.f. 24/03/01
98.	Y. Ashok Kumar Singh	01/05/57	31/07/99 (Offg)	P	Regularised w.e.f. 24/03/01

S. Anand Singh

By orders & in the name of Governor,

Sd/-

(Th. Dhananjay Singh)
Under Secretary (DP),
Government of Manipur.

Copy to :-

1. Secretary to Governor, Raj Bhavan, Manipur.
2. Secretary to Chief Minister, Manipur.
3. Chief Secretary, Govt. of Manipur.
4. Addl. Chief Secretary, Govt. of Manipur.
5. Director General of Police, Manipur.
6. Accountant General, Manipur, Imphal.
7. Secretary, Manipur Public Service Commission, Imphal.
8. Special Secretary (Home), Govt. of Manipur.
9. All officers concerned.
10. The Director, Printing & Stationery, Manipur for publication in the extraordinary State Gazette with the request to send 50 (fifty) copies of the publication to this Department.
11. Personal files.
12. Guard File.

True Copy

[Signature]

Advocate.

[Signature]
20.10.2009
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

"MANIPUR GAZETTE"
EXTRA ORDINARY
PUBLISH OF AUTHORITY

No.120 Imphal, Friday, July, 1981 (Asadha 26, 1903)

GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

NOTIFICATION
Imphal, the 16th May, 1981.

S. Thakur Singh

No.17/2/80-DP- In exercise of the powers conferred upon him by Article 309 of the Constitution and pursuance of this Government Notification No.1/39/71-S dated 21-1-1972, the Governor of Manipur is pleased to order the adoption of the principles for promotion to "Selection" Posts enunciated in the Office Memorandum No.,2201/2/76-Estt(D) dated 24-2-1980 (copy enclosed) of the Govt. of India, Ministry of Home Affairs Deptt. of personnel & A.R.) in the State Government of Manipur with immediate effect.

Sd/-

M. B. SINGH
Deputy Secretary (DP) : Govt. of Manipur.

Copy of O.M. No.22011/3/76/Estt(D) dated 24th Dec., 1980 from Ministry of Home Affairs (Department of Personnel & A.R.)

Subject : Principles for promotion to 'Selection' posts.

Large number of clarifications are being sought by the various Ministries/Departments on various aspects while preparing a panel for posts to be filled on the basis of Selection. The various points raised are as below :

- (1) The absence of clearly defined limits in the matter of fixation of the zone of consideration has led to lack of uniformity of practice between the various DPCs :

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Advocate.

[Signature]
20.10.2009
Balshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

- (2) In a number of cases the meetings of the DPCs are not held annually as required even though there were vacancies resulting in the bunching of vacancies which in turn enlarged the field of choice and upset the relative seniority positions in the higher grade on account of suspensions.
- (3) In a number of cases some of the senior officers even though included in the panel for promotion do not get promotion due to their being away from the parent department and at the same time are also not eligible for promotion under the NBR due to the application of the one to one correspondence or due to the fact they are being the junior most in the panel there is no junior in the panel below them and this has resulted in their reconsideration by the next DPC thereby resulting in loss of seniority to them.
- (4) In certain cases Recruitment Rules are amended when a panel already prepared is filed in operation and therefore whether the panel can still be operated after the amendment.

S. Anandaram

2. All the above aspects have been carefully considered and the following instructions are issued for the guidance of all Ministries.

3. Zone of consideration for promotion to posts filled by selection.

Reference is invited to the Ministry of Home Affairs (now Department of Personnel & A.R.) O.M. No.1/4-55/RPS dated 16/5/57 laying down certain principles for promotion. In the operation of these principles it has been observed that the absence of clearly defined limits on the extent of the field of choice has led to lack of uniformity in the practices being followed by the D.P.Cs. Similarly it is felt that a large field of choice might result in excessive supersessions. Again, despite repeated instructions of the Government to hold DPCs annually there have been quite a few cases of delays resulting in vacancies being bunched. This would enlarge the field of choice and upset the relative seniority positions in the higher post with reference to the positions which would not have resulted had the D.P.Cs. met at the appropriate time. In view of these considerations it has been defined in consultation with the U.P.S.C. as under in supersession of the

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Art-11

Advocate.

30.10.2009
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

Department's O.M. No.1/4/55-RPS dated 16/5/57 and all other memoranda having any bearing in the matter herein dealt with.

- (a) The Departmental Promotion Committee (DPC) shall for the purpose of determining the number of officers who should be considered from out of those eligible officers in the feeder grade(s) restrict the field of choice as under, with reference to the number of clear regular vacancies proposed to be filled in the year.

Number of vacancies	Number of officers to be considered.
(1)	(2)
1	5
2	8
3	10
4 or more	Three times the number of vacancies

- (b) Where, however, the number of eligible officers in the feeder grade(s) is less than the number in Col. (2) above, all the officers so eligible should be considered.

- (c) Where adequate number of SC/ST candidates are not available within the normal field of choice as above, the field of choice may be extended to 5 (five) times the number of vacancies and the SC/ST candidates (and not any other) coming within the extended field of choice, should also be considered against the vacancies reserved for them.

Officers belonging to SC/ST selected for promotion against vacancies reserved for them from out of the extended field of choice under sub-para (c) above, would, however, be placed en-block below all the other officers selected from within the normal field of choice.

4. Preparation of year-wise panels by DPC where they have not met for a number of years.

- (a) Instructions already exist that D.P.Cs. should meet at regular annual intervals for the preparation of select lists and where no such meeting is held in any year, the appointing authority should record a certificate that there were no

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Agit H

Advocate

Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

vacancies to be filled during the year. Administrative Ministries should obtain periodical information/certificates on the regular holding of DPCs.

- (b) Where, however, for reasons beyond control, D.P.C. could not be held in any year even though the vacancies arise during that year (or years) the first D.P.C. that meets thereafter should follow the following procedure :
- (i) Determine the actual number of regular vacancies that arose in each of the previous years/year immediately preceding and the actual number of regular vacancies proposed to be filled in the current year separately.
 - (ii) Consider in respect of each of the years those officers only who would be within the field of choice with reference to the vacancies of each year starting with the earliest year onwards.
 - (iii) Prepare a 'Select List' for each of the years starting with the earliest year onwards.
 - (iv) Prepare a consolidated 'Select List' by placing the select list of the earlier year above the one for the next and so on.

Illustration : DPC meets in 1980. Number of vacancies in the year 1978 and 1979 were 8 and 7 respectively. It is proposed to fill also 9 more vacancies during 1980. There are 100 eligible officers.

Panel for 1978.

Number of vacancies 8
 Field of Choice 24
 Take Officers 1 to 24
 D.P.C.. classified SI.No.20 as 'outstanding' and SI.Nos.
 7 and 15 'not fit' and rest Very Good.
 Panel list will be SI.Nos.20, 1, 2, 3, 4, 5, 6, 8.

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30.10.2009
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

Panel for 1979.

Number of vacancies 7, field of choice 21. This comprises officers Nos.7, 9 to 19, 21, to 29 (total 21)

The DPC classified No.7 as 'not fit' and rest 'Very Good'. Panel will comprise of Sl.Nos.9 to 15.

Panel for 1980.

No. of vacancies 9, field of choice 27. This will comprise Nos.7,16 to 19, 21 to 42.

No.42 is graded 'Very Good' and the rest as 'Good'.

Consolidated select list – Sl.Nos.20, 1 to 6, 8, 9 to 15, 40, 7, 16 to 19, 21 to 23.

(c) For the purpose of evaluating the merit of the officers, the record of service of the officers for the purpose of considering for inclusion in the panel relevant to any of the earlier years as contemplated in clause (b) above should be limited to the record that would have been available had the D.P.C. met at the appropriate time ; for instance, for preparing the panel relating to be vacancies of 1978, records of service of the officers only upto 1978 should be taken into account and not the subsequent ones. However, if on the date of actual D.P.C. (1980 in the illustration) Departmental Proceedings are in progress and under the existing instructions sealed cover procedure is to be followed, such procedure should be observed even if no such proceedings were in existence in the year to which the vacancy related (e.g. if in the illustration, in respect of officer No.6 empanelled against a 1978 vacancy even though the disciplinary proceedings were started only in 1980 (prior to D.P.C. meeting) his name has to be kept in the sealed cover till the proceedings are finalised).

(d) While promotion will be made in the order of the consolidated select list, such promotion will have only prospective effect, even in cases where the vacancy relates to an earlier year.

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Ajit. H.
Advocate

Lalshram Bonomali Singh
20.10.2014
Lalshram Bonomali Singh
Oath Commissioner (Judiciary)
Manipur

5. Consideration of the cases of officers who are away on deputation by the D.P.C. where they have been empanelled by the earlier DPC but not eligible for benefits under the N.B.R.

Under this Department's O.M. No.1/4/55-RPS dated 16th May, 1957, the selected list prepared for the purpose of promotion should be periodically reviewed and the names of those officers who have already been promoted (otherwise than a local or purely temporary basis and continue to officiate should be removed from the list as having been promoted and rest of the names along with others who may now be included in the field of choice should be considered for the selectlist for the subsequent period. Again, in this Department's O.M. No.1/25/55-Estt(D) dated 11.10.1966, it has been laid down that a select list drawn by the D.P.C. should normally be operative only for one year and in any case it would cease to be in force after 18 months or when the fresh list is prepared whichever is earlier.

S. Swalehin Khan

The effect of these circulars should be that every officer included in the panel who at the time of expiry of the validity of the earlier panel or at the time of the fresh D.P.C. does not hold a regular promotion post needs to be reconsidered and every officer who holds such a regular post on these crucial dates need not be so considered by the DPC.

In this Department's O.M. No.22011/6/75-Estt(D) dated 30/12/1976 (Para V(5), it has been laid down that D.P.C. should consider the claims of all officers are on deputation or on foreign service in public interest or on their own volition. Thus their names would be considered for inclusion in the panel based on their records of service along with others holding post within the Department concerned. However, in para X(4) of the circular dated 30.12.76 referred to above, it has been envisaged that such officers who had gone on deputation/foreign service in the public interest should be protected to enable them to regain their temporary lost seniority in their higher grades on return to his cadre. In the case of others who have taken on ex-cadre posts on their own volition, such protection is not available and they could be considered for promotion only after they return to their parent cadre.

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Adv. H

Advocate

30.10.2009
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
11.12.09

The application of this Department O.M. dated 11th October, 1966 and 16th May, 1957, referred to above has caused certain anomalies in the case of persons proceedings on deputation or foreign service etc. in public interest, in the matter of protecting their seniority in the higher grade. In respect of such officers who while on deputation/foreign service are given proforma promotion under the N.B.R. with reference to the date of promotion of their juniors no problem of maintaining their panel seniority would arise. In other cases where the number of officers outside the line exceeds the number of juniors who are promoted within the cadre, proforma promotion under N.B.R. could not be given all such seniors in view of the condition of one-to-one correspondence under the guiding principles of N.B.R.

The effect of this would be that those of the officers higher in the panel and on deputation who could not be given N.B.R. will continue to be shown as working in the lower posts while junior officer within the department would continue to be shown against higher posts. In a case where this position continues after the validity period of panel or at the time of a fresh D.P.C. the juniors would not be required to be considered by the fresh D.P.C. while the senior who is shown against the lower and not actually officiating against a higher post even under NBR may have to be considered by the D.P.C.

In order to avoid such anomalous situation it has been decided that Para X(4) of this department O.M. No.22011/6/75-Estt(D) dated 30th December, 1976 may be amended as under :

6. If the panel contains the name of a person who has gone on deputation or on foreign service in the public interest including the person who has gone on study leave, provision should be made for his regaining the temporary lost seniority in the higher grade on his return to the cadre. Therefore, notwithstanding the provision of sub-para 3 above as well as the provision of para XII below, such officers need not be reconsidered by a fresh D.P.C., if any, subsequently held, while they continue to be on deputation/foreign service/study leave as long as any officer junior to him in the panel is not required to be so considered by a fresh D.P.C. irrespective of the fact whether he might or might not get the benefit of proforma promotion under the N.B.R. The same treatment will be given to an officer

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Ajit. A.
Advocate.

20.10.2009
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Mun. Puri


included in the panel who could have been promoted within the currency of the panel but for his being away on deputation."

In the case the officer has gone on ex-cadre post on his own volition by applying in response to advertisement, he should be required to revert to his panel cadre immediately when due for promotion, failing which his name shall be removed from the panel. On his reverting to the parent cadre after the period of two years or the extended period, if any, he will have no claim for promotion to the higher grade on the basis of that panel. He should be considered in the normal course along with other eligible officers when the next panel is prepared and he should be promoted to the higher grade according to his position in the fresh panel. His seniority, in that event shall be determined on the basis of the position assigned to him in the fresh panel with reference to which he is promoted to the higher grade. (If the panel contains the name of an officer on study leave, he should be promoted to the higher post on return from the study leave. He should also be given seniority according to his position in the panel and not on the basis of the date of promotion).

S. Shalshram

True Copy

Bit. H.
Advocate.


30.10.2009
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

ANNEXURE-A/3

No.1. 14011/14/99-IPS
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralya

New Delhi, the 25th February, 2000.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954, read with sub-regulation (1) of regulation 9 of the Indian Police Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint the following members of Manipur Police Service to the Indian Police Service on probation, and to allocate them to the joint cadre of Manipur-Tripura under sub-rule (4) of rule 5 of the Indian Police Service (Cadre) Rules, 1954. The appointments will take effect from the date of issue of this notification.

Sl.No.	Name of the Officer	Date of birth
	S/Shri	
1.	M. Sushil Kumar Singh	01/03/1951
2.	M. Shanti Kumar Singh	01/09/1951

Sd/-

(P. S. PILLAI)

UNDER SECRETARY TO THE GOVT. OF INDIA
TEL. NO.301 1359

No. 1. 14011/14/99-IPS.I

DATED 25 FEB, 2000.

A copy each is forwarded to :-

1. The Chief Secretary, Govt. of Manipur (Attn. Shri Raghumani Singh, Deputy Secretary (DP), Deptt. of Personnel & Administrative Reforms, (Personnel Division), Imphal.
2. The Chief Secretary, Govt. of Tripura, Agartala.
3. The Accountant General, Manipur, Imphal.
4. The Secretary, U.P.S.C. (Attn. Ms. Molly Tiwari, Under Secretary, Dholpur House, Shahjahan Road, New Delhi.
5. The DG & IGP, Govt. of Manipur, Imphal.

Sd/-

(P. S. PILLAI)

UNDER SECRETARY TO THE GOVT. OF INDIA.

True Copy

Art. H

Advocate.

[Signature]
20.10.2009
Lalshram Bonomali Singh
Oath Commissioner (1)

M in m

ANNEXURE-A/4

No.3/1/2003-IPS/DP
 GOVERNMENT OF MANIPUR
 DEPARTMENT OF PERSONNEL & A.R.
 (PERSONNEL DIVISION)

Imphal, the 31st October, 2003.

To

The Director General of Police,
 Manipur.

Subject :- Declaration/consent.

Sir,

I am directed to refer on the subject indicated above and to request you kindly obtain the signature and make available the enclosed Form of declaration/consent etc. from the following MPS Officers on or before 10th November, 2003 in connection with the preparation of IPS select list.

1. Shri A. Rajendro Singh, MPS
2. S. Tualchinkham, MPS
3. Shri N. Ngaraipam, MPS
4. Shri L. K. Haokip, MPS
5. Shri M. Mani Singh, MPS
6. Shri S. Manglemjao Singh, MPS
7. Shri G. Bimolchandra Sharma, MPS
8. Shri Kh. Chandrakani Singh, MPS
9. Shri S. Ibocha Singh, MPS
10. Shri L. Chandrakishore Singh, MPS
11. Shri Laxmi Prasad, MPS
12. P. Manikanta Singh, MPS
13. Shri P. Dhiren Singh, MPS

S. Tualchinkham

Encl : as above.

Yours faithfully,

Sd/-31/10/2003

(Th. Dhananjoy Singh)

Under Secretary (DP), Govt. of Manipur.

Government of Manipur
 Police Department

Endst. No.E/35/26/97-PHQ(Adm)/6109
 Copy to :-

Imphal, the 10th November, 2003.

All concerned officers,
 Police Department, Manipur
 - for doing the needful.

True Copy

Ajit. H

Advocate.

Sd/- 10.11.2003.
 (Anand Prakash)
 Dy. I.G. of Police (HQ),
 for Director General of Police,
 Manipur, Imphal.

Lalshram Bonomali Singh
 20.10.2003
Lalshram Bonomali Singh
Oath Commissioner (Jd 1)
 Manipur

39

ANNEXURE-A/5

Most Immediate
Selection Committee Meetings

F.No.7/12/2003-AIS

UNION PUBLIC SERVICE COMMISSION

DHOLPUR HOUSE, SHAHJAHAN ROAD,
NEW DELHI – 110011.

Email : upsc@vsnl.net

Fax : 011-23782049, 23385345

18.11.2003.

To

The Chief Secretary
Govt. of Manipur,
Deptt. of Personnel & Admn. Reforms (Pers. Div.),
Imphal.

[Kind Attn : Shri Dhananjoy Singh, Under Secretary(DP) for the IPS/IAS Selection Committee Meetings].

Subject :- IPS-Meeting of the Selection Committee for preparation of year-wise select list of 2001 to 2003 for promotion of SPS officers to IPS Cadre of Manipur – Tripura Joint Cadre (Manipur Segment).

IAS-Meeting of the Selection Committee for preparation of year-wise select list of 2000 to 2003 for promotion of SCS officers to IAS Cadre of Manipur – Tripura Joint Cadre (Manipur Segment).

Sir,

In continuation of our previous letter of even number dated 17.11.2003 on the subject and to inform that in para 3 of the letter under reference the time of IPS meeting may be read as 1500 hrs. instead of 0300 hrs. The correction in the time may please be noted.

Yours faithfully,

Sd/-
(K S SAMPATII)
Under Secretary (AIS)
Union Public Service Commission
Tele: 23383743

Copy to post to –

The Secretary to the Govt. of India, M/o Personnel, Public Grievances & Pensions, Department of Personnel & Training, North Block, New Delhi (Attn.: Sh. T. Jacob, Director) with the request to expedite the determination of vacancies for IAS and IAS (N-SCS) for the year 2003.

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Attn: A
Advocate.

[Signature]
20.10.2009
Lalshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

40

ANNEXURE-A/6

MOST IMMEDIATE

F.No.1.14011/16/2004-IPS.I
Government of India / Bharat Sarkar
Ministry of Home Affairs / Grih Mantralaya

New Delhi, the 31 MAR 2004

To

- (1) The Chief Secretary
Govt. of Manipur,
IMPHAL.

[Attn : Sh. Dhananjoy Singh, Under Secretary(Deptt. of Personnel)]

- (2) The Secretary
Union Public Service Commission
Dholpur House, Shahjahan Road,
NEW DELHI.

(Attn. Sh. K.S. Sampath, Under Secretary, AIS)

Subject :- Determination of vacancies for recruitment by promotion to Manipur
Segment of Joint IPS Manipur-Tripura Cadre during 2004 under
IPS(Recruitment) Rules-regarding.

Sir,

I am directed to refer to the subject cited above and to say that the effective promotion quota of Manipur Segment of Joint IPS Manipur-Tripura Cadre as on 1.1.2004 is 20 against which 13 promotee IPS officers are reported by the State Government to be in position. Out of 07 vacancies thus available, 3, Nil and 2 have already been earmarked for preparation of 2001, 2002 and 2003 Select List. As no SCM could be convened till 31.12.2003, during 2004, year-wise Select Lists of 2001, 2003 and 2004 are to be prepared. As 5 vacancies have been earmarked for filling posts from the Select Lists of 2001 and 2003, 2 vacancies are available for preparing the Select List of 2004.

2. Therefore in terms of the previous contained in the IPS(Recruitment) Rules, 1954 read with IPS(Appointment by Promotion) Regulations, 1955, it has been decided that during the year 2004, recruitment by promotion to Manipur Segment of Joint IPS Manipur-Tripura Cadre from among members of the State Police Service of Manipur may be made for preparing year-wise Select List of 2001, 2003 and 2004 upto 3,2 and 2 posts in all.

Yours faithfully,

Sd/-

(S.P. Verma)

Under Secretary to the Government of India

Tele: 2309 2527

True Copy

Advocate.

30.10.2009
Lalshram Bonomali Singh
Oath Commissioner (Joint)
Manipur

ANNEXURE-A/7

No.3/1/2004-IPS/DP
GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

Imphal, the 13 October, 2004.

To

The Inspector General of Police (Admn),
Manipur.

Subject :- Declaration/consent.

Sir,

I am directed to refer on the above subject and to request you kindly obtain the signature and make available the enclosed Form of declaration/consent etc. from the following MPS Officers (triplicate copies for each Officer) on or before 16th October, 2004 in connection with the preparation of IPS Select List :-

1. Shri A. Rajendro Singh, MPS
2. Shri S. Tualchinkham Samte, MPS
3. Shri N. Ngaraipam Tangkhui, MPS
4. Shri L. K. Haokip, MPS
5. Shri S. Manglemjao Singh, MPS
6. Shri G. Bimolchandra Sharma, MPS
7. Shri Kh. Chandramani Singh, MPS
8. Shri S. Ibocha Singh, MPS
9. Shri L. Chandrakishore Singh, MPS
10. Shri S. Leirenjao Singh, MPS
11. Shri Laxmi Prasad, MPS
12. P. Manikanta Singh, MPS
13. Shri P. Dhiren Singh, MPS
14. Shri Chawnghnuna Lusai, MPS
15. Shri S. Manaobi Singh, MPS
16. Smt. Vandana Karki, MPS
17. Shri K. Radhashyam Singh, MPS
18. Shri P. Dhanakumar Singh, MPS
19. Shri K. Chaoba Lokho Mao, MPS.

S. Swalehintham

Yours faithfully,

Sd/-13/10/2004
(Th. Dhananjoy Singh)
Under Secretary (DP),
Govt. of Manipur.

True Copy

Bit. H
Advocate

[Signature]
30.10.2004
Balshram Bonomali Singh
Oath Commissioner

Government of Manipur
Police Department

Endst. No.E/35/26/97-PHQ(Adm)/9737
Copy to :-

Imphal, the 16th October, 2004.

All concerned officers,
Police Department, Manipur
- for doing the needful.
within one week without fail

Sd/-
(L.M. Khaute)
Dy. I.G. of Police (HQ),
for Director General of Police,
Manipur, Imphal.

True Copy

Ajit H
Advocate

S. Anil Kumar

Balshram
30.10.2004
Balshram Bonomali Singh
Oath Commissioner (Judicial)
Manipur

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

ORIGINAL APPLICATION No. 252/2004

Filed
5/12/05
575/05
Admitted
Assured

BETWEEN:

S. TUALCHINKHAM @ T SAMTE

APPLICANT

AND

UNION OF INDIA & OTHERS

RESPONDENTS

REPLY STATEMENT ON BEHALF OF RESPONDENT NO. 4.

Written Statement of (Ms.) Molly Tiwari posted as Under Secretary in the office of Union Public Service Commission, New Delhi.

2.1 I solemnly affirm and state that I am an officer in the Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi and am authorised to file the present Reply Statement on behalf of Respondent No. 4.

2.2 That I have read and understood the contents of the above Application and in reply I submit as under:

3.1 At the outset, it is submitted that the Union Public Service Commission, being a Constitutional Body under Articles 315 to 323 Part XIV (Services under the Union and the States) Chapter II of the Constitution, discharge their functions, duties and Constitutional obligations assigned to them under Article 320 of the Constitution of India. Further, by virtue of the provisions made in the All India Services Act, 1951, separate Recruitment Rules have been framed for IAS/IPS/IFS. The IPS (Appointment by Promotion) Regulations, 1955 [Promotion Regulations, in short] have been made in pursuance of these Rules. In accordance with the provisions of the said Regulations, the Selection Committee presided over by the Chairman/Member of the Union Public Service Commission, makes selection of State Police Service [SPS, in short] officers for promotion to the Indian Police Service.

3.2 Further, in discharge of their Constitutional obligations, the Union Public Service Commission, after taking into consideration the records received from the State Government under Regulation 6 and observations of the Central Government received under Regulation 6A of the Promotion Regulations, take a final decision

Attested
(K. S. DAHIYA)
अनुराग दाहिया/Section Officer
संय. लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

(मॉली तिवारी/Molly Tiwari)
अवर सचिव/Under Secretary
संय. लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

on the recommendations of the Selection Committee in accordance with the provisions of Regulation 7 of the aforesaid Regulations. The selections are done in a fair and objective manner on the basis of relevant records and following the relevant Rules and Regulations.

4.1 It is submitted that as per Regulation 5 (1) of the Promotion Regulations, the number of vacancies against which selection is to be made for a particular year for promotion to the IPS of a State Cadre is determined by the Govt. of India, Min. of Home Affairs in consultation with the State Government concerned. Thereafter, the State Government forwards a proposal to the Commission alongwith the Seniority List, Eligibility List (upto three times the number of vacancies) of the State Service Officers, Integrity Certificates, certificates regarding disciplinary/criminal proceedings, certificate regarding communication of adverse remarks, details of penalties imposed on the eligible officers etc. and complete ACR dossiers of the eligible officers.

4.2 The above documents are examined for completeness by the Commission and then a meeting of the Selection Committee is convened to prepare the Select List for a particular recruitment year. In accordance with the provisions of Regulation 5(4) of the Promotion Regulations, the aforesaid Committee duly classifies the eligible State Police Service officers included in the zone of consideration as 'Outstanding', 'Very Good', 'Good' or 'Unfit', as the case may be, on an overall relative assessment of their service records. Thereafter, as per the provisions of Regulation 5(5) of the said Regulations, the Selection Committee prepares a list by including the required number of names first from the officers finally classified as 'Outstanding', then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of names within each category is maintained in the order of their respective inter-se seniority in the State Police Service. The relevant part of Regulation 5 (4) and 5 (5) is extracted below:

"5(4) The Selection Committee shall classify the eligible officers as 'Outstanding', 'Very Good', 'Good' and 'Unfit', as the case may be, on an overall relative assessment of their service records."

"5 (5) The List shall be prepared by including the required number of names first from amongst the officers finally classified as 'Outstanding' then from amongst those similarly classified as 'Very Good' and thereafter

Attested

Amolay (के. एस. दाहिया)
(K. S. DAHIYA)

अनुभाग अधिकारी/Section Officer

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Molly Tiwari
(मॉली तिवारी/Molly Tiwari)
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from amongst those similarly classified as 'Good' and the order of names inter-se within each category shall be in the order of their seniority in the State Police Service."

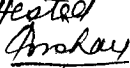
4.3 While assessing the suitability of the officers for promotion, the Selection Committee, as per the uniform and consistent practice followed in the matter of induction to the All India Services, examines the service records of each of the eligible officers, with special reference to the performance of the officers during the years preceding the year for which the Select List is being prepared, deliberating on the quality of the officer as indicated in the various columns recorded by the reporting/reviewing officer/accepting authority in the ACRs for different years and then after detailed mutual deliberation and discussion, finally arrives at a classification assigned to each officer. While doing so, the Selection Committee also reviews and determines the overall grading recorded in the CRs to ensure that this is not inconsistent with the grading/remarks under various specific parameters or attributes. The Selection Committee takes into account orders regarding appreciation for the meritorious work done by the officers concerned and also keeps in view orders awarding penalties or any adverse remarks duly communicated to the officer, which, even after due consideration of his representation are not expunged.

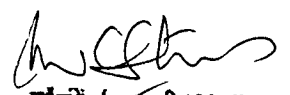
4.4 The above procedure is being uniformly followed for all the States/ Cadres in the matter of induction to the All India Services.

PRAYERS & CONTENTIONS OF THE APPLICANT

5. The Deponent respectfully submits that the applicant, a State Police Service officer of Manipur, has filed the instant Original Application before this Hon'ble Tribunal contending as follows:-

- (i) That he is eligible for consideration for promotion to the IPS of Manipur-Tripura Joint Cadre (Manipur Segment) for the year 2001. However, no meeting of the Selection Committee has been held till the date of filing of the application after the Selection Committee last met to prepare the Select List of 2000. Because of non-convening of the Selection Committee Meeting, the right of the applicant for being considered for promotion to the IPS is being denied as he will attain the age of superannuation in the State Police Service on 28.02.2005.

Attested

 (K. S. MAHIYA)
 Joint Secretary
 Union Public Service Commission
 New Delhi


 (मॉली तिवारी/Molli Tiwari)
 Joint Secretary/Under Secretary
 Union Public Service Commission
 New Delhi

The applicant has, therefore, prayed for a direction to the Respondents to hold the meeting of the Selection Committee for preparation of the Select List of 2001 and appoint him to the IPS in case his name finds place in the Select List before he attains the age of superannuation in the State Police Service on 28.02.2005.

BACKGROUND OF THE CASE

6.1 It is respectfully submitted that a meeting of the Selection Committee for promotion of SPS officers of Manipur to the IPS of Manipur-Tripura Joint Cadre (Manipur Segment) for the year 2000 was held on 20.12.2000. For the year 2001, the Central Government did not determine the vacancies, nor was a proposal received from the State Government within 31.12.2001. Subsequently the Govt. of India, Ministry of Home Affairs, vide their letter dated 05.02.2002 determined 03 (three) vacancies for the year 2001 and NIL vacancy for the year 2002 for promotion of SPS officers of Manipur to the IPS of Manipur-Tripura Joint cadre (Manipur Segment). However no proposal was received from the State Government during the year 2002 and therefore, the SCM could not be held in that year.

6.2 Subsequently, the Govt. of India, Ministry of Home Affairs, vide their letter dated 04.04.2003, determined year-wise vacancies for the years 2001, 2002 & 2003 as 03, NIL & 02 respectively for promotion of SPS officers of Manipur to the IPS of Manipur Tripura Joint Cadre (Manipur Segment). The meeting of the Selection Committee for preparation of year-wise Select Lists for the years 2001 & 2003 was scheduled to be held on 11.12.2003 in the office of Union Public Service Commission, New Delhi. However, the Hon'ble High Court, Imphal Bench passed an interim order on 05.12.2003 in M.A. No. 556/2003 in W.P. No. 8982/2003 (Gau) filed by Shri S. Manaobi Singh to the effect that the seniority list of SPS officers shall not be acted upon for preparation of the Select List for promotion of SPS officers to the IPS. In another interim order dated 03.12.2003 passed in the WP (C) No. 1549/2003 (filed by Shri Tualchinkham Samte, applicant in the instant OA) the Hon'ble High Court directed not to finalise the eligibility list for preparation of the Select Lists for promotion to the IPS. As the Selection Committee was restrained from acting upon the Seniority/Eligibility List of SPS officers, the Committee did not meet as scheduled and the SCM could not

be held in 2003 also.

Attested
Arday

(के. एस. दाहिया)
(K. S. DAHIYA)

जनसहाय्य अधिकारी/Section Officer

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Union Public Service Commission
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Molly Tiwari

(मॉली तिवारी/Molly Tiwari)
अवर सचिव/Under Secretary

संयोजक सेवा आयोग
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6.3 That as per the statutory provision of the Promotion Regulations, in the year 2004, year-wise Select Lists for the years 2001 to 2004 were required to be prepared concurrently. The Govt. of India determined 02 vacancies for the year 2004. A self contained proposal for preparing year wise Select Lists of 2001, 2002, 2003 and 2004 for 03, NIL, 02 and 02 vacancies was called for vide the Commission's letters dated 05.05.2004 and subsequent reminders thereof. Subsequently, the State Govt. vide their letter dated 22.12.2004 (received on 27.12.2004) forwarded a proposal for convening the SCM in this regard. The name of the applicant was included in the eligibility list of 2001. While forwarding the proposal, the State Govt. informed that Shri L Chandrakishore Singh had filed Writ Appeal Nos. 534/2003 and 535/2003 before the Hon'ble Guwahati High Court against the interim order dated 05.12.2003 in MA No. 556/2003 in WP (C) No. 8982/2003 (filed by Shri S Manabhi Singh.). The Hon'ble High Court vide their orders dated 19.12.2003 disposed of the WPs with the direction to the respondents as follows:

"This appeal is disposed of with the direction that the respondent authority shall consider the case of the appellant, namely Sh L Chandrakishore Singh as well as the respondent No. 1 to 5 namely Sh. Sarangthem Manobi Singh, Ms. Vandana Kakri, Sk. Koijam Radhashyam Singh, Sh Potsangbam Dhanakumar Singh and Sh. Kayina Chaoba Lokho along with other eligible persons in the consideration zone for nomination and appointment to the cadre of IPS and shall prepare a list which shall be in seal cover to be acted upon only when the learned Single Judge finally disposes of the interim order passed earlier."

However, as the deficiencies in the proposal could not be made good before 31.12.2004, the SCM could not be convened in the year 2004.

6.4 In the meantime Shri L. Chandrakishore Singh filed another WP (C) No. 1259/2005 before the Hon'ble Guwahati High Court praying for an interim direction to the respondents to consider his case along with other eligible officers for promotion to the IPS for the year 2001 before 28.02.2005 i.e. date of his superannuation from the State Police Service. The Hon'ble High Court vide their interim order dated 18.02.2005 directed the respondents to consider the case of the

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(के. एस. दाहिया)
(K. S. DAHIYA)
अनुभाग अधिकारी/Section Officer
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(मॉली तिवारी/Molly Tiwari)
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Petitioner along with other eligible officers for promotion to the IPS for the year 2001 within 28.02.2005. The operative portion of the order dated 18.02.2005 reads as under:-

"It is, therefore, ordered that the respondent authorities shall take immediate steps to convene the meeting of the Selection Committee under the aforementioned Regulations to consider the case of the Petitioner along with other eligible candidates for promotion to IPS for the three vacancies of the year 2001 within 28.02.2005 and take further appropriate steps in connection therewith."

6.5 That as per the provisions of the Promotion Regulations as amended vide Notification dated 25.07.2000, the Committee that meets for any year would also prepare the Select Lists of the previous years, if not prepared earlier, along with the current year. Therefore, in the year 2005, year-wise Select Lists for the years 2001 to 2005 were required to be prepared simultaneously. However, in view of the specific interim directions of the Hon'ble High Court dated 18.02.2005, the Commission decided to prepare the Select List for 2001 in the first instance and the SCM was scheduled for 28.02.2005.

6.6 In the meantime, the State Govt. vide their letter dated 25.02.2005 clarified that the WP (C) No. 1549/2003 filed by Shri Tualchinkham Samte stood withdrawn and closed vide order dated 03.12.2004 passed by the Hon'ble High Court. Therefore, the earlier interim order 03.12.2003 of Hon'ble High Court would not be any impediment in holding the SCM for 2001. Regarding the other orders of Hon'ble High Court dated 05.12.2003 (in MA No. 556/2003) and 19.12.2003 (in Writ Appeal Nos. 534/2003 and 535/2003), the State Govt. informed that they remained unchanged till date.

6.7 That, as scheduled, the Selection Committee met on 28.02.2005 to prepare the Select List for promotion of SPS officers of Manipur to the IPS of Manipur-Tripura Joint Cadre for the year 2001 in pursuance to the specific interim directions of the Hon'ble High Court dated 18.02.2005. The name of the applicant has been duly considered by the Selection Committee in the said Meeting. Further, in compliance with the order dated 19.12.2003 of Hon'ble High Court, five officers viz. S/Shri S. Manaobi Singh, Ms. Vandana Karki, K. Radhashyam Singh, P. Dhanakumar Singh and K. Chaoba Lokho have also been considered by the Selection Committee in addition to the normal zone. However, the Minutes of the

Attested

Prakash



Joint Secretary to Government,
Manipur

Imphal, 28.02.2005

SCM has been kept in a sealed cover in compliance with the order dated 19.12.2003 of the Hon. High Court. Further action in this regard will be taken after receipt of further orders from the Hon'ble Court. The State Govt. vide the Commission's letters dated 03.03.2005 and 29.03.2005 has also been requested to bring the above developments to the notice of the Hon'ble Court and to seek further direction regarding the IPS selections for the year 2001. The Commission also vide their letters dated 01.03.2005 and 28.03.2005 have requested their advocate to apprise the developments in this regard to the Hon'ble High Court through a Misc. application and to seek directions regarding further course of action in the matter.

REPLY TO THE CONTENTION

7. From the factual position of the case as submitted above, this Hon'ble Tribunal may kindly observe that in the year 2001, the SCM could not be held as the vacancies in the Promotion Quota of the State Cadre for that year was not determined by the Central Govt. in that year. The SCM could not be held in the year 2002 as the requisite proposal for convening the SCM was not received from the State Govt. within 31.12.2002. In the year 2003, the meeting could not be held in view of the interim directions of Hon'ble High Court mentioned in para 6.2 of this reply. The proposal for the year 2004 was received from the State Govt. only on 27.12.2004. It was highly deficient and could not be made good within 31.12.2004. Therefore, no SCM was held in 2004 also. Therefore, this Hon'ble Tribunal may kindly appreciate that there was no deliberate delay on the part of the Commission in holding the SCM during the years 2001 to 2004. However, the SCM for the year 2001 has been held on 28.02.2005 in pursuance to the specific interim orders of Hon'ble Court and the name of the applicant has been duly considered in that meeting. The Minutes of the Meeting has been kept in the sealed cover in compliance with another order of Hon'ble High Court dated 05.12.2003 and 09.12.2003. The further action in this regard can only be taken after receipt of further orders in this regard.

8. That on the facts and circumstances stated above, the Hon'ble Tribunal may, therefore, be pleased to pass appropriate orders in the instant Original Application in so far as the answering Respondent is concerned.

Attested
Asokay

Union Public Service Commission
New Delhi

[Signature]

DEPONENT

(मां नि तिवासी/Molly Tiwari,
ज. स. सचिव/Under Secretary
रा. ल. स. स. आयोग
Union Public Service Commission
नई दिल्ली/New Delhi)

VERIFICATION

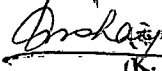
I, (Ms.) Molly Tiwari, Under Secretary, U.P.S.C., do hereby verify and state that the statements made in paras 1 to 8 above are true to the best of my knowledge, belief and information and based on facts. I have not suppressed any material facts in this case.

Verified on 21st day of April, 2005 at New Delhi.


DEPONENT

(मॉली तिवारी/Molly Tiwari)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

Attested


(K. S. DAHIYA)
अनुभाग अधिकारी/Section Officer
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