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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 50/2004

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SECTION OFFICER (Judl.)

Kahlg
08/11/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~XXXX~~NO. 1111 50 of 2004.

DATE OF DECISION 27.2.2004.

..... Shri Krishna Kanta Roy & 13 Others. APPLICANT(S).

..... Mr.D.C.Mahanta, R.C.Barpatragohain & B.Buragohain. ADVOCATE FOR THE APPLICANT(S).

-VERSUS-

..... Union of India & Others. RESPONDENT(S)

..... Mr.B.G.Pathak, Addl.C.G.S.C. ADVOCATE FOR THE RESPONDENT(S).

THE HON'BLE MR. SHANKER RAJU, JUDICIAL MEMBER.

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 Member (J).

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.50 of 2004.

Date of Order : This, the 27th Day of February, 2004.

THE HON'BLE SHRI SHANKER RAJU, JUDICIAL MEMBER.

THE HON'BLE SHRI K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Shri Krishna Kanta Roy
2. Shri Nripen Kakati
3. Shri Jatin Chandra Das
4. Shri Munindra Chandra Das
5. Shri Bosanta Kumar Boro
6. Shri Narendra Nath Sarma
7. Shri Bangshidhar Bayan
8. Shri Puna Ram Murali
9. Shri Sankar Basfore
10. Shri Nayan Baba Singh
11. Sri Ramesh Ch. Sarma
12. Sri Dwijen Das
13. Sri Bapan Ch. Nath
14. Shri Ramesh Chandra Daimary.

All the applicants have been working under the Office of the Commissioner (Border), Govt. of India Ministry of Home Affairs, Bhangagarh Guwahati-5.

Applicants.-

By Mr.D.C.Mahanta, R.C.Barpatragohain & B.Buragohain.

- Versus -

1. The Union of India
Represented by the Joint Secretary
to the Government of India
(15-11 & BM), Ministry of Home Affairs.
North Block, New Delhi-110 001.
2. The Joint Secretary, Border Management
Ministry of Home Affairs
North Block, New Delhi-110 001.
3. The Under Secretary
to the Government of India
Ministry of Home Affairs
North Block, New Delhi-110 001.
4. The Commissioner (Border)
Represented by the Deputy Commissioner (Border)
Bhangagarh, Guwahati-5.
5. The Administrative Officer
Office of the Commissioner (Border)
Govt. of India, Ministry of Home Affairs
Bhangagarh, Guwahati-781005. . . . Respondents.

By Mr.B.C.Pathak, Addl.C.G.S.C.

O R D E R (ORAL)

In view of office order dated 24.2.2004, it has

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been decided by the Ministry of Home Affairs that Office of the Commissioner (Border) would be closed and no further extension would be accorded beyond 28.2.2004. However, it is also stated that the possibility of accommodating the locally recruited staff is being examined separately. The apprehension of the applicants are that in the event, BSF takes control, they would not take them as there is no terms and conditions to decide about the future of this employees.

Keeping that view of the matter the respondents are directed to treat this O.A. as supplementary representation of the applicants. The respondent Nos.1, 2 & 3 are directed to take a decision and dispose of the representation of the applicants and consider the possibility of accommodating locally recruited staff by a detailed and speaking order to be passed within two weeks from the date of receipt of copy of this order. Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents, is to be provided with a copy of this order enabling him to further communicate with the official respondents. Till a decision is arrived by the Ministry of Home Affairs, status quo of the working of the employees shall be maintained. In the event, the applicants are still aggrieved, it is open to them to seek redressal of their grievances in appropriate forum.

The O.A. stands disposed of accordingly. Copy of this order be sent to the respondents alongwith the copy of the O.A.


(K.V.PRAHALADAN)
ADMINISTRATIVE MEMBER


(SHANKER RAJU)
JUDICIAL MEMBER

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

AT GUWAHATI

D. A. NO. 50 /2004

Shri Krishna Kanta Roy & Others

...Applicants

-Versus-

Union of India & Others

...Respondents

LIST OF DATES AND SYNOPSIS OF THE CASE

DATE SYNOPSIS OF PARTICULARS IN THE APPLICATION

The applicants were appointed as UDC, LDC, peon and Chowkidar etc. at the office of the Commissioner (Border) Govt. of India, Ministry of Home Affairs, Bhanganagarh, Guwahati, as per Assam Accord for construction of Indo Bangladesh Border Road Fences and sanction for continuation of temporary posts accorded on year to year basis. These appointments were made in the year 1984 onwards.

31.3.99 - Letter issued by the Administrative Officer, Guwahati for absorption of the staff against regular post in other offices of the Ministry of Home Affairs.

3.9.99 - Absorption of temporary staff of the office of Commissioner (Border), Ministry of Home Affairs, Bhanganagarh, Guwahati.

13.11.2000 - Letter issued by the Commissioner (Border) Ministry of Home Affairs, Bhangagarh to the Joint Secretary (NE), Ministry of Home Affairs, for regularisation of services of temporary Staff of the office of the Commissioner (Border) Suwahati.

24.11.00 - Letter issued by the Deputy Secretary's (NEC) Ministry of Home Affairs, New Delhi to the Commissioner (Border), Bhangagarh, Suwahati in the matter of regularisation of services of 14 Nos group C & D staff. As the office of the Commissioner (Border) has been created temporarily for supervising the Indo Bangladesh Border Roads and Fence construction project work, which is scheduled to be completed by March 2007 it may not be possible to declare the services of 14 Group C & D temporary staff as permanent.

16.2.2001 - Representation of the applicants has been forwarded by the Deputy Commissioner (Border) Bhangagarh to the Joint Secretary, Ministry of Home Affairs, New Delhi for regularisation of their services.

8.8.2003- Order passed by this Hon'ble Tribunal in
O.A. No. 298/2002.

24.2.2004 - Impugned order issued by the Under Secretary to the Govt. of India in respect of closing the office of the Commissioner (Border) Bhanganagar, Guwahati.

8. RELIEF SOUGHT FOR:

Under the and circumstances of the case as stated in the application the applicants most humbly and respectfully prays that your Lordships be pleased to grant the following reliefs:

B.1 That the impugned office order dtd.24.2.2004 issued by the Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi may be declared void and illegal.

B.2 That the impugned office order dated 24.2.2004 (Annexure - J) may be stayed.

B.3 That the applicants may be allowed to continue in service and direct the respondents to pay regular salaries thereof.

B.4 That the direction may be issued to the Respondents to declare the office of the Commissioner (Border) Bhanganagar, Guwahati as a permanent establishment.

THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

GUWAHATI

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

G.A. No. 50 of 2004

Sri Krishna Kanta Ray & Ors.

..Applicants

-Versus-

Union of India & Ors.

.....Respondents.

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Date of filing

26.2.04

Filed by:

Biswam Bhowmik
Advocate
26.2.04

THE CENTRAL ADMINISTRATIVE TRIBUNAL: SUWAHATI BENCH
AT SUWAHATI

An application under Section 19 of
the Administrative Tribunal Act, 1985

O. A. NO. /2004

Shri Krishna Kanta Roy & Others

...Applicants

--Versus--

Union of India & Others

...Respondents

1. PARTICULARS OF THE APPLICANTS:

1. Shri Krishna Kanta Roy

Son of Late Priya Nath Roy,
Village Botaghuli, P.O. Panjabari,
Suwahati - 781037.

2. Shri Neipen Kakati,

Son of Late Rajen Kakati,
Village & P.O. Pub. Borka,
District- Kamrup, Assam.

3. Shri Jatin Chandra Das,

Son of Late Joy Ram Das,
Village Pandu Bazar,
P.O. Pandu Bazar, Suwahati-781012.

Contd..P/-



Filed by Krishna Kanta Roy
Applicants.
Through - Biswamburghis
Advocate

4. Shri Munindra Chandra Das,
Son of Late Chuni Ram Das,
Village Deharkuchi,
P.O. Shanikuchi, District Malbari, Assam.
5. Shri Bosanta Kumar Boro,
Son of Late Bela Ram Boro,
Village Bokrapara, Khanapara,
Dist. Kamrup, Guwahati-781022.
6. Shri Narendra Nath Sarma,
Son of Late Rama Nath Sarma,
P.O. & Vill. Bonshar, Dist- Kamrup, Assam.
7. Shri Bongshidhar Bayan,
Son of Late Laghana Ram Bayan,
Village Mugdi, P.O. Mugdi,
District- Malbari, Assam.
8. Shri Pona Ram Murari,
Son of Late Whenda Ram Murari,
Village Tangabari Kalaigaon,
P.O. Tangabari, Dist. Darrang, Assam.
9. Shri Bankar Dasfore,
Son of Late Bhuzan Dasfore,
Village and P.O. Kamal,
Dist. Darbhanga, Bihar.
10. Shri Mayan Baba Singh,
Son of Late Hera Singh,
Village & P.O. Kamanga,
District- Cachar, Assam.

Contd. P/-



11. Sri Ramesh Ch. Sarma,
S/o Late Hemeswar Sarma,
Vill. Barpratima,
P.O. Sakar Hati,
Dist. Kamrup (Assam).
Working as L.D.C. since 18.3.1985.

12. Sri Dwijen Das,
S/o Late Ghana Kanta Das,
Dergaon,
Dist. Golaghat,
Assam.
Working as Driver since 9.11.87.

13. Sri Bapan Ch. Bogy Nath,
S/o Late Juren Ch. Nath,
Vill. Dekar Gaon,
Dist. Darrang,
Assam.
Working as Driver since 1.8.2000.

Contd.



14. Shri Ramesh Chandra Daimary,
Son of Late Tarani Daimary,
Village Lahoripar, P.O. Rupohi.

All the applicants have been working under the office of the Commissioner (Border) Govt. of India, Ministry of Home Affairs, Bhangagarh, Guwahati-5.

2. PARTICULARS OF THE RESPONDENTS:

1. The Union of India, represented by the Joint Secretary to the Government of India (15-11 & BM), Ministry of Home Affairs, North Block, New Delhi-110001.
2. The Joint Secretary, Border Management, Ministry of Home Affairs, North Block, New Delhi-110001.
3. The Under Secretary to the Govt. of India, Ministry of Home Affairs, North Block, New Delhi-110001.
4. The Commissioner (Border), represented by the Deputy Commissioner (Border), Bhangagarh, Guwahati - 5.
5. The Administrative Officer, Office of the Commissioner (Border), Govt. of India, Ministry of Home Affairs, Bhangagarh, Guwahati-781005.

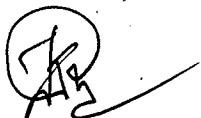
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3. PARTICULARS FOR AGAINST WHICH THE APPLICATION IS MADE:

- I. Letter No. 14011/22/(00)94-CB dated 30.10.96 issued by the Commissioner (Border) to the Joint Secretary (NE), Ministry of Home Affairs, Govt. of India.
- II. Administrative officer's Letter No.14013/29/(00)93-CB dtd. 31.3.99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India for absorbing the employees against regular posts in other offices of the Government of India
- III. Administrative officer's Letter No.14013/29/(00)93-CB dtd. 3.3.99 with a request to take up the matter on priority basis.
- IV. Administrative officer's Letter No.14013/29/(00)93-CB dtd.10.1.2000 forwarding the written note regarding regularisation of services of the existing staff of the Commissioner(Border) Ministry of Home Affairs, Guwahati.
- V. Commissioner (Border) Letter No.14013/29/(00)93-CB dtd. 13.11.2000 addressed to the Joint Secretary (NE), Ministry of Home Affairs, for regularisation of services of 14 numbers of Group-C and Group-D Staff for enabling them to get promotion and other benefits under ACP Scheme.

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VI. Deputy Secretary's (NEC) Ministry of Home Affairs, Govt. of India dtd. 24.11.2000 addressed to the Commissioner (Border), Guwahati regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border) Guwahati.

VII. The Deputy Commissioner (Border) letter No. 14013/29/(00)93-CB dated 14.2.2001 forwarding the representation submitted by R.E. Sharma, General Secretary, Commissioner (Border), Employees' Union on behalf of the Staff Members.

VIII. The representation in communication No.100/1/92 CBEU dated 1.2.2001 submitted on behalf of the Union praying inter alia permanent absorption of the temporary staff of the office of the Commissioner (Border).

IX. An appeal dtd. 20.6.2000 preferred by the applicants before the Joint Secretary (15-II & BM) Govt. of India, Ministry of Home Affairs, North Block, New Delhi.

X. An order dtd. 8.8.2003 passed by this Hon'ble Tribunal in Original Application No.298/2002.

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XI. An office order dtd. 24.2.2004 issued by Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.

4. LIMITATION:

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

5. BRIEF FACTS OF THE CASE:

I. That the applicants are the citizens of India and as such they are entitled to all the rights, protections and safeguards granted under the Constitution of India and the laws framed thereunder.

II. That all the applicants are working in the office of the Commissioner (Border), Govt. of India, Ministry of Home Affairs, Bhanganagar, Guwahati and their grievances and matters are similar in nature and hence they crave leave of this Hon'ble Tribunal to join together in a single application invoking the power under Rule 4(5)(2) of Central Administrative Tribunals (Procedure) Rules of 1999.

III. That the applicants state that the Govt. of India set up an establishment i.e. Office of the Commis-

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Commissioner (Border) on 25.4.1984 following Assam accord for construction of Indo Bangladesh Border Roads, Fences and sanction for continuation of temporary posts accorded on year to year basis. Accordingly the applicants were duty appointed under the said establishments as U.D.A., LDC, Peon, Chowkidar, drafty Safaiwala and Driver respectively i.e. group C and D staff in the year 1984.

IV. That the applicants state that since the date of joining in service they have been rendering sincere service to the satisfaction of all concerned without any blemish whatsoever in the entire period.

V. That the applicants state that the Govt. of India, Ministry of Urban affairs and Employment Office of Indo Bangladesh Border Roads barbed Fencing with a view of checking infiltration of illegal migrants from Bangladesh border into Indian Territory and therefore the office of the Commissioner (Border) was created for the construction as well as maintenance on Indo Bangladesh Border Roads. The work to maintenance is a continuous process for a indefinite period of time even after the construction is completed. In that view of the matter the office of the Commissioner (Border) requires to be made in permanent establishment.

VI. That the applicant No.1 was appointed as LDC in a purely temporary capacity w.e.f. 30.3.1985 vide

Contd..P/-

order dtd. 10.4.1985 and on promotion as USA his service was extended upto 31.3.2007 vide order dated 23.8.2001. The applicant No.2 was appointed as Peon on temporary basis w.e.f. 16.10.1984. By order dated 2.5.1986 he was allowed to officiate as LDC for a period of one year. Thereafter his service was extended upto 31.3.2007 vide order dated 28.8.2001. The application No. 3 was appointed as Peon w.e.f. 21.1.1985 in temporary capacity. Thereafter he was promoted to officiate as LDC and UDC by order dated 16.10.2001. That the applicant No.4 was appointed as peon w.e.f. 1.10.84 thereafter he was appointed in the post of drafty w.e.f. 1.3.85 vide order dated 4.3.85. The applicant No.5 was appointed as peon in Group-D post w.e.f. 2.1.85, the applicant No.6 was appointed as peon w.e.f. 22.5.86 and extended vide order dtd. 2.7.86. The applicant No.7 was appointed as Chowkidar on daily wage basis on 5.3.85 and appointed as peon Group-D post w.e.f. 2.6.86 vide order dtd. 2.7.86. Similarly appellant No.8 was appointed as peon in a temporary basis for a period of six months and confirm to the said post vide order dtd. 26.5.87. The applicant No.9 was appointed as safai-wala a Group-D post on 27.10.86 and applicant No.10 appointed as Chowkidar on 21.11.86 and thereafter he was promoted to the post of LDC w.e.f. 16.10.01 vide order dtd. 2.11.01 and appellant No.11 was appointed as driver w.e.f. 1.3.85 vide order dtd. 5.3.85.

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Copies of the appointment letters are annexed herewith and marked as Annexure-A series.

VII. That the applicants state that the office of the Commissioner (Border) is created for the construction as well as Maintenance of the Indo Bangladesh Border Roads and the work of Maintenance is a continuous process for an indefinite period of time even after the construction is completed. In that view of the matter the office of the Commissioner (Border) requires to be made a permanent establishment.

VIII. That the applicants state that they are making their earnest requests to the concerned authorities, Ministry of Home Affairs, Govt. of India, through proper channel for making the office of the Commissioner (Border) a permanent establishment and to regularise their services in the said office.

IX. That the applicants state that the Administrative Officer, Govt. of India, Ministry of Home Affairs, addressed to the Desk Officer (BF Desk), Government of India for regularisation of their services and the names of the applicants were also appeared.

A copy of the said letter dtd. 31.3.99 is annexed herewith and marked as Annexure-B.

Contd..P/-



X. That the applicants state that the again the Administrative Officer, Govt. of India, M.H.A., Guwahati issued a letter dtd. 3.9.99 indicating the anxiety of the 14 Nos. of adhoc staff and by the said communication it was also requested in the event of winding up of the office on completion of the work to initiate absorption of the staff against regular posts in other officers of the Ministry of Home Affairs.

A copy of the said letter dtd. 3.9.99 is annexed herewith and marked as Annexure-C.

XI. That the applicants state that in the month of February, 1992 the work measurement study team submitted a report which was forwarded by Ministry of Home Affairs, wherein the team justified continuation of all 23 posts. In 1994 a quality control Cell with seven other posts were sanctioned by the Ministry of Home Affairs and presently the office has 30 sanctioned posts. As per the recommendation of works study team 6 nos of directly recruited Grade D staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of labour Govt. of India. Accordingly, they were re-employed in the CPWD at Malda Bazarhat in West Bengal on permanent basis and presently they are servicing in Guwahati on being transferred.

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XII. That the applicants state that the entire matter was discussed in details in 34th HLEC meeting under agenda item No.2 and accordingly the service particulars of the 14 Nos. of temporary staff of the Commissioner (Border) Office was again forwarded along with the notes to the Ministry of Home Affairs, New Delhi for taking appropriate action.

A copy of the said letter dated 10.1.2000 issued by the Administrative Officer of Commissioner (Border) Guwahati is annexed herewith and marked as Annexure - D.

XIII. That the applicants state that on 13.11.2000 the Commissioner (Border) Ministry of Home Affairs, Guwahati issued a letter to the Joint Secretary (NE) MHA New Delhi in the matter of regularisation of 14 numbers of Group C and Group D and to accord promotion and other benefits under the scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the Addl. Work for Construction of Indo Bangladesh, Border Roads and fences which is likely to continue for another 8 to 10 years.

A copy of the said letter dated 13.11.2000 is annexed herewith and marked as Annexure-E.

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XIV. That the applicants state that on 24.11.2000 the Deputy Secretary (NEC) Govt. of India MHA, New Delhi issued a letter to the Commissioner, Bhanganagarh Guwahati whereby it is stated that the office of the Commissioner (Border) has been treated temporarily for supervising the Indo Bangladesh Border Roads and fence construction project work, which is scheduled to be completed by March, 2002 it may not be possible to declare the services of 14 Nos Group C and D temporary staff as permanent.

A copy of the said letter dtd. 24.11.2000 is annexed herewith as Annexure - F.

XV. That the applicants state that several occasions requested the concerned authority for regularisation of their services as well as permanently absorption in any other Central Govt. Department such as CPWD at Guwahati. Be it stated that one of such representation dated 1.2.2001 preferred by the applicants union was submitted before the Commissioner (Border) Guwahati forwarded to the Joint Secretary (NE), MHA, new Delhi on 16.2.2001.

A copy of the said letter dtd. 16.2.2001 is annexed herewith and marked as Annexure-G.

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XVI. That the applicants state that on 20.6.2002 the applicants have individually submitted appeal before the Joint Secretary (15.II & BN) Govt. of India MHA, New Delhi through proper channel in the matter of declaring the office of Commissioner Guwahati, Assam as permanent establishment and regularisation of the services of the employees working therein or alternatively to absorb them against permanent vacancies lying vacant in the CPWD Office other Central Govt. office in Guwahati.

A copy of the appeal preferred by the applicants is annexed herewith as Annexure -H.

XVII. That the applicants state that considering all these above aspects of the matter the Hon'ble Tribunal, Guwahati Bench was pleased to dispose of the matter on 8.8.2003 with a direction that the respondents to take care of the situation and the authority will continue to take the same case as it bestowed already on these persons for keeping the pot boiling. The scheme is likely to be completed by 2007. Before drawing of the curtain and things fall apart, the respondents are to explore all possible measures to mitigate the situation with a healing touch either by devising a scheme or other suitable arrangements as it deem fit and proper.

A copy of the said Judgment dtd. 8.8.2003 is annexed herewith as Annexure - I.

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XVIII. That the applicants state that after passing the said judgment by this Hon'ble Tribunal the applicants submitted the said Judgment before the Respondents by registered post on 14.8.2003. The applicants further state that they have expecting that the respondent authority will take favourable action against them in view of the judgment passed by this Hon'ble Tribunal.

XIX. That the applicants state that on 24.2.2004 the Under Secretary to the Govt. of India issued an office order whereby decided to close the office of the Commissioner (Border) and not to offer any extension beyond 28.2.2004 and also directed the Deputy Commissioner (Border) to coordinate in the matter of closing the office and handing over the entire office assets including the records of the office of BSF. the applicants after getting the said information are very much shock and surprise that their services will be end on 28.2.2004 but as per letter dtd. 24.11.2000 issued by the Deputy Secretary (NEC) their services will be completed by March, 2007 without regularisation of their services. That being aggrieved the applicants preferred an appeal before the Tribunal which was numbered as DA 298/2002 for regularisation of their services and accordingly this Hon'ble Tribunal also explore all possible measures to mitigate the situation with a healing touch either by devising a Scheme or other suitable arrangements.

Contd..F/-

A copy of the said office order dtd. 24.2.04
is annexed herewith as Annexure - I.

6. RELIEF SOUGHT FOR:

In facts and circumstances the applicants
prays for the following reliefs:

- a) That the applicants being appointed after going through the due selection process under the establishment of Commissioner (Border) MHA, Govt. of India, Bhangagarh, Guwahati and they have been rendering 15/17 years services on temporary basis and their services should be regularised by declaring the office of the Commissioner (Border) Guwahati as permanent establishment.
- b) That the impugned office order dtd.24.2.2004 issued by the Under Secretary to the Govt. of Indian, should be declared void and illegal.
- c) That the applicants be extended all the facilities and services and benefits as have been provided to other employees similarly situated.
- d) That the office of the Commissioner (Border) MHA, Guwahati should not be closed and the same may be declared permanent establishment or the services of the appellants may be continued until and unless they may be absorbed against permanent vacancies lying vacant in the CPWD Office or other parent establishments.

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e) That the services of the applicants may not be thrown out by the impugned order 24.2.2004 and they may be protected by giving all service benefits like as HBA and NCA etc.

The above reliefs are sought for on the following amongst others-

GROUNDS

1. For that the Respondent Government vide office order dtd. 24.2.2004 (Annexure J) while closing the office of the Deputy Commissioner, Border before the stipulated period to be completed by 2007 totally ignored the direction issued by this Hon'ble Tribunal vide order dtd. 8.8.2003 in O.A. No. 298/2002.

2. For that the impugned order dtd. 24.2.04 suffers from material irregularity in respect of the applicants herein is vague and enshrines resulting miscarriage of justice.

3. For that the decision of the government about the possibility of accommodating the locally recruitment staff of the office of the Deputy Commissioner (Border) being examined separately is a fact overlooking completely above the scheme of absorbing the locally recruited staff before drawing of the curtain and things fall apart, the Respondents are to explore all possible measure to mitigate the situation with a healing touch

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either by the devising a scheme or other suitable arrangement as it deem fit and proper.

4. For that the security of the applicants herein have been jeopardise by the action of the Respondent Govt. in closing the office of the Commissioner (Border) and not to offer extension beyond 28th February 2004 and arbitrary unreasonable and violative of the rules of natural justice.

5. For that the applicants have demanded justice and the same has been refused by the respondent government.

6. For that the impugned action of the respondent Govt. the closing down of the office by denying extension of the office of the Commissioner (Border) beyond 28.2.2004 has hit the applicants below their belt which is violative of the provisions of Article 21 of the Constitution of India.

7. For that the applicants have already rendered 20 years of service and they have been given a discriminating treatment by denying regularisation of their services and regularising the services of similarly locally recruited persons who are much junior to the applicants in other permanent departments.

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7. INTERIM RELIEF SOUGHT FOR:

The impugned office order dtd. 24.2.2004 issued by the Under Secretary to the Govt. of India may kindly be stayed till final disposal of the appeal and further be directed the respondent authority not to oust the appellants from services by the above impugned order till final disposal of the matter by this Hon'ble Court.

8. DETAILS OF REMEDIES:

This Hon'ble Tribunal may be pleased to declare the impugned office order dtd. 24.2.04 issued by the Under Secretary to the Govt. of India is void and illegal and the same may kindly be set aside and/or quashed. And further be pleased to direct the Respondents to declare the office of the Commissioner (Border) Guwahati as a permanent establishment and regularised the services of the applicants by giving all benefits and/or such other or further orders as to this Hon'ble Tribunal may deem fit and proper on the above facts and circumstances of the matter.

9. MATTERS FILED IN ANY OTHER COURT:

No application or petition have been filed before any other court.

10. PARTICULARS OF THE POSTAL ORDERS:

1. List of documents

As per index

Contd..P/-

VERIFICATION

I, Sri Krishna Kanta Ray, aged about 41 years, Son of Late Priya Nath Ray, resident of Panjabari, P.O. Panjabari in the district of Kamrup, Assam do hereby verify that the statements made in paragraphs

5 (part) 1 to XV are true to the best of my knowledge, those made in paragraphs 5 (part)

are true to my information derived from records and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 26th day of February, 2004 at Guwahati.

Krishna Kanta Ray
Signature

No. 13012/18/84-OD
 Govt. of India
 Ministry of Home Affairs
 Office of the Commissioner (Border)
Guwahati-5

10 APR 1985

Appointment Order

Shri Krishna Kanta Ray, is hereby appointed in the post of L.D.C. in a purely temporary capacity initially for a period of 45 days only in the pay scale of Rs. 260-6-290-10-6-326-8-366-10-390-10-400/-PM, plus other allowances as admissible as per Central Govt. rules with effect from 30-3-85 (FN) in the office of the Commissioner (Border) Guwahati until further order.

Sd/Dr. J. K. Barthakur
 Commissioner (Border)

Memo No. 13012/18/84-OD

Copy to:-

- (1) The accounts Officer, Regional pay & Accounts Office (IB) Govt. of India, Ministry of Home Affairs, Shillong.
- (2) Drawing & disbursing Officer/Bill. Asstt.
- (3) Personal file of Shri Krishna Kanta Ray.
- (4) Shri Krishna Kanta Ray, He is directed to produce original certificates at the time of joining.
- (5) Office order file.

(*N. K. Das*)

Section Officer
 Office of the Commissioner (Border)

No.14011/12/(00)90-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER(BORDER)
BHONGAGARI, GUWAHATI-5.

OFFICE ORDER

In continuation of this office order No.14011/12/(00)-90-CB dated 21-03-2001, the term of temporary appointment in respect of the following employees in the office of the Commissioner(Border)M.H.A. Guwahati is hereby extended for a further period and continue upto 31-03-2007.

1. Shri Krishna Kanta Roy, U.D.C.
2. Shri Jatin Chandra Das, L.D.C.
3. Shri Nripen Kakati, L.D.C.
4. Shri Ramesh Chandra Sarma, L.D.C.

The extension of purely temporary appointment will not bestow any claim for regular appointment and service rendered on temporary basis in the grade of U.D.C./L.D.C. will not make incumbent eligible to any of the benefits from regular appointment of person in the same grade.

M. J.
Commissioner(Border) (Border)
Govt. of India
Ministry of Home Affairs
Guwahati-181 (X)

Memo No.14011/12/(00)90-CB.

Dt.: 23-8-2006

Copy to:-

1. The Senior Accounts Officer, Regional pay and Accounts Office(IB), Govt. of India, M.H.A. Shillong.
2. Accounts section.
3. Person concerned/Personal file.
4. Desk Officer(BF) M.H.A. North Block, New-Delhi-110001.
5. Office copy.

L. J.
23/8/2006
Administrative Officer.
Office of the Commissioner (Border) M.H.A.
Guwahati-5.

NO. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

A P P O I N T M E N T O R D E R

Shri Nripen Kakoti is appointed as Peon
a Group D post in a temporary capacity in the pay
scale of Rs. 196-3-208-4-220-EB-4-232 with effect
from 16.10.84 F.N. in the office of the Commissioner
(Border), Gauhati until further orders.

His pay will be fixed in accordance with
the rules.

He will be on probation for a period of
two years.

(Dr. J. K. Barthakur)
Commissioner (Border)

Copy to :-

1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay &
Accounts Office (ID), M.H.A., Shillong-3.
5. Office order file.
6. Shri Nripen Kakoti.

21/1
(Dr. J. K. Barthakur)
Commissioner (Border)

GOVERNMENT OF INDIA
Ministry of Home Affairs
Office of the Commissioner (Border)
Bhongagarh, Guwahati-5.

2 JUL 1986

OFFICE ORDER

Shri Nripen Kakati, Peon of this office is hereby allowed to officiate as Lower Division Clerk for a period of one year in the pay scale of Rs.260-6-290-EB-6-325-8-366-EB-8-390-10-400/-p.m. plus other allowances as admissible as per Central Government Rules with effect from 02-06-86 (F.N.).

(Dr. J.K. Barthakur),
Commissioner (Border).

Memo No. 14011/12(00)86-CB-A

dt.

Copy forwarded to:-

The Accounts Officer, Regional Pay & Accounts Office (IB), Government of India, Ministry of Home Affairs, Shillong-3.

- 2. The Drawing and Disbursing Officer.
- 3. The House keeping Assistant/Bill Assistant/- Cash Assistant.
- 4. ✓ Shri Nripen Kakati, peon. He must attain the required typing speed of 40 words per minute within four months from the date of his appointment. After one year his performances will be reviewed.
- 5. Personal file of person concerned.
- 6. Office order file.

(R.K. Das)
Section Officer.

Section Officer
Office of the Commissioner (Border)
Bhongagarh, Guwahati-5.

No.14011/12/(00)90-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER(BORDER)
BHONGAGARH, GUWAHATI-5.

OFFICE ORDER

In continuation of this office order No.14011/12/(00)-90-CB dated 21-03-2001, the term of temporary appointment in respect of the following employees in the office of the Commissioner(Border)M.H.A. Guwahati is hereby extended for a further period and continue upto 31-03-2007,

1. Shri Krishna Kanta Roy, U.D.C.
2. Shri Jatin Chandra Das, L.D.C.
- ✓ 3. Shri Nripen Kakati, L.D.C.
4. Shri Ramesh Chandra Sarma, L.D.C.

The extension of purely temporary appointment will not bestow any claim for regular appointment and service rendered on temporary basis in the grade of U.D.C./L.D.C. will not make incumbent eligible to any of the benefits from regular appointment of person in the same grade.

M. S. S.

Commissioner(Border) (Border)

Govt. of India
Ministry of Home Affairs
Guwahati-781 005

Memo No.14011/12/(00)90-CB.

Dt.: 23-8-2006

Copy to:-

1. The Senior Accounts Officer, Regional pay and Accounts Office (IB), Govt. of India, M.H.A. Shillong.
2. Accounts section.
3. Person concerned/Personal file.
4. Desk Officer (BF) M.H.A. North Block, New-Delhi-110001.
5. Office copy.

1/11/06
5/11/06
Administrative Officer.
~~Administrative Officer.~~
Office of the Commissioner (Border) BHONGAGARH
Guwahati-5.

NO.13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

A P P O I N T M E N T O R D E R

Shri Jatin Chandra Das is appointed as Peon a Group D post in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect from 20.1.85 F.N. in the office of the Commissioner (Border), Gauhati until further orders.

His pay will be fixed in accordance with the rules.

He will be on probation for a period of two years.

(Dr. J. K. Barthakur)
Commissioner (Border)

Copy to :-

1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay Accounts Office (IB), M.H.A., Shillong-3.
5. Office order file.
6. Shri Jatin Chandra Das.

21/1
(Dr. J. K. Barthakur)
Commissioner (Border)

Amendment-A Sales

No.14029/3(00)86-CB

Government of India
Ministry of Home Affairs
Office of the Commissioner (Border)
Bhangagarh:: Guwahati-5.

OFFICE ORDER

Dtd. 16-10-2001

Shri Jatin Ch.Das, LDC is hereby promoted to officiate as U.D.C. in the Scale of pay of Rs.4000-100-6000/- P.M. plus other allowances as admissible as per the Central Government rules ~~xx~~ w.e.f. 16-10-2001 temporarily and until further order.

He will be on probation for two years from the date of his promotion.

On his promotion, he is required to exercise option, if any, in the matter of fixation of pay within one month in terms of G.I.O. No.16 below FR 22(1)(a)(1).

The temporary appointment will not bestow any claim for regular appointment and service rendered on temporary basis in the grade of U.D.C. will not make the incumbent eligible to any of the benefits from regular appointment of person in the same grade.

Sd/- Illegible
Deputy Commissioner (Border)

Memo No.14029/3(00)86-EB

Dtd. 16-10-2001

Copy to :-

1. The Sr.Accounts Officer, Regional Pay and Accounts office (IB), Govt.of India, M.H.A., Shillong.
2. The Desk Officer (BF), Ministry of Home Affairs, North Block, New Delhi-110 001.
3. Accounts Section.
4. Shri Jatin Ch.Das.
5. Personal file of Shri J.O.Das.
6. Office copy..

Sd/- Illegible
Deputy Administrative Officer.

- 27 -

(B) 37

ANNEXURE-8

NO. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS,
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

A P P O I N T M E N T O R D E R

Shri Mumindra Chandra Das is appointed as Peon a Group D post in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect from 1.10.84 F.N. in the office of the Commissioner (Border), Gauhati until further orders.

His pay will be fixed in accordance with the rules.

He will be on probation for a period of two years.

(Dr. J. K. Barthakur)
Commissioner (Border).

Copy to :-

- ✓ 1. Personal file.
2. House keeping Assistant.
3. Bill Assistant (2 copies).
4. Accounts Officer, Regional Pay & Accounts Office (IB), M.H.A., Shillong-3.
5. Office order file.
6. ✓ Shri Mumindra Chandra Das.

21/11
(Dr. J. K. Barthakur)
Commissioner (Border).

!!!!

Government of India
Ministry of Home Affairs,
Office of Commissioner (Border)
Guwahati-781003.

.....

- O F F I C E O R D E R

No. 13012/11/84-CB/62

Dated Guwahati the 4th March '85

Shri Munindra Chandra Das, the senior most peon (Group D post) of this office is hereby appointed temporarily in the post of draftsman in the scale of pay of Rs 200-2-206-4-234-EB-4-250/PM, plus other allowances as admissible as per Central Govt. rules w.e.f. 1.3.85 (F.N.).

Sd/- (Dr. J. K. Borahakur)
Commissioner (Border).

Memo. No. 13012/11/84-CB/62 A.

Dated Guwahati the 4th March '85.

Copy forwarded to :-

1. The Accounts Officer, Regional Pay and Accounts Office, (IB), Ministry of Home Affairs, Shillong-3.
2. The Drawing & Disbursing officer. (Three copies for House keeping/bill/Cash Asst.).
3. Personnel file of person concerned.
4. Shri Munindra Chandra Das, office peon.

R.K. Das
(R.K. Das)
Section Officer,
Office of the Commissioner (Border)

*and
4/3/85*

.....

*Recd. pt
4/3/85*

20-29
No. 13012/11/84-CB
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (BORDER)
GAUHATI

DATE

39

A P P O I N T M E N T O R D E R

Shri Basanta Kumar Boro is appointed as Peon a Group D post in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-EB-4-232 with effect from 2.1.85 P.N. in the office of the Commissioner (Border), Gauhati until further orders.

His pay will be fixed in accordance with the rules.

He will be on probation for a period of two years.

(Dr. J. K. Barthakur)
Commissioner (Border)

Copy to :-

- ✓ 1. Personal file.
- 2. House keeping Assistant.
- 3. Bill Assistant (2 copies).
- 4. Accounts Officer, Regional Pay & Accounts Office (IB), M.H.A., Shillong-3.
- 5. Office order file.
- 6. Shri Basanta Kumar Boro.

(Dr. J. K. Barthakur)
Commissioner (Border)

NO. 14029/1(00)86-CB/5
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE COMMISSIONER (Border)
GAUHATI-

DUPLICATE

Date- 20.5.86

With reference to his application dated 18th August, 1984 Shri Narendra Nath Sharma is offered a temporary post of _____ in the scale of pay of Rs. 196-3-220-EB-3-232/PM plus usual allowances sanctioned by the Government of India. His appointment will be subject to the following terms and conditions.

i) The appointment is purely temporary and will be governed by the C.C.S. (T.C.) Rules, 1965 and is liable to termination without assigning any reasons under Rule 5 ibid.

ii) He is liable to be posted/transferred to any place in India or abroad on such terms and conditions as may be decided by the Government of India.

iii) He will be junior to the juniormost official serving in the grade in the cadre Group "D". In the event of separation of the cadre he will be junior to those of the cadre who are allocated to the office of the Accountant General, Assam.

iv) He will have to comply with the requirements of the C.C.S. (Conduct) Rules, 1964 and the Plural Marriage Act. All Rules or cadres already in existence or issued from time to time regarding Attendance, duties, discipline, conditions of service etc. will automatically be applicable to him.

v) If he belongs to a Scheduled Caste and professes the Hindu/Sikh religion, he should report any change of religion to the appointing authority immediately such a change take place.

vi) He should give a declaration of his home town for the purpose of L.C.C. within six months from the date of entry in to services.

2. If the offer is accepted by him, he should sign the acceptance of the offer in the form enclosed and report personally to the office of the Commissioner (Border), Assam, Gauhati- immediately but in any case not later than fifteen days from the date of receipt of this offer. This offer is liable to lapse, if he does not join on or before the stipulated date.

Contd...2.

Final in
1-1-86

3. He should bring with him the original matriculation certificate and or other certificates in support of age, educational qualification etc. and other certificate showing domicile. He should also submit the following documents with his letter of acceptance.

i) Certificate of character with the form enclosed from the Head of the Educational Institution last attended or in case such a certificate cannot be obtained, a certificate in the same form from a gazetted officer (in both cases, duly attested by a District Magistrate, Sub-Divisional Magistrate or Stipendiary First Class Magistrates). The certificate should have reference to the 2 years immediately preceding.

ii) Attestation form (enclosed) duly completed in duplicate.

iii) A Scheduled Castes/Tribes certificate in the form enclosed from a District Magistrate, Additional District Magistrate, Collector, Deputy Commissioner, Additional Deputy Commissioner, Deputy Collector, First Class Stipendiary Magistrate, City Magistrate, Sub-Divisional Magistrate not below the rank of First Class Stipendiary Magistrate, Taluka Magistrate, Executive Magistrate, Extra Assistant Commissioner, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, Presidency Magistrate, Revenue Officer not below the rank of Tahsildar, Sub-Divisional Officer of the area where he or his family normally resides.

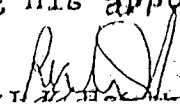
iv) A declaration in form enclosed indicating whether he/her husband has more than one wife living.

v) No objection certificate from his previous employer and release order from his accepting his resignation from that service.

vi) Displaced person certificate from a Gazetted Officer of the Central Govt. or from a District Magistrate and or eligibility certificate issued by the Govt. of India or Citizenship Certificate as a proof of registration as an Indian Citizen.

4. This offer of appointment is further subject to his being found medically fit for Government service by the Civil Surgeon or a District Medical officer of the equivalent status at Guwahati to whom he will be sent after he accepts the offer and report to the office of the Commissioner (Border), Gauhati and taking on oath of allegiance to the Constitution of India.

5. He will not be paid T.A. for joining his appointment.


6/11/71

No. 14011/13/(00)86-CH.
dt.

1986

Government of India,
Ministry of Home Affairs,
Office of the Commissioner(Border),
Dhongagari Guwahati-5.

OFFICE ORDER

Shri Narendra Nath Sarma is hereby appointed as Peon, a Group 'D' post, in a temporary capacity in the pay scale of Rs. 196-3-208-4-220-511-4-232/-pm. plus other allowances as admissible as per Central Government rates W.E.F. 22-05-86(F.N.) in the office of the Commissioner(Border), Government of India, Guwahati until further orders.

Shri N.N.Sarma has joined in this post on 22-05-86(F.N.)

Shri sarma will draw his next increment on 01-05-87.

Sd/-
(R. Kharlukhi)
Commissioner (Border)

Memo No. 14011/13(00)86-CH. dt.

- (1) The Accounts officer, Regional pay & Accounts office (IB), Ministry of Home Affairs, Government of India, Laitumkhrah, Shillong-3.
- (2) The D.D.O.
- (3) House Ke ping/Bill/Accounts Asssts.
- (4) Shri Narendra Nath Sarma,
- (5) Personal file.
- (6) Office order file.

R.K. Das
(R.K. Das) 2/7/86

Administrative officer.

No. 13012/24/84-OB
Govt. of India
Ministry of Home Affairs
Office of the Commissioner, (Border),
Dhongagarh, Guwahati-781005.

43

5 MAR 1985

Shri Dongshidhar Bayan, Assam Home Guard is hereby engaged against a contingency post of Chowkidar in the office of the Commissioner, (Border), Govt. of India, Ministry of Home Affairs, Guwahati at the daily wage basis @ Rs. 12/- (Rupees twelve) only per day with effect from the date of reporting to duties.

Sd/-Dr. J.K. Barthalcur,
Commissioner, (Border).

Memo. No. 13012/24/84-CB

Dated, Guwahati, the 5-3-85.

Copy forwarded to :-

- 1). The Accounts Officer, Regional Pay and Accounts Office (IB), Ministry of Home Affairs, Shillong-793003.
- 2). The Drawing & Disbursing Officer,
(Three copies for House Keeping/Bills/Cash Asstt.)
- 3). The D.S.P., Police Reserve, (Home Guard), Govt. of Assam Guwahati-1, with a request to release the above named personnel immediately to enable him to join in this office.
His certificate may be posted early -
- 4). Personnel file of the person concerned.
- 5). Shri Dongshidhar Bayan, AIRG.

(R.K. Das)
Section Officer,
Office of the Commissioner,
(Border), Guwahati-5.

*auth
8/3*

Annexure-14 *Sub*

No.14011/13(00)86-CB.

Government of India,
Ministry of Home Affairs,
Office of the Commissioner(Border)
Bhangagarh, Guwahati-5.

2 JUL 1986

OFFICE ORDER

Shri Bangahidhar Bayan is hereby a pointed as peon, a Group 'D' post in a temporary casecity in the pay scale of Rs.196-3-208-⁴⁻220-EB-4-232/- p.m. plus other allowances as admissible as per GenralGovernment rates W.E.F. 02-06-86 (F.N.) in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders.

Shri Bangahdhar Bayan has joined in this post on 02-06-86 (F.N.).

Shri Bayan will draw his next increment on 01-06-87.

Sd/- R.Kherlukhi,
Commissioner (Border)

Memo No.14011/13(00)86-CB. dt.

1. Accounts officer, Regional pay & Accounts Office (IB), Government of India, Ministry of Home Affairs, Lait....., Shillong-3.
2. The D.D.O.
3. House Keeping/Bill/Acctts Asstts.
4. Shri Bangahidhar Bayan,
5. Personal file.
6. Office order file.

Sd/- Illegible
Administrative Officer.

No. 14011/13(00)86-CB
Government of India,
Ministry of Home Affairs,
Office of the Commissioner (Border),
Ehonggarh, Guwahati-3.

O F F I C E O R D E R

27 APR 1987

Shri Raa Ram Murari, Assam Home Guard Personnel is hereby appointed as poon, Group 'D' post in a purely temporary basis for a period of 6 (six) months in the scale of pay of Rs. 750-8-790-EB-10-940/- p.m. plus other allowances as admissible under the central Government rules with effect from the date of joining in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders.

Sd/-
(Major N. Dhal)
Director (Survey)
for Commissioner (Border)

Memo No. 14011/13(00)86-CB

dt.

Copy forwarded to:-

1. The Accounts Officer, Regional Pay & Accounts office (IB), Government of India, Ministry of Home Affairs, Shillong-3.
2. The D. D. O. for information.
3. The Accounts/Bill/House keeping Assistant.
4. Shri Raa Ram Murari, Assam Home Guard, Police Reserve, city, Guwahati-781001.
5. The Reserve Inspector, Guwahati City, for information and necessary action. He is requested to release Shri Raa Ram Murari, Home Guard immediately.
6. Office order file.

(Signature)

27/4/87

(Major N. Dhal)
Director (Survey)
for Commissioner (Border)

R. Sarmah

ooOoo

No. 14011/13(00)86-CB
Government of India,
Ministry of Home Affairs,
Office of the Commissioner(Border),
Dhongagarh, Guwahati - 5.

26 MAY 1987

Date:-

In continuation of temporary appointment vide No.14011/13/ (00)86-CB dt. 27-4-87 Shri Pua Ram Murari peon is hereby allowed to continue in temporary post of peon in the scale of pay of Rs.750-8-79 OEB-10-940/- p.m. plus usual allowances sanctioned by the Government of India. His appointment will be subject to the following terms and conditions.

(i) The appointment is purely temporary and will be governed by the C.C.S. (T.C.) Rules, 1965 and is liable to termination without assigning reasons under rules 5 ibid.

(ii) He is liable to be posted/transferred to any place in India or abroad on such terms and conditions as may be decided by the Government of India.

(iii) He will be junior to the juniormost official serving in the grade in the cadre of peon. In the event of separation of the cadre he will be junior to those of the cadre who are allocated to the office of the Accountant General, Assam.

(iv) He will have to comply with the requirements of the CC.S. (Conduct) Rules, 1964 and the plural Marriage Act. All Rules or cadres already in existence or issued from time to time regarding Attendance, duties, discipline conditions of service etc. will automatically be applicable to him.

(v) He should give a declaration of his town for the purpose of L.T.C. within six months from the date of entry in to services.

2. He should bring with his the original matriculation ~~OR~~ Certificate/School Certificate and or other certificates in support of age, educational qualification etc. and other certificate showing domicile. He should also submit the following documents with his letter of acceptance.

(i) Certificate of character with the form enclosed from the Head of the Educational Institution last attended or in case such a certificate cannot be obtained, a certificate in the same form a gazetted officer (in both cases, duly attested by a District Magistrate), Sub-Divisional Magistrate or Stipendiary First class Magistrates). The certificate should have reference to the 2 years immediately preceding.

(ii) Attestation form (enclosed) duly completed in duplicate.

(N) Lal
(Maj.N.Dhal), 26/5/87

Director(Survey),
Office of the Commissioner(Border).

26/5

CL

7499

Date 26-5-87

Initial of the officer

Contd /-2

Enclo:-

1. Candidates statement and declaration form (in duplicate).
2. Attestation form (in duplicate).
3. Form of Identity certificate (in duplicate).
4. Form of Character certificate - do -
5. Form of Medical certificate - do -
6. Form of declaration - do -

No.14011/33/(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner (Border),
Bhongagarh, Guwahati-5.

APPOINTMENT ORDER

Shri Sankar Basfor, a contingency staff of this office is hereby appointment as Safaiwala, a Group 'D' post, on a purely temporary basis in the scale of Rs. 190-3-200. Rs. 220-EB-232/-p.m. plus other allowances as admissible as per Central Government rules with effect from the date of his joining in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders. Shri Basfor has joined in the post on 23-10-86 (F.N.)

Shri Sankar Basfor, will draw his next increment on 01-10-87 as per rule.

R.K. Das
27.10.86
-(R.Kharlukhi)
Commissioner (Border).

Memo No.14011/33/(00)86-CB dt.
Copy to:-

- 1. The Accounts Officer, Regional Pay & Accounts Office (IB), Ministry of Home Affairs, Shillong-3.
- 2. The Drawing & Disbursing Officer.
- 3. House keeping/Bill/Accounts Branch.
- 4. Shri Sankar Basfor.
- 5. Personnel file.
- 6. Office order file.

17.8.83
29-10-86
[Signature]

R.K. Das
(R.K. Das)
Administrative Officer.
Ministry of Home Affairs
Guwahati.

oo0oo

/K.K.R/

No.14029/1(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner (Border)
Bhongagarh, Guwahati-5.

11 NOV 1986

A P P O I N T M E N T O R D E R

Shri Nayan Singh, Assam Home Guard personnel is hereby appointed as Chowkidar Group 'D' Post in a purely temporary basis for a period of 6(six) months in the scale of pay Rs.750-8-790-EB-10-940/-p.m. plus other allowances, as admissible under the Central Government Rules with effect from the date of joining in the office of the Commissioner (Border), Government of India, Ministry of Home Affairs, Guwahati until further orders.

His pay will be fixed in accordance with the Rules.

Sd/-
(Major N. Dhal)
Survey Officer.
For Commissioner (Border)

Memo No.14029/1(00)86-CB dt.

Copy to:-

1. The Accounts Officer, Regional Pay & Accounts Office (IB), Government of India, Ministry of Home Affairs, Shillong-3.
2. The Drawing and Disbursing Officer for information.
3. Accounts/House Keeping/Bill Assistant.
4. Shri Nayan Singh.
5. The Reserve Inspector, Guwahati City, Guwahati for information and necessary action please.
6. Spare copy.

(M. Bordoloi)
Section Officer.

No.14013/36(00)86-CB
Government of India
Ministry of Home Affairs
Office of the Commissioner (Border)
Shanagarh : Guwahati-5

OFFICE ORDER :

Dtd. 2¹¹/₀₇

Consequent upon his promotion to the post of LDC and on having exercised his option under FR 22(1) (a) (1), the pay of Shri Nayan Babu Singh has been fixed at Rs. 3050/- w.e.f. 16-10-2001 i.e. the date of promotion to the post of LDC in the scale of pay of Rs. 3050-75-3950-30-4500/- which is again re-fixed at Rs. 3200/- w.e.f. 01-11-2001 as under :-

- Pay in the lower post on the date of promotion = Rs. 3020/-
- Pay in the higher post on the date of promotion i.e. w.e.f. 16-10-2001 = Rs. 3050/-
- Pay in the lower post on 01-11-2001 = Rs. 3030/-
- Pay after notional increase by one increment or Rs. 100/- whichever is more = Rs. 3130/-
- Pay in the promoted post of LDC = Rs. 3200/-

His date of next increment will be on 01-11-2002.

Dy. Commissioner (Border).

Memo No. 14013/36/(00)86-CB
Copy to:-

Dtd.

- 1. The Sr. Accounts Officer, Regional Pay and Accounts Office (IB), Shillong-3.
- 2. The Accounts Section.
- ✓ 3. Shri Nayan Babu Singh, LDC.
- ✓ 4. Office copy/personal file.

Hwt
2/11/07
Administrative Officer.

No. 13012/3A/85-OB/

Dated Guwahati, the 5-3-85.

OFFICE ORDER

Shri Ramesh Chandra Daimari, is hereby appointed temporarily and purely on adhoc basis as a Driver in the scale of pay of Rs. 260--6--290--EB--6--326--8--366--EB--8--390--10--400/- P.M. plus other allowances as admissible as per Central rules for a period of 45 days w.e.f. 1-3-85 to 14-4-85 or till the post is filled up on recommendation of the selection Board whichever is earlier.

The ad-hoc appointment will not bestow any claim for regular appointment and the services rendered on adhoc basis in the grade of driver will not make the incumbent eligible to any of the benefits that results from regular appointment of a person in the same grade.

Sd/- Dr. J.K. Barthakur,
Commissioner, (Border).

Memo.No. 13012/3A/85-OB/5

Dated Guwahati, the 5-3-85.

Copy forwarded to:-

- 1). The Accounts Officer, Regional Pay And Accounts Office, Ministry of Home Affairs, Shillong-793003.
- 2). The Drawing & Disbursing Officer, (Three copies, for House Keeping/Bills/Cash Asstt.).
- 3). Shri Ramesh Chandra Daimari.

(R.K. Das),
Section Officer,
Office of the Commissioner, (Border)
Guwahati-781005.
073

45:42-

ANNEXURE-7B

2

का कार्यालय

गाहाटी-७८१००५

Telephone

560411
560316

भारत सरकार

GOVERNMENT OF INDIA

Office of the Commissioner (Border)

Bhangagarh, GUWAHATI-781005

गृह मंत्रालय

Ministry of Home Affairs

No.

14013/29/(00)93-CB.

दिनांक Date... 31-03-99.....

To

The Desk Officer (BF-Desk),
Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110001.

SUB:- ABSORPTION OF TEMPORARY STAFF OF THE OFFICE OF THE COMMISSIONER (BORDER), MINISTRY OF HOME AFFAIRS, BHONGAGARH, GUWAHATI-5.

Sir,

I am directed to invite a reference to the Agenda item No.9 of the 33rd H.L.E.C. Meeting and to state that in the event of the winding up of the Office on completion of the work of the on-going I.B.B. Project by March'2001, the fate of the 14 Nos. of adhoc staff of this Office will be uncertain. To initiate the absorption of these staff against regular posts in other Offices of the Ministry of Home Affairs, bio-data and service particulars are forwarded herewith for further necessary action at your end.

Yours faithfully,

Handwritten signature
31/3/99

(L. P. Das)

Administrative Officer.

20A
31-3-99
Handwritten initials

53

Sl. No.	Name & Designation	Scale	Date of birth as per service book.	Qualification academic/technical.	Date from which in continuous Govt. service.	Date from which working in the present grade.	Whether recruited through Employment Exchange/S.S.C. etc.	Remark
1	2	3	4	5	6	7	8	9
1.	Shri K. K. Roy, U.D.C.	Rs. 4000-6000/-	11-12-59	Matriculate with typing work both English & Hindi.	30-03-85 as L.D.C.	02-06-86 as U.D.C.	Employment Exchange/D.P.C.	General
2.	Shri Ramesh Ch. Sarma, L.D.C.	Rs. 3050-4590/-	01-04-64	Matriculate with typing work both English & Hindi.	18-03-85 as Peon.	02-06-86 as L.D.C.	Employment Exchange/D.P.C.	General
3.	Shri Jatin Ch. Das, L.D.C.	-do-	21-10-58	Matriculate with typing work (English).	20-01-85 as Peon.	02-06-86 as L.D.C. U.D.C. w.e.f. 16.10.01.	Employment Exchange/D.P.C.	S/C
4.	Shri Nripen Kakoti, L.D.C.	-do-	01-02-65	Matriculate with typing work in (English).	16-10-84 as Peon.	02-06-86 as L.D.C.	-do-	General
5.	Shri Dwigen Das, Driver.	-do-	01-11-60	Read upto Class VIII.	09-11-87	09-11-87	-do-	General
6.	Shri R.C. Daimary, Driver.	-do-	01-06-66	Read upto IX	01-03-85	01-03-85	-do-	S/T
7.	Shri B. B. Sarma, Deputy Librarian.	-do-	31-12-43	Read upto Class VII	19-02-87	19-02-87	Ex-defence Employee	S/T
8.	Shri M.C. Das, Daftry.	Rs. 2610-3540/-	28-02-56	Read upto Class VIII.	01-10-84 as peon.	01-03-85 as Daftry.	Employment Exchange.	General
9.	Shri N.W. Sarma, Peon.	Rs. 2550-3200/-	01-09-59	Read upto Class X	22-05-86	22-05-86	-do-	General
10.	Shri P.R. Murari, Peon	Rs. -do-	30-03-65	Read upto Class VIII.	28-04-87	28-04-87	Ex-Home Guard	General
11.	Shri B. Bavan, Peon.	-do-	24-10-59	Read upto Class V.	02-06-86	02-06-86	-do-	General
12.	Shri P.K. Soro, Peon	-do-	01-01-62	Read upto Class VIII.	02-01-85	02-01-85	Employment Exchange.	S/T
13.	Shri N.B. Singh, Chowkidar/LDC	-do- 4000-5500/- 3050-4590/-	15-03-63	Initially upto IX and subsequently P.U. passed read B.A.	24-11-86	24-11-86 L.D.C. w.e.f. 16.10.01	Ex-Home Guard	General
14.	Shri Sankar Basfor, Safaiwalla.	-do-	01-01-63	Not indicated.	23-10-86	23-10-86	Through Daily Wages.	S/C
15.	Shri Bapom Nath Driver	3050-4590/-			1-8-2002			

SI
Agent to staff Office Project in the absorption of staff of the other Office bio-data and for further nece

Committed

(L. P. Das)
Administrative Officer.

L. P. DAS
Administrative Officer,
O/O the Commr (Border)
MHA, Bhongagarh, City-5.

204
31-3-99

mint

युक्त (सोमास्त) का कार्यालय
असम, गुवाहाटी-781005
दूरभाष Telephone (560411
560316

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय
Ministry of Home Affairs

ANNEXURE - 2C
SPEEDPOST
Office of the Commissioner (Border,
Bhangagarh, GUWAHATI-781005

No. 14013/29/(00)93-CB.

दिनांक Date 03-9-99

To

The Desk Officer (B.F.),
Government of India,
Ministry of Home Affairs,
North Block, New Delhi-110 001.

Sub:-

Absorption of temporary Staff of the O/o the
Commissioner (Border), Ministry of Home Affairs,
Bhangagarh, Guwahati-5.

Sir,

I am directed to invite a reference to this office letter No.14013/29/(00)93-CB dt. 31-3-99 on the subject cited above and to state that there is a strong resentment among the 14 nos. of direct recruited temporary staff (Gr-C and Gr.D) of this office for non-declaring their services as Permanent though they have completed more than 13/14 years of services and pressing hard for regularisation of their services to enable them to get promotion and other benefits.

It is requested that the proposal for absorption of temporary staff as detailed in the office letter dt. 31-3-99 may kindly be taken up on priority.

The outcome of the action initiated in this regard may kindly be informed to this office.

Yours faithfully,

(3/9/99)
(L.P. Das)
Administrative Officer.

Detailed note regarding regularisation of service of the existing staff of the office of the Commissioner (Border), M.H.A. Guwahati.

The office of the Commissioner (Border) under the Ministry of Home Affairs was set up in May '84 under Assam Accord in liaison with the various construction agencies & the state Govt. for the purpose of construction of Indo Bangladesh Border Road and Fence and will wind up after the project is over. The office is a temporary one and as such all the posts are manned by the deputationist from other offices except for some Gr. 'D' and 'C' posts which were not available on deputation basis. For smooth functioning of the office these posts had to be filled up temporarily by direct recruitment on adhoc basis from the names sponsored by the Employment Exchange, Guwahati.

The Ministry of Home Affairs created 44 Posts for this office from September '84 to June '87. The matter for making recruitment of staff sanctioned by the M.H.A. was taken up by this office and it was informed by the M.H.A. that in the absence of recruitment rules adhoc appointment and recruitment on deputation basis may be made.

The sanction for continuation of these 44 posts were being given by the M.H.A. till February '93. However, a work measurement study team of M.H.A. visited this office in the month of February '92 to determine the surplus staff, if any. The reports of the work measurement study team was forwarded by the M.H.A. to this office vide their letter No. 1/10/91-BF dt. 07-07-92. The work measurement study team has justified in all 23 posts for continuation. Moreover in the year 1994 a quality control cell was created and another 7 posts were also sanctioned by the M.H.A. At present the office has 29 sanctioned posts.

As per recommendation of the works study team six nose of directly recruited Gr. 'D' staff were declared surplus and their names were forwarded to the surplus cell of the Ministry of Labour. The six surplus Gr. 'D' staff were reemployed in the C.P.W.D. at Malda and Balurghat Divisions in West Bengal.

Now, the office of the Commissioner (Border), M.H.A. Guwahati has 14 no of Gr. 'C' and Gr. 'D' staff who were directly recruited at the time of creation of office and they are still remain as temporary even after completion of 14 years of service, and there is a strong resentment among these staff for non-declaring their services as permanent one and pressing this office very hard for

P.T.O.

regulation of their service to enable them to get promotion and other benefits.

The matter was discussed in the 34th. H.L.E.C. meeting under Agenda item No-2. The service particulars of the 14 Nos of temporary staff of the Commissioner(Border) office is again forwarded along with this notes to the M.H.A. New-Delhi for taking appropriate action.

U.O.No.14013/29/(00)93-CB.

copy to:-

The Desk Officer(BF).
Ministry of Home Affairs
North Block, New-Delhi.

14/11/2000
(L. P. DAS.)
Administrative Officer.

det



सत्यमेव जयते

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
Commissioner (Border)
Bhangagarh, Guwahati - 781005
Fax No.: 0361-529421
Tele No.: 0361-529421

P.L THANGA, IAS
Commissioner (Border)

NO. 14013/29(00)93-CB

Dated: November 13, 2000.

To

The Joint Secretary (NE),
Ministry of Home Affairs,
North Block,
New Delhi-100 001.


Sub:- Regularisation of services of temporary staff of the Office of the
Commissioner (Border), Ministry of Home Affairs, Guwahati.

Sir,

I am to state that the office of the Commissioner (border) has 14 nos. of directly recruited Group-C and Group-D staff appointed temporarily in the year 1985 at the time of creation of Office on the basis of the names sponsored by the Employment Exchange, Guwahati. These staff continue to remain temporary even after completion of 14/15 years of service and there is a strong resentment among the staff for non-declaring their services as permanent one and are pressing this office very hard for regularisation of their services to enable them to get promotion and other benefits under ACP scheme. The matter was discussed in the 34th HILEC meeting at New Delhi and on the advice of the HILEC a detailed note along with bio-data and service particulars of these staff were forwarded to the Min. of Home Affairs, New Delhi for taking necessary action. Recently, the Govt has approved the additional work for construction of IBB road and fence and as such there is a likelihood of the office being continued for another 8 to 10 years.

It is, therefore, requested that steps may be taken for regularisation of the services of the temporary staff of this office an early date

Yours faithfully,


(P.L. Thanga)
Commissioner (Border)

418

ANNEXURE - 25 F

No. 1/1/95-BF
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

New Delhi, Dated the 24.11.2000.

28

To

The Commissioner(Border),
Bhongagarh,
Guwahati.

Subject:- Regularisation of services of temporary staff of the Office of the
Commissioner(Border), Ministry of Home Affairs, Guwahati.

Sir,

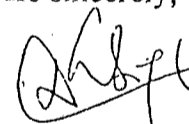
I am directed to refer to your letter No.14013/29(00)93-CB dated the 13th November, 2000 on the above subject and convey that a proposal for continuation of the 29 posts in the Office of Commissioner(Border) including the 14 Group 'C' & 'D' staffs, beyond February, 2001, to March 2007, was referred to the Finance Division.

2. The Finance Division have opined that as the present approval expires on 28.2.2001 the proposal for continuation of the temporary posts may be taken up next year.

3. As the Office of the Commissioner(Border) has been created temporarily for supervising the Indo-Bangladesh Border Roads and Fence Construction Project Work, which is scheduled to be completed by March 2007, it may not be possible to declare the services of 14 Group 'C' & 'D' temporary staff as permanent.

With regards,

Yours sincerely,



(D.K. SINGH)

DEPUTY SECRETARY(NEC)

(सोपास्त) का कार्यालय
महा भुङ्ग ग्वाहाटी - ७८१ ००५

दूरभाष Telephone (529121
529516

भारत सरकार
GOVERNMENT OF INDIA
गृह मंत्रालय
Ministry of Home Affairs

Office of the Commissioner (Border)
Bhangagarh, GUWAHATI - 781005
No. 14013/29/(00) 93-CB.
दिनांक Date 14-02-2001

To,

The Joint Secretary (NE)
Ministry of Home Affairs
North Block, New-Delhi-110001.

1 FEB 2001

16 FEB 2001

Sub.: Regularisation of services of temporary
staff of the Office of the Commissioner (Border)
M.H.A. Guwahati.

Sir,

I am to forward herewith a copy of the representa-
tion submitted by the temporary staff of this office
for further necessary action at your end.

Yours faithfully,

(P. K. DEB.)

Dy. Commissioner (Border).

COMMISSIONER (BORDER) EMPLOYEES' UNION

N.E. REGION, GUWAHATI-5,
Office of the Commissioner(Border), MHA, Govt. of India,
Bhangagarh, Guwahati-5.
Phone No. 529421, 529516.

No. 100/1/92 CBEU

Dated 01-02-2001

To

The Commissioner(Border)
Government of India
Ministry of Home Affairs
Bhangagarh,
Guwahati-5

Sub: Prayer for permanent Absorption of Temporary Staff.

Sir,

We take the opportunity of your being generous to the staff to present before you the following facts for favour of your kind consideration and sympathetic action.

That sir, we the temporary staff of your establishment, have been serving the department for the last 14 to 15 years with utmost sincerity and dedication. But it disappoints us to note that even after rendering so many years of dedicated service, no step has been initiated by the administration to make us permanent thus incapacitating us to avail certain basic facilities like HRA, MCA, etc. as are normally available to all the permanent staff of the Central Government. This stepmotherly and high handed attitude of the administration has also left a question mark on the security and future prospect of our job.

That sir, after getting appointment in the department, we have not applied for any other jobs with the hope that we would be made permanent in due course of time as is done with all the temporary staff of Central Government. But to our utter despair, it has not yet been done for reasons better known to the administration, even though we are having the requisite length of service and other qualifications to be made so, the details of which are enclosed herewith for your kind perusal. Considering the period & below

nature of our service, we should have been made permanent much before as per normal rules applicable to make the temporary staff as permanent Central Government servant.

That sir, you will appreciate that we have patiently waited for so many years for our logical demands. But it appears that the administration has turned a deaf ear to our rightful claims.

We, therefore, urge upon your benigself to be kind enough to take immediate step to make us permanent at the earliest.

With thanks.

Yours faithfully,

Encl: As stated above.

Ramesh
11/2/2001

(Shri. R. C. Sarma)
General Secretary
On behalf of Union.

Copy to :

Commissioner (Border) Employees' Union
N.E. Region, Bangayath Guwahati-5

The Deputy Secretary(NEC), Ministry of Home Affairs, North Block, New Delhi-110 001 for information and necessary action please.

(Shri. R. C. Sarma)

To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated:- Guwahati the 20th June'2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No. DGW/BFR/35-92-A/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No. 14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No. 14013/29/(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No. 14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

Page-2.

- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
- (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
- (7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindself the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as LDC/UDC for last 18 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

(4) That, after getting no reply the Administrative Officer, vide his letter No.14013/29(00)93-CB dated 03-09-99 sent a reminder requesting to take up the matter on priority basis But up till now no information as to what decision taken from that end towards regularizing the services of these temporary employee's has been made known to us.

(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the MORC (Kekh) caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 30-3-85 as LDC in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully,

Shri Krishna Kaula Ray

U.D.C.

21-6-2002

To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated:- Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No. DGW/BFR/35-92-A/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No. 14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No. 14013/29/(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No. 14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
- (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
- (7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindself the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as Pen./LDC for last 18 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

(4) That, after getting no reply the Administrative Officer, vide his letter No.14013/29(00)93-CB dated 03-09-99 sent a reminder requesting to take up the matter on priority basis But up till now no information as to what decision taken from that end towards regularizing the services of these temporary employee's has been made known to us.

(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated, 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the C.P.W.D. caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my joining on 16.10.84 as Person in the office of the Commissioner(Border).

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It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully,

Sr. M. S. K. K. K. K.
L. D. C.

21-6-2002

To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated: - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER) GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

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- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
 - (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
 - (7)A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as Peon/LD/UDC for last 17 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period.
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

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As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No 14013/29(00)93-CB Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

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(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the Indo Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March 2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the Schedule caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 20.01.1985 as Peon in the office of the Commissioner(Border).

Page-5

It is further submitted that as I am a very low paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Horder) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt Offices in Guwahati as per the Government policy in practice

In the premises-aforsaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards

Yours faithfully,

Shri Jatin Ch Das.

U.D.C.

21-6-2002

(SHRI. JATIN CH. DAS)

U.D.C.

To
The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated:- Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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Page-2.

- (6) Deputy Secretary's (NEG), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
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- (7) A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindself the following few points for favour of kind, due and sympathetic consideration.

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(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of the 14 Nos of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10.01.2000.

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In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the ~~4th~~ ^{1st} caste of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 06-10-54 as 120211 in the office of the Commissioner(Border).

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It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Horder) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards

Yours faithfully,

Sri Neelendra Ch. Das
21/6/2002
[Signature]

To

The Joint Secretary (IS-II & BML),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border)

Dated - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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(7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

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With reference to the above, I have the honour to submit before your kindself the following few points for favour of kind, due and sympathetic consideration.

(1) That I am serving in this office as Peon for last 17 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period

(2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.

(3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

(4) That, after getting no reply the Administrative Officer, vide his letter No:14013/29(00)93-CB dated 03-09-99 sent a reminder requesting to take up the matter on priority basis But up till now no information as to what decision taken from that end towards regularizing the services of these temporary employee's has been made known to us.

(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the S/T caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 02-01-85 as Peon in the office of the Commissioner(Border).

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Page 5

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D and other Central Govt Offices in Guwahati as per the Government policy in practice

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D and other Central Govt Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay, taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful

With kind regards

Yours faithfully,

Sri Basanta K. Boro

Peon.

21/4/2002

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To

The Joint Secretary (IS-II & BM),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border)

Dated - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No. DGW/BFR/35-02-A/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No. 14013/29(00)93-CB, dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No. 14013/29/(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No. 14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati
- (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
- (7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindself the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as ACSO for last 16 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

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It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared

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(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

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(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the Jenara caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 22/6/85 as PCAN in the office of the Commissioner(Border).

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It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards

Yours faithfully,

Sy. Nalendra Nath

Govt. Office
10/11/55
21/2/55

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border)

Dated:- Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

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(7) The Deputy Commissioner(Border), letter No 14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.

(7).A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

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It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 02-06-86 as PCEN in the office of the Commissioner(Border).

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It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice

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With kind regards

Yours faithfully,

Sri Baidyanath Barua
Room

The Joint Secretary (IS-II & RM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border)

Dated - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

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Sir,

With reference to the above, I have the honour to submit before your kindself the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as filed for last 15 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period.
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
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As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-ain, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the Assamese caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 25.11.2001 RC 222 in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D and other Central Govt. Offices in Guwahati as per the Government policy in practice

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay, taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful

With kind regards

Yours faithfully,

Sri Pra Ram Maitra
P.C.M. 21-6-2002

To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border)

Dated - Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No. DCGW/BER/35-92-AM/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No. 14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No. 14013/29(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No. 14013/29(00)93-CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
- (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
- (7).A. The representation in communication No.10041/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as Sub-insp for last 16 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period, of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

(4) That, after getting no reply the Administrative Officer, vide his letter No.14013/29(00)93-CB dated 03-09-99 sent a reminder requesting to take up the matter on priority basis But up till now no information as to what decision taken from that end towards regularizing the services of these temporary employee's has been made known to us.

(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.F.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the General caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 23-7-86 as Secretary in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards.

Yours faithfully,

*Sankar Kumar
Guwahati*

21-6-2022

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To

The Joint Secretary (IS-II & BM.),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border).

Dated:- Guwahati the 20th June'2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No. DGW/BFR/35-92-A/Maintenance/1089-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No.14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No.14013/29/(00)93-CB dated 03-09-99 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No.14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
- (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
- (7) A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindness the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as Assistant Commissioner/LDC for last 11 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
- (3) That we have been, time and again, making our earnest requests to the concerned authorities, Ministry of Home Affairs, Government of India, through proper channel for making the office of the Commissioner(Border) a permanent establishment and to regularize our services in the said office.

It may also be mentioned that vide his letter No.14013/29(00)93-CB dated 31-03-99 addressed to the Desk Officer, Government of India, Ministry of Home Affairs, the Administrative Officer, Office of the Commissioner(Border), forwarded the bio-data and service particulars of all the temporary employees for absorbing them against regular posts in other offices of the Ministry of Home Affairs, wherein my name also appeared.

(4) That, after getting no reply the Administrative Officer, vide his letter No.14013/29(00)93-CB dated 03-09-99 sent a reminder requesting to take up the matter on priority basis But up till now no information as to what decision taken from that end towards regularizing the services of these temporary employee's has been made known to us.

(5) That in the month of February, 1992 the work measurement study team submitted its report which was forwarded by Ministry of Home Affairs, vide letter No.1/10/91-BF dated 07-07-92, wherein the team justified continuation of all 23 posts. In 1994, a quality Control Cell with seven other posts were sanctioned by Ministry of Home Affairs, and presently the office has 30 sanctioned posts.

As per recommendation of works study team 6 Nos of directly recruited Grade 'D' Staff were declared surplus and their names were forwarded to the surplus Cell of the Ministry of Labour. Accordingly, they were re-employed in the C.P.W.D. at Malda and Balurghat in West Bengal and presently they are serving in Guwahati, on being transferred.

(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)98-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

In that view of the matter, our services may easily be regularized by declaring the office to be a permanent one in the greater interest of the North East region and particularly the State of Assam, as the question of identity of the Assamese people is directly involved in the instant matter.

(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the 3 caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 24-11-86 as Chakradar in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D and other Central Govt Offices in Guwahati as per the Government policy in practice

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay, taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful

With kind regards

Yours faithfully,

Sri Nayan Babu Singh

L.D.O.

21-6-2022

The Joint Secretary (B-H & BAI),
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.

Through the Deputy Commissioner (Border)

Dated Guwahati the 20th June 2002

SUB:-

AN APPEAL FOR DECLARING THE OFFICE OF THE COMMISSIONER (BORDER), GUWAHATI, ASSAM AS PERMANENT ESTABLISHMENT AND REGULARISATION OF THE SERVICES OF THE EMPLOYEES WORKING THEREIN IN THE SAID OFFICE OR ALTERNATIVELY TO ABSORB THEM AGAINST PERMANENT VACANCIES LYING VACANT IN THE C.P.W.D. OFFICE / OTHER CENTRAL GOVERNMENT OFFICE IN GUWAHATI.

Reference :-

- (1) The Government of India, Ministry of Urban Affairs, and Employment's office order No DGW/BER/35-92-A/Maintenance/1080-97 dated 12-09-96 according section for creation of posts for Maintenance of Indo-Bangladesh Border Roads.
- (2) Administrative Officer's letter No.14013/29(00)93-CB dated 31-09-99 addressed to the Desk Officer, Ministry of Home Affairs, Government of India, for absorbing the employees against regular posts in other offices of the Government of India.
- (3) Administrative Officer's letter No.14013/29(00)93-CB dated 03-09-00 with a request to take up the matter on priority basis.
- (4) Administrative Officer's letter No.14013 / 29 (00) 93 - CB dated 10-01-2000 forwarding the written note regarding regularization of services of the existing staff of the Commissioner (Border), Ministry of Home Affairs, Guwahati.
- (5) Commissioner (Border) letter No. 14013/29(00)93-CB dated 13-11-2000 addressed to the Joint Secretary (N.E.), Ministry of Home Affairs, for regularization of services of 14 Nos. of Group 'C' and Group 'D' staff for enabling them to get promotion and other benefits under ACP scheme.

- (6) Deputy Secretary's (NEC), Ministry of Home Affairs, Government of India, letter dated 24-11-2000 addressed to the Commissioner(Border), Guwahati, regarding the approval of the proposal for continuation of the 29 posts in the office of the Commissioner (Border), Guwahati.
- (7) The Deputy Commissioner(Border), letter No.14013/29(00)93-CB dated 14-02-2001 forwarding the representation submitted by R.C. Sarma, General Secretary, Commissioner(Border) Employee's Union, on behalf of the staff members.
- (7) A. The representation in communication No.100/1/92-CBEU dated 01-02-2001 submitted on behalf of the Union praying inter-alia permanent absorption of the temporary staff of the office of the Commissioner(Border).

Sir,

With reference to the above, I have the honour to submit before your kindself the following few points for favour of kind, due and sympathetic consideration.

- (1) That I am serving in this office as Division for last 17 years after I had been duly selected and appointed by the concern authority, I have been rendering very sincere service to the fullest satisfaction of all concerned without any blemish whatsoever in this entire period
- (2) That the government of India, Ministry of Urban Affairs and Employment's Office order No.DGW/BFR/35-92 A-Maintenance/1089-97 dated 12-09-96 accorded sanction for creation of posts for the Maintenance of Indo-Bangladesh Border Roads and barbed fencing with a view to checking the infiltration of illegal migrants from Bangladesh Border into the Indian territory. It may be mention that the office of the Commissioner(Border) is created for the Construction as well as Maintenance of the Indo-Bangladesh Border Roads. The work of Maintenance is a continuous process for an indefinite period of time even after the Construction is completed. In that view of the matter, the office of the Commissioner(Border) requires to be made a permanent establishment.
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(6) That this entire matter was discussed in detail in the 34th H.L.E.C. Meeting under Agenda Item No.2 and accordingly service particulars of we the 14 Nos. of temporary staff of the Commissioner(Border) Office, are again forwarded with the relevant notes to the Ministry of Home Affairs, New Delhi, for taking appropriate positive action. This is reflected in the detail note regarding regularization of services of the existing staff of the office, which has been forwarded by the Administrative Officer of Commissioner's (Border) office to Ministry of Home Affairs, New Delhi vide No.14013/29(00)93-CB dated 10-01-2000

(7) That thereafter vide his letter No.14013/29(00)93-CB. Dated 13-11-2000 addressed to Joint Secretary(N.E.), Ministry of Home Affairs, the Commissioner(Border) requested for doing the needful in regularizing the services of the 14 Nos. of Group 'C' and 'D' staff to enable them to get promotion and other benefits under A.C.P. scheme. In the said letter, it is also mentioned that the Govt. of India has already approved the additional work for Construction of Indo- Bangla-Border roads and Fence which is likely to continue for another 8 to 10 years.

(8) That vide his letter dated 14-11-2000, the Deputy Secretary(N.E.C.), Ministry of Home Affairs, Government of India, informed the Commissioner(Border), enter-alia, the indo-Bangladesh Border Roads and Fence Construction project works is schedule to be completed by March'2007. As such, it is evident that the office of the Commissioner's (Border) requires to be made a permanent establishment to look after the Maintenance works which is to continue on permanent basis.

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(9) That, vide his forwarding letter dated 16-02-2001, the Deputy Commissioner(Border) forwarded the representation submitted on behalf of the temporary staff of the office of the Commissioner(Border), which was addressed to Joint Secretary(N.E.), Ministry of Home Affairs, New Delhi.

In the representation it is pointed out that because of our services not being regularized for long, we are deprived of certain basic facilities like H.B.A., M.C.A etc, besides insecurity of the future prospect of our jobs. It is also mentioned therein that we should have been made permanent much before as per normal rules for making the temporary staff as permanent in the Central Government. It is further mentioned that as we are with the legitimate expectation that our services would be regularised by now, we have already crossed the age limit meant for other jobs than to the present one.

But up-till now our representation submitted jointly has not been considered, subjecting us to mental agony.

(10) That I belong to the S.T. (R) caste/ of community which is constitutionally safeguarded under reserved categories and as such my case for regularization of service requires to be treated with speciality, as provided in the Constitution of India and relevant laws of the land.

(11) That, as similarly situated persons viz-the 6 Nos. of staff declared to be surplus are all absorbed permanently in the C.P.W.D., under the Govt. of India, apparently my case is also a fit case to be considered in the same line.

It is pertinent to mention that there are quite a good number of vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati wherein I may be absorbed permanently with the continuity of service since the day of my Joining on 01-03-85 as Junior in the office of the Commissioner(Border).

It is further submitted that as I am a very low-paid employee's and as there are sufficient vacancies in the greater Guwahati, and if there is no hope of declaring the office of the Commissioner(Border) as a permanent establishment, I may alternatively be absorbed permanently against any of such existing vacancies in the C.P.W.D. and other Central Govt. Offices in Guwahati as per the Government policy in practice.

In the premises aforesaid, I would like to request your honour to kindly pay a due and sympathetic heed to my matter and applying a judicious mind my case for absorbing me permanently against one of the existing vacancies lying pending in the C.P.W.D. and other Central Govt. Offices in Guwahati with the continuation of service and seniority and all other incidental benefits applicable there to, in an expeditious manner be considered in the interest of justice and fairplay; taking into special consideration the plights and have-nots of the people like me belonging to the lower strata of the society, for which act of your kindness I shall remain even grateful.

With kind regards

Ravish Ch. Dainoway

Yours faithfully,

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SL No 128

Amoxind-I

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 298 of 2002,

Date of Order : This the 21st Day of August, 2007.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR N.D.DAYAL, ADMINISTRATIVE MEMBER.

1. Sri Krishna Kanta Roy
S/o Late Priya Nath Roy
Vill: Botaghuli, P.O:- Panjabari
Guwahati - 781 037.
2. Sri Nripen Kakati
S/o Late Rajen Kakati
Vill. & P.O:- Pub Boraka
District:- Kamrup, Assam.
3. Sri Jatin Chandra Das
S/o Late Joy Ram Das
Vill: & P.O:- Pandu Bazar
Guwahati - 781012.
District: Kamrup, Assam.
4. Sri Munindra Chandra Das
S/o Late Chuni Ram Das
Vill: Deharkuchi, P.O:- Shanikuchi
District:- Nalbari, Assam.
5. Sri Basanta Kumar Boro
S/o Late Bela Ram Boro
Vill: Bokrapara, Khanapara
District: Kamrup, Guwahati- 781 022.
6. Narendra Nath Sarma
S/o Late Rama Nath Sarma
P.O. & Vill:- Bongshar
District:- Kamrup, Assam.
7. Sri Bongshidhar Bayan
S/o Late Laghana Ram Bayan
Vill: & P.O:- Mugdi
District:- Nalbari, Assam.
8. Sri Puna Ram Murari
S/o Late Vhenda Ram Murari
Vill:- Tangabari Kalaigaon
P.O: Tangabari
District: Darrang, Assam.
9. Sri Sankar Basfore
S/o Late Bhuzan Basfore
Vill: & P.O: Kamlal
District: Darbhanga, Bihar.
10. Sri Nayan Baba Singh
S/o Late Hera Singh
Vill: & P.O:- Kamranga
District:- Cachar, Assam.
11. Sri Ramesh Chandra Daimary
S/o Late Tarani Daimary
Vill:- Lahoripar, P.O:- Rupohi
District: Barpeta, Assam.

All the applicants have been working under the Office of the Commissioner (Border), Govt. of India, Ministry of Home Affairs, Bhangagarh, Guwahati-781005. . . . Applicant.

Contd./2

By Sr. Advocate Mr.D.C.Mahanta, Mr.B.Buragohain & Mr.R.C. Borpatragohain.

- Versus -

1. Union of India
Represented by the Joint Secretary
Government of India
(15-11 & BM) Ministry of Home Affairs
North Block, New Delhi - 110 001.
2. The Desk Officer (B.F.-Desk)
Govt. of India, M.H.A., North Block
New Delhi.
3. The Commissioner (Border)
Government of India
Ministry of Home Affairs, Bhangagarh
Guwahati - 5.
4. The Administrative Officer
Office of the Commissioner (Border)
Govt. of India, Ministry of Home Affairs
Bhangagarh, Guwahati - 781 005. . . . Respondents.

ORDER

CHOWDHURY, J. (V.C.):

The applicants are eleven in number espousing a common cause. Considering the common interest in the matter and the nature of the reliefs prayed for, leave was granted to the applicants to present their grievances by this application.

The applicants are working in the office of the Commissioner (Border) Govt. of India, Ministry of Home Affairs, Bhangagarh, Guwahati i.e. respondent No.3. The office in question, was set up for the construction of Indo-Bangladesh border road and fencing. Pursuant to the above decision the applicants were appointed under the respondents in various posts like UDC, LDC, Peon, Chowkidar, Daftry, Safaiwala and Driver (Group 'C' & 'D') respectively in the year 1984. These persons, since then, are working with the best of their abilities. The applicant No.1 was appointed as LDC in a purely temporary capacity w.e.f.30.3.1985 vide order dated 10.4.1985 and his service was extended upto 31.3.2007 vide order dated 23.8.2001. The applicant No.2 was appointed as Peon on temporary basis

Contd./3



w.e.f.16.10.1984. By order dated 2.6.1986 he was allowed to officiate as LDC for a period of one year. Thereafter his service was extended upto 31.3.2007 vide order dated 23.8.2001. The applicant No.3 was appointed as Peon w.e.f.21.1.1985 in temporary capacity. Thereafter he was promoted to officiate as LDC and UDC by order dated 16.10.2001. Similarly, the other applicants were appointed in Group-'D' as Peon, Driver, Safaiwala and Chowkidar. The applicant No.10 was appointed as Chowkider on 21.11.1986, and he was promoted to the post of LDC w.e.f.16.10.2001. The thematic song of this O.A. is for regularisation of the services of the applicants. In support of their contention the applicants referred to the communication sent by the Administrative Officer, Office of the Commissioner (Border) addressed to the Desk Officer (BF-Desk), Government of India for regularisation of their service. By the aforesaid letter the Administrative Officer indicated about the anxiety of the fourteen nos. of adhoc staff. By the said communication requested in the event of winding up of the office on completion of the work to initiate absorption of these staff against regular posts in other offices of the Ministry Home Affairs. The applicants also referred to the communication sent by the Commissioner (Border) addressed to the Joint Secretary (NE), Ministry of Home Affairs. The full text of the communication is reproduced below:-

"No.14013/29(00)93-CB Dated: November 13,2000

To

The Joint Secretary(NE)
Ministry of Home Affairs
North Block
New Delhi- 100 001.

Sub:- Regularisation of services of temporary staff of the Office of the Commissioner (Border), Ministry of Home Affairs, Guwahati.

Sir,

I am to state that the office of the Commissioner (border) has 14 nos. of directly recruited Group-C and Group-D staff appointed temporarily in the year 1985 at the time of creation of Office on the basis of the names

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sponsored by the Employment Exchange, Guwahati. These staff continue to remain temporary even after completion of 14/15 years of service and there is a strong resentment among the staff for quackering their services to enable them to get promotion and other benefits under ACP scheme. The matter was discussed in the 34th HLEC meeting at New Delhi and on the advice of the HLEC a detailed note along with bio-data and service particulars of these staff were forwarded to the Min. of Home Affairs, New Delhi for taking necessary action. Recently, the Govt. has approved the additional work for construction of IBB road and fence and as such there is a likelihood of the office being continue for another 8 to 10 years.

It is, therefore, requested that steps may be taken for regularisation of the services of the temporary staff of this office an early date.

Yours faithfully,

Commissioner (Border)"

In response to the aforementioned communication Govt. of India by letter No.1/1/95-BF dated 24/28.11.2000 intimated as to the proposal for continuation of the 29 posts in the Office of the Commissioner (Border) including the 14 Group 'D' staffs, beyond February, 2001 to March 2007 was referred to the Finance Commission. By the said communication the Govt. of India informed that the Office of the Commissioner (Border) was created temporarily for supervising the Indo-Bangladesh Border Roads and Fence Construction Project Work, which was scheduled to be completed by March, 2007, therefore, it would not be possible to declare the services of the 14 Group 'C' & 'D' temporary staff as permanent. These applicants filed representation before the authority for their regularisation and finally knocked the door of the Tribunal for redressal of their grievances.

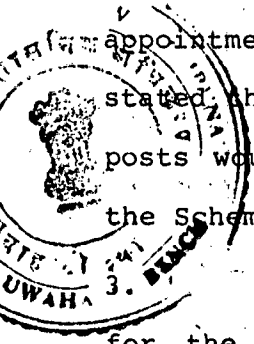
2. The respondents submitted its written statement. In the written statement the respondents asserted that the Office of the Commissioner (Border) was set up in May, 1984 to liaise with the various construction agencies and the State Government for the purpose of construction of

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Indo-Bangladesh border road and fencing in Assam, Meghalaya, Mizoram, Tripura and West Bengal and it was to be wound up after the project was over. It was asserted that the office was a temporary one and all the posts were manned by deputationists from other offices except for 15 nos. of Group 'C' and 'D' staff who were directly recruited on purely temporary basis at the time of setting up the through Employment Exchange, Guwahati. The term of appointment of the applicants itself indicated about the temporary nature of the posts. Those posts were created on temporary basis and were extended from time to time. It was stated in the written statement that the first phase of Indo-Bangladesh Border works is nearing completion and Govt. of India approved additional work for construction of Indo-Bangladesh Border road and fence with the time frame of 2001-2007. In view of the nature of the appointments and character of the project, the respondents stated that the services of the applicants as well as the posts would come to an end alongwith the termination of the Scheme.



We have heard Mr.D.C.Mahanta, learned Sr. counsel for the applicants assisted by Mr. R.C.Borpatragohain, learned counsel and also Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents at length. Mr.Mahanta referring to the Constitutional Scheme of rendering justice - social, political and economy, contended that there was no justifiable ground on the part of the respondents in not taking any positive steps for regularisation of the services of the applicants. The learned Sr.counsel in support of his contention, also referred to various decisions rendered by the Supreme Court to humanise justice. Mr. B. C. Pathak, learned Addl.C.G.S.C did not dispute the legal policies for rendering justice and equity to all concerned. Mr.Pathak however, referred to the

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ground realities and submitted that the applicants were appointed purely on temporary basis against project work. The posts are inextricably connected with the Scheme and since the project is temporary, question of creating permanent posts and for that purpose regularisation of services of the applicants does not arise, contended Mr.B.C.Pathak.

4. From the conspectus the following facts emerges:

The ten applicants were appointed during the period from 1.10.1984 to 24.11.1986. The applicant No.8 Sri Puna Ram Murari was appointed on 28.4.1987. The applicant Nos.7, 8 and 10 are ex-Home Guard personnels. Their recruitments were made through Employment Exchange. The persons were recruited for the task undertaken by the Govt. of India for the purpose of construction of Indo-Bangladesh border road and fencing in Assam, Meghalaya, Mizoram, Tripura and West Bengal. The Office of the Commissioner (Border) under Ministry of Home Affairs that was set up in May, 1984 is a temporary one created for the purpose to complete ^{the} mission undertaken.



Materials indicated that the Office is a temporary one and the posts were manned by deputationists from other Offices save and except 15 nos. of Grade 'C' & 'D' staffs who were directly recruited through Employment Exchange. The posts were created on temporary basis and extended from year to year. Some of the applicants were given the benefits of promotion on temporary basis with the condition that the promotion would not bestow any right on them to claim regular appointment in the original temporary grade posts. The objective behind ^{is to} execute the construction of Indo-Bangladesh border road and fencing in the five border States. It thus appears that the appointments made were for the purpose of completing the project/scheme. Their appointments are therefore co-terminous of the Scheme itself. The objective of the

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project was to meet the requirement. The appointments of the applicants shall continue with the project and the duration is to come to an end with the end of the project on fulfillment of the need.

5. On consideration of all the aspects of the matter, it would not be appropriate for us to issue direction on the respondents as prayed for in aid of Section 19 of the Administrative Tribunal Act, 1985 for absorbing the applicants. Any such direction will be contrary to this Scheme as well as the legal policies laid down by the Supreme Court consistently in this regard right from *Jawaharlal Nehru Krishi Vishwa Vidyalaya vs. Bal Kishan Soni* (1997) 5 SCC 86 to *S.M.Nilajkar vs. Telecom, District Manager, Karnataka* (2003) 4 SCC 27; *Surendra Kumar Sharma vs. Vikas Adhikary and Another* 2003 SCC (L&S) 600 and *MD, U.P. Land Development Corporation and Another vs. Amar Singh and Others* 2003 SCC (L&S) 690.



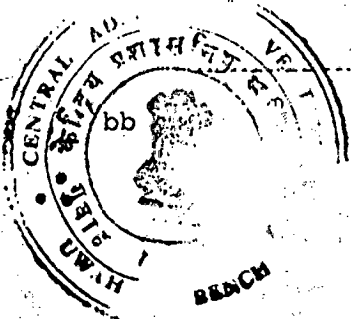
Though we refrain from making any direction on the authority for regularisation of the services of the applicants, we feel it necessary to express our view that the case in hand, deserves consideration for keeping them in employment. We have said so in consideration of the basic foundation of legal policy which is to provide benefit and well being of the denizen - "salus poluli est suprema lake". The cardinal objective of legal policy is to render justice, equity and fair play. Our Republican Constitution does not countenance to do injustice. It is the basic policy of the consideration that law should afford equal direction for all signifying in the words of Prof.R.Dworkin - "equal concern and respect". There cannot be two opinions that law should be just. The Court or Tribunal is to assure that there is no failure of justice.

Considering all these aspects of the matter we leave the matter on the respondents to take care of the

situation. We hope and trust that the authority will continue to take the same care as it bestowed already on these persons for keeping the pot boiling. The Scheme is likely to be completed by 2007. Before drawing of the curtain and things fall apart, the respondents are to explore all possible measures to mitigate the situation with a healing touch either by devising a Scheme or other suitable arrangement as it deem fit and proper. With these observations we close the proceeding. The application thus stands disposed of.

There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN
Sd/ MEMBER (A)



Certified to be true copy
প্রমাণিত প্রতিলিপি

[Handwritten Signature]
13/8/07

Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati-781005
[Handwritten Signature] 13/8/2007

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(Through Fax at No.0361-2529421)

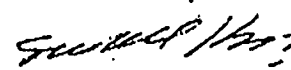
No.11013/11/2002-BM-III
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

North Block, New Delhi.
Dated the 24th February, 2004

OFFICE ORDER

The office of the Commissioner (Border) was created vide Office Order No.VI-17019/8/84-G&O/FP-1V dated the 29th September, 1984 on temporary basis to look after the construction of border roads/fence along Indo-Bangladesh Border. It has been decided to close the office of the Commissioner (Border) and not to offer any extension beyond 28th February, 2004.

2. Deputy Commissioner (Border) is requested to coordinate in the matter of closing the office and handing over the entire office assets including the records of the office to BSF. The possibility of accommodating the locally recruited staff of the office of the Commissioner (Border) is being examined separately.


(Sushil Kumar)

Under Secretary to the Govt. of India

To,

Shri P.K. Deb,
Deputy Commissioner (Border),
Office of the Commissioner (Border),
Bhangagrah,
GUWAHATI.