

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 72/2004

R.A/C.P No.

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SECTION OFFICER (Judl.)

FORM NO. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Org.App/ ~~Misc.Petn/C.G.S.C.Petn/~~ Rev.Appl. 72/04

To O.A.

Name of the Applicant(S) P. M. Hazarika.

Name of the Respondent(S) W. O. I. L ORS.

Advocate for the Applicant Mr M. Chanda, G.N. Chakrabarty & Mr S. Nain

Counsel for the Railway/ C.G.S.C. Case.

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
<p>This application is filed in Form No. 11/G 378765- Dated 22/3/04</p> <p><i>[Signature]</i> Dy. Registrar</p> <p>NS 24/3/04</p> <p>no steps</p> <p>pl. work</p> <p>NS 26/3/04</p> <p>Notice & order 26/3/04 sent to D/Section for issuing to respondent nos 1 to 4.</p> <p>Case 30/3/04</p>	<p>25.3.2004</p> <p>26.3.2004</p>	<p>Mr.M.Chanda, learned counsel for the applicant, prays for making certain corrections in the affidavit.</p> <p>Prayer allowed. List the case on 26.3.2004 for admission.</p> <p><i>[Signature]</i> Member (A)</p> <p>bb</p> <p>Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.</p> <p>The application is admitted, Call for the records. Issue notice to the parties. Returnable by four weeks.</p> <p>List on 29.4.2004 for orders.</p> <p>Any appointment to the post of Library and Information Assistant shall be subject to the outcome of this O.A.</p>

[Signature]
Member (A)

29.4.2004 Three weeks time is given to the respondents to file written statement List on 20.5.2004 for orders.

Notice issued vide NO-607-610 dated 01.4.04.

19/4/04.

[Signature]
Member (A)

mb

20.5.2004 List on 23.6.2004 for order.

[Signature]
Member (A)

5.5.04

W/s filed by the Respondent Nos. 1, 2 & 3.

mb

23.7.04

When the matter came up for hearing a prayer was made on behalf of the learned counsel for the applicant that due to some personal problem he could not appear today. The learned counsel for the respondents submitted that he has produced the selection records and also a copy of the mark sheet and also a statement. Registry is directed to keep these documents in sealed cover custody.

List before the next Division Bench.

[Signature]
Member (A)

Member (J)

pg

26.8.04.

Present: Hon'ble Mr. D.C. Verma, Vice Chairman.
Hon'ble Mr. K.V. Prahladan, Administrative Member.

Reply has been filed. Mr. S. Nat learned counsel for the applicant prays for adjournment. Prayer is allowed. List on before the next available Division Bench.

[Signature]
Member

Vice-Chairman

22-7-2004

Written statement has been filed.

[Signature]

30.8.04

W/s filed by the Respondent No. 4.

[Signature]

25/10/04

Verification of W/s is not clear.

25/10/04.

4-11-04

5/12 - awaited.
2/1/5 has been filed.

Notes of the Registry	Date	Order of the Tribunal
4.11.04 Rejoinder has been filed by the applicant through her learned Advocate on to-day at page Nos 52-60. llh.	5.11.2004	Present : The Hon'ble Mr. Justice R.K. Batta Vice-Chairman. The Hon'ble Mr. K.V. Prahladan, Member (A). None for the parties. Adjourned to 8.11.2004 for hearing.
mb	8.11.04	On the request of learned counsel for the applicant stand over to 15.12.04.
pg	15.12.2004	Division Bench not available. Hence, adjourned to 8.2.2005.
bb	8.2.05.	Division Bench is not available to-day. Hence adjourned to 10.2.05 before Division Bench.
lm	10.2.05.	On the request of Mr.M.Chanda learned counsel for the applicant case is adjourned to 15.2.05.


Member (A)


Vice-Chairman


Member


Vice-Chairman


Vice-Chairman


Member (J)


Member (A)



Member (J)

15.2.2005

Present: Hon'ble Shri M.K. Gupta,
Judicial Member

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

Heard Mr M. Chanda, learned
counsel for the applicant. None is
present on behalf of the respondents.
Hearing concluded. Judgment reserved.


Member (A)


Member (J)

nkm

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SA 72/2004

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Notes of the Registry

Date

Order of the Tribunal

5/11/04

13.04.2005

Judgment ~~delivered~~ pronounced in open Court, kept in separate sheets.
The O.A. is dismissed in terms of the order. No costs.

K. P. R. S.
Member (A)

bb

7-2-05

" N/S has been filed
" Respondent has been
filed.

Don

2.5.05

Copy of the Judgment
has been sent to the
Office for issuing
the same to the applicant
as well as to the
Respondent by post.

et.

Received copy of
Judgment on behalf of
Respondent M. 3.
4/5/05

Copy of the Judgment handed
over to the official bearer
for Respondent on 3.5.05

et.
3/5/05

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

O.A. No. 72 of 2004.

DATE OF DECISION 13/4-2005

Smti Padmarani Mudai Hazarika

APPLICANT(S)

Mr.M.Chanda

ADVOCATE FOR THE
APPLICANT(S)

- VERSUS -

U.O.I. & Ors.

RESPONDENT(S)

None for the Respondents.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. M.K. GUPTA, JUDICIAL MEMBER.

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

- no
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 (A).

10/5/05

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.72 of 2004.

Date of Order: This, the 13th Day of April, 2005.

HON'BLE MR. M. K. GUPTA, JUDICIAL MEMBER

HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Smti Padmarani Mudai Hazarika
Wife of Shri Ballav Hazarika
Chandmari Colony
Nizarapur
Guwahati - 781 003.

..... Applicant.

By Advocates S/Shri M.Chanda, G.N.Chakraborty & S.Nath.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Art and Culture
New Delhi.
2. The Director General
Archaeological Survey of India
Janapath, New Delhi-110011.
3. The Superintending Archaeologist
Archaeological Survey of India
Guwahati Circle, Ambari
Guwahati-781001, Assam.
4. Regional Director (NER)
Staff Selection Commission
Rukmininagar
P.O: Assam Sachivalaya
Guwahati - 781 006.

..... Respondents.

None appeared for the Respondents.

ORDER

K.V.PRAHLADAN, MEMBER (A):

The applicant was appointed as a casual worker under respondent No.3 vide order dated 14.7.1993 at Annexure-I. The applicant approached this Tribunal in O.A. No.245 of 2002 seeking a direction for temporary status. This Tribunal

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issued a directive to the respondents to consider the claim of the applicant for temporary status. However the applicant did not qualify for temporary status as she has only completed 41 days of service on 10.9.1993. As per the D.O.P. & T. Scheme, a casual worker should have completed 205/240 days as on 10.9.1993. So she was not given temporary status. The applicant has again come before this Tribunal in O.A.32 of 2004. This application is pending in this Tribunal.

2. The present application is against an advertisement by Staff Selection Commission vide Advertisement No.1/2003-NER F.NO.SSCG.A.-12024/2/2003-Rectt for the post of Library and Information Assistant which is shown as reserved for OBC. The applicant claims that the post has been arbitrarily reserved for OBC in order to deprive her of the said post. She has claimed that she fulfils all the educational qualifications required for the said post. Since she belongs to the Scheduled Caste community she is entitled to age relaxation of five years plus the period for which she has worked under the respondent no.3. The applicant claims that with the relaxation in age as claimed above will qualify her for the post of Library and Information Assistant as belonging to the general category and consider the case of the applicant to the post.

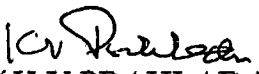
3. The respondents claim that the applicant that applicant was recruited as a daily wager from 14.7.1993 and is not eligible for temporary status as she does not fulfill the requirements for the same as per D.O.P. & T. O.M. of 10.9.1993 and above all the judgment in the Mohan Pal case by the Apex Court rule her out of consideration and eligibility for temporary status. The post of the Library and Information Assistant as per roster point belongs to the OBC community. This is as per the letter from the Archeological Survey of India No.F.10-15/96-Adm.I dated 4.10.1996, which is at Annexure-II to the written statement of the respondents. The respondents also claim that the applicant is not eligible for any

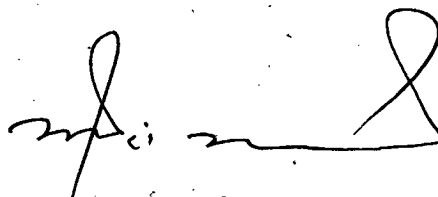
bw

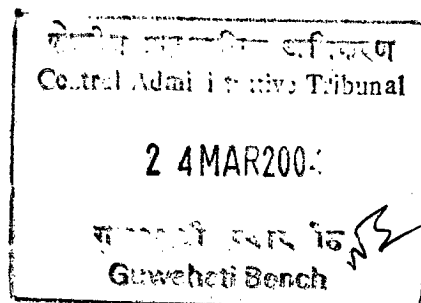
relaxation in age limit as she is a daily wager and the post of the Library and Information Assistant comes under direct recruitment by open competition.

4. We have heard Mr.M.Chanda, learned counsel for the applicant. The applicant's plea that the post of Library and Information Assistant has been reserved for OBC community to deny the above post to her does not stand scrutiny, since the post was declared as reserved for OBC in a communication from the Archeological Survey of India, New Delhi on 4.10.1996. Hence the allegation of the applicant has no basis whatsoever. Moreover, even if the post, as prayed by the applicant, is declared under the general category, the applicant does not qualify as she has attained the age of 41 years and five months on 1.1.2004. The applicant, as per G.I. D.O.P. & T. Notification No.15012/6/98-Estt (D) dated 21.12.1998 (Chapter 15, Swamy's Manual on Establishment & Administration, Ninth Edition, 2003) is eligible for an age relaxation of five years for all posts filled by direct recruitment as she belongs to the Scheduled Caste community. The applicant is already over 41 years on 1.1.2004. Therefore, on the basis of the above mentioned facts, the applicant's allegation of the respondents' denying her the post of Library Assistant & Information Assistant by declaring it for OBC community, falls flat on its face on the basis of the letter of 4.10.1996 which predate the SSC advertisement of 2004, by about eight years. She is overage even if the required age relaxation is given to her. Therefore, the claim of the applicant appears totally untenable and is liable to be dismissed and therefore dismissed.

No order as to costs.


(K.V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(M.K. GUPTA)
JUDICIAL MEMBER



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 72 /2004

Smt. Padmarani Mudoi Hazarika

vs-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 14.07.1993- Applicant was initially appointed as casual worker in the office of the Archaeological Survey of India, Guwahati Circle, Ambari, Guwahati and attached to the Library Section in the office of the Superintending Archaeologist for assisting the in -charge Librarian. (Annexure-I)
- 18.07.1995- Superintending Archaeologist, Archaeological Survey of India, Guwahati Circle issued a certificate in favour of the applicant that she is working in this office on casual basis since 14.07.1993 till date. (Annexure-II)
- 16.07.1999- Superintending Archaeologist, Archaeological Survey of India, Guwahati Circle issued a certificate in favour of the applicant that she is working in this office on casual basis since July, 1993 and attached with the Library Section to assist the in charge Librarian. (Annexure-III)
- 12.08.2003 Being highly aggrieved for non consideration of her case for grant of Temporary Status and also for impugned order of termination dated 1.8.2002 the applicant approached this Hon'ble Tribunal by filing an O.A. No. 245/2002 challenging the illegal and arbitrary action of the respondents. The said O.A. has finally decided on

Padmarani Mudoi Hazarika.

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12.08.03 wherein the Hon'ble Tribunal rejected the contention of the respondents that the applicant does not fall within the purview of the scheme dated 10.09.1993 and directed the respondents to consider the case of the applicant for grant of Temporary Status.

(Annexure-IV).

3-9, January'04- Staff Selection Commission vide its advertisement No.1/2003-NER F. No. SSCG. A-12024/2/2003-Recdt, dated 3-9, January, 2004 advertised the post of Library and Information Assistant in the scale of Rs. 5000-8000/- . The applicant applied for the post of Library and Information Assistant but she came to learn that her candidature may be rejected on the ground of exceeding age limit prescribed in the advertisement. (Annexure-V)

18.03.2004- Applicant submitted a representation to the Regional Director, Staff Selection Commission, NER, Guwahati.

Hence this Original Application before the Hon'ble Tribunal.

PRAYER

Under the facts and circumstances stated in the application the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records of the case and after hearing the parties on the cause and causes that may be shown, be pleased to grant the following relief(s):

1. Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

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✓ 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to grant age relaxation to the applicant if she is found over aged in terms of Govt. of India's instruction as well as to the extend the applicant has served the department on casual basis.

✓ 8.2 That the Hon'ble Tribunal be pleased to declare that the sole post of, Library and Information Assistant belongs to General Category, and further be pleased to restrain the respondents to fill up the post by the O.B.C candidate in terms of the advertisement dated 3-9 January, 2004 published in Employment News.

8.3 That the Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for interview/selection for appointment to the post of Library and Information Assistant.

8.4 Costs of the application.

8.5 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

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

1. That the Hon'ble Tribunal be pleased to direct the Respondents, more particularly the Respondent No.4 to consider the case of the applicant in the selection/ interview for appointment to the post of Library and Information Assistant. ^{mt} ~~in accordance with law.~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 72 /2004

Smt. Padmarani Mudai Hazarika : Applicant

- Versus -

Union of India & Others : Respondents;

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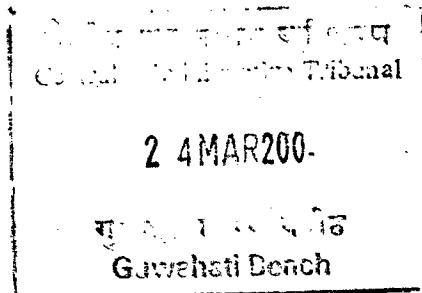
Sl. No.	Annexure	Particulars	Page No.
01.	----	Application	1-15
02.	----	Verification	-16-
03.	I	Copy of Office Order dated 14.7.1993	- 17 -
04.	II	Copy of Certificate dated 18.7.1995	- 18 -
05.	III	Copy of Certificate dated 16.7.1999	- 19 -
06.	IV	Copy of the judgment dated 12.8.03	20 - 25
07.	V	Copy of the advertisement published in Employment News dated 3-9 January.	- 26 -
08.	VI	Copy of the Degree certificate.	27 - 29
09.	VII	Copy of the representation dated 18.03.2004.	30 - 31

Date: 24-3-04.

Filed by
Sec. Chakraborty
Advocate

Padmarani Mudai Hazarika.

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Filed by the applicant
through advocate Sri
G. N. Chakraborty.
Advocate



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI**

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

O.A. No. _____/2004

BETWEEN

Smti Padmarani Mudai Hazarika
Wife of Shri Ballav Hazarika
Chandmari Colony
Nizarapur
Guwahati-781003.

..... Applicant.

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Art and Culture
New Delhi.
2. The Director General
Archaeological Survey of India
Janapath,
New Delhi-110011
3. The Superintending Archaeologist,
Archeological Survey of India,
Guwahati Circle, Ambari
Guwahati-781001, Assam.
4. Regional Director (NER)
Staff Selection Commission,
Rukmininagar,
P.O- Assam Sachivalaya,
Guwahati- 781006.

..... Respondents.

Padmarani Mudai Hazarika.

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made praying for a direction upon the respondents to consider the case of the applicant for selection to the post of Library and Information Assistant in Archaeological Survey of India on priority basis taking into consideration the past long service of the applicant as Library Attendant in the Archaeological Survey of India at Guwahati and further be pleased to grant relaxation in upper age limit taking into consideration the long service of the applicant in the aforesaid department on casual basis and be pleased to treat the applicant as an in-service candidate.

2. Jurisdiction of the Tribunal.

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

3. Limitation

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

4. Facts of the case.

Padmarani Mudar Hazarika.

4.1 That the applicant is a citizen of India and as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. She is also a member of the Scheduled Caste Community.

4.2 That the applicant was initially appointed as casual worker under the Respondents in July, 1993 vide order No. 1/1993 dated 14.7.1993 issued by the Respondent No.3 and was attached to Library Section in the office of the Respondent No.3 for assisting the in-charge Librarian.

Copy of the Office Order dated 14.7.1993 is annexed hereto as Annexure-I.

4.3 That since her appointment as casual worker on 14.7.1993, the applicant has been serving continuously under the respondents, without any break where she is still continuing.

4.4 That the applicant has been attending to all types of works as assigned to her by the Respondents from time to time and has been performing her works to the best satisfaction of the respondents who have appreciated her qualities and abilities on different occasions and have issued valuable certificates in her favour.

Copy of certificates dated 18.7.1995 and dated 16.7.99 are annexed hereto as Annexure II and III respectively.

Padmarani Mudai Hazarika.

4.5 That it is stated that after her initial engagement on casual basis since July, 1993 the applicant is continuously working under the respondents. It is relevant to mention here that in view of her long continuous service of about 11 years the applicant approached the authorities for conferment of Temporary Status, however, the said prayer of the applicant has been turned down by the respondents on the pretext that her case does not fall within the Scheme of "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993" issued by the D.O.P.T., Government of India under its O.M. dated 10.9.1993, in spite of the fact that the learned Central Administrative Tribunal, Guwahati Bench in O.A. No. 245 of 2002 held that the case of the applicant is squarely covered under the scheme of 10.09.1993 and also directed to grant Temporary Status to the applicant.

A copy of the Judgment and Order dated 12.08.2003 is enclosed herewith and marked as Annexure-IV.

4.6 That it is stated that the applicant preferred another Original Application for conferment of Temporary Status and the same is pending before the Hon'ble Tribunal, which was registered as O.A. No.32/2004.

4.7 That it is stated that Staff Selection Commission vide its Advertisement No.1/2003-NER F. NO. SSCG. A-12024/2/2003-Recdt published in Employment News dated 3-9 January, 2004 advertised the post of Library and Information Assistant in the scale of Rs. 5000-150-8000.

Padmarani Mudali Hazarika.

It is stated that the applicant was initially engaged as Assistant Librarian on Casual basis, however in the meanwhile she has obtained the Bachelor Degree of Library and Information Science from Indira Gandhi National Open University and now she has attained the eligibility for consideration for appointment to the post of Library and Information Assistant in Archaeological Survey of India. Since the applicant is serving in Archaeological Survey of India for a very long period of about 11 years and also worked in the Library Section of the Department, thereby she has earned a valuable and legal right for consideration of her case for appointment to the post of Library and Information Assistant.

A copy of the advertisement published in the Employment News dated 3-9 January, 2004 and a copy of the Degree certificate issued by IGNOU are enclosed herewith and marked as Annexure-V and VI respectively.

- 4.8 That it is stated that in the advertisement dated 3-9th January, 2004, the post of Library and Information Assistant has been shown as O.B.C post, which is factually not correct in fact it is a general category post but the respondents without observing necessary formalities as required under the rule, arbitrarily shown the said post belongs to O.B.C Category, the correctness of which is categorically denied. The respondents with the sole intention to defeat the claim

Padmanani Mudali Hazarika.

of the applicant declared the post belongs to O.B.C Category so that the applicant should not claim the post of Library and Information Assistant. On the ground that she had served on the said post for a very long time at Archaeological Survey of India, Guwahati. Therefore the Hon'ble Tribunal be pleased to direct the respondents to produce all the relevant records and the relevant register of roster point maintained by the respondents for the post of Library and Information Assistant to ascertain the correctness of the factual position.

It is pertinent to mention here that it would be evident from conduct of the respondents that all along attempt is being made to oust the applicant from the casual service on the pretext of one or other grounds when a good number of juniors or subsequent recruitees were very much working in the department. In this connection it may be stated that in O.A. No. 245/2002 the respondents have factually admitted that her juniors were retained in service while her service was terminated and the relevant records and documents were available in O.A. No. 245/02, which was disposed of on 12.08.2003. Conduct of the respondents would further be evident from the fact that during the year 1999 Temporary Status was granted to another casual workers, namely; Smti. Ranju Devi, who was short of 21 days of service while requirement was 206 days as per the Scheme but the same benefit at the same point of time was denied to the applicant and the specific statement to

Padmarani Mudai Hazarika.

the effect made in O.A No. 245/2002 in fact not denied by the respondents in their written statements which was filed in O.A. No. 245/2002, and the said record is still available before the Hon'ble Tribunal.

It is relevant to mention here that the service of the applicant was terminated when she was on leave on account of some gynecological problem. It is ought to be mention here that although the applicant has rendered 206 days in each calendar year since her employment on 14.07.1993, even then she was not granted Temporary Status due to deliberate wrong calculation of number of working days by the respondents.

It is relevant to mention here that Sri A. Hassan, the then local Head of Office who granted Temporary Status to Smti. Ranju Devi, one of the casual worker although she was short of 21 days than the required number of working days during 1999 but submitted a false report to the Head of Office, New Delhi showing wrong number of working days in each calendar years in respect of present applicant and obtained the approval of the Headquarter office for termination of service of the applicant.

It is ought to be mentioned here that in spite of the judgment passed in O.A. No. 245 of 2002 by the Hon'ble Tribunal with a specific direction to grant Temporary Status but the same is denied by the respondents deliberately showing a wrong number of working days in respect of the applicant. So the activities and conduct of the respondents are not fair

Padmanani Mudaliyarika.

towards the applicant. It is within the knowledge of the respondents that she has obtained Bachelor Degree of Library Science in addition to her Graduation in Arts and having long practical experience working in Library of Archaeological Survey of India at Guwahati in her credit. Therefore action of the respondents smacks malafide hence relevant records and roster register are required to be produced for proper adjudication of the case of the applicant.

- 4.9 That it is stated that the post of Librarian and Information Assistant was earlier advertised by the respondents, however candidates were not available but the respondents now converted the post of Library and Information Assistant in the O.B.C category with the sole intention to deny the benefit of consideration to the applicant against the said post.

In this circumstance the Hon'ble Court be pleased to restrain the respondents to fill up the post by O.B.C candidate and pass an appropriate interim order directing the respondents to allow the applicant to appear before the interview selection committee, however, result may not be published till disposal of the Original Application. Be it stated that the applicant has learnt from a reliable source that in pursuant to the advertisement dated 3-9 January, 2004 published in Employment News, the respondents have already issued call letters to other candidates, however no such call letter has yet been received by the

Padmanani Mudoi Hazarika.

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applicant and the interview is likely to be held very shortly. Therefore, in the circumstances the Hon'ble Court be pleased to direct the respondents, more particularly the Respondent No. 4, to allow the applicant to appear in the interview as an interim measure, otherwise it will cause irreparable loss and injury to the applicant and the application will become infructuous, as such the Hon'ble Court will be pleased to pass an interim order as prayed for.

- 4.10 That it is stated that in the said advertisement the age limit prescribed for the post is below 30 years relaxable by 3 years for O.B.C, since the applicant belongs to SC category she is entitled for age relaxation upto 5 years, in addition to that she is also entitled to further age relaxation to the extent she has served the department.

It is submitted that if the age relaxation is granted as stated above, in that event the applicant will come within the zone of consideration for selection to the post of Librarian and Information Assistant. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for the post of Librarian and Information Assistant.

- 4.11 That it is stated that the applicant in pursuant to the advertisement dated 3-9 January published in the Employment News submitted an application for the post of Librarian and Information Assistant with detail particulars as per instruction contained in the

advertisement to Regional Director, Staff Selection Commission. However, on an enquiry from the Staff Selection Commission the applicant came to learn that her candidature may be rejected on the ground of exceeding the age limit prescribed in the advertisement.

Be it stated that in the advertisement it is stated that the age limit is below 30 years, however 3 years age relaxation is permissible if the candidate belongs to O.B.C community. In the instant case the applicant has attained 41 years 5 months as on 01.01.2004. In this connection it may be stated that she is serving the department for about 10 years, as such, she is entitled to age relaxation to the extent she has served the department and in addition to that she also entitled to 5 years of age relaxation as because she belongs to S.C Community, As per the instruction of the DOPT, a casual employee is entitled to age relaxation to the extent the casual employee have served the department, the applicant urge to produce the relevant instructions of the DOPT in this regard at the time of hearing of the case.

That the applicant has served the department for very long period, say about 10 years in support of the above contention of the applicant, age relaxation for appointment incorporated in Chapter 13 in the Central Govt. offices in Swamy's Complete Manual on Administration and Compilation 1989 Volume is referred herein. More particularly Clause 9 may kindly be looked into by the Hon'ble Tribunal where age relaxation is

Padmarani Mudai Hazarika.

given to a Group 'D' employee for appointment to the post of Group 'C', to the extent the period of service rendered by the concerned employee under the Govt. of India, as such present applicant falls under Clause 9. Therefore she is entitled to age relaxation to the extent she has served the department.

In the facts and circumstances state above the Hon'ble Tribunal be pleased to direct the Respondents, more particularly the Regional Director, Staff Selection Commission (Respondent No.4) to grant age relaxation as stated above and further be pleased to direct the Respondents to consider the applicant for selection/interview along with others in accordance with law.

- 4.12 That it is stated that the applicant submitted a representation for condonation of age limit if she is found over aged in terms of the advertisement. The said representation was submitted on 18.03.2004 addressed to the Regional Director, Staff Selection Commission through proper channel with an advance copy to the Regional Director, Staff Selection Commission, but the applicant apprehending that the respondents may not take into consideration the representation submitted by the applicant for condonation of age limit. Therefore the Hon'ble Tribunal be pleased to direct the respondents No.4 i.e. Regional Director, Staff Selection Commission to consider the case of the applicant for selection for interview for appointment to the post of Library and

Padmarani Mudali Hazarika.

Information Assistant in the department of Archaeological Survey of India at Guwahati.

Copy of the representation dated 18.03.2004 is enclosed herewith and marked as Annexure-VII.

4.13 That this application is made bonafide and for the ends of justice.

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

5.1 For that, the applicant has acquired a valuable and legal right in view of her long service as Library Attendant on casual basis, for consideration of her case for appointment to the post of Library and Information Assistant in Archaeological Survey of India at Guwahati.

5.2 For that, the applicant has acquired necessary educational qualification, such as, Bachelor Degree in Library and Information Science.

5.3 For that, the applicant denies the correctness of the respondents statement that the post of Library and Information Assistant belong to O.B.C category.

5.4 For that, the applicant is eligible candidate having long practical experience in working in the library in Archaeological Survey of India.

5.5 For that, claim of the applicant for appointment to the post of Library and Information Assistant cannot be

Padmarani Mudoi Hazarika.

rejected on the alleged ground of over age as learned by the applicant through Staff Selection Commission.

5.6 For that, the applicant is working for a long time say about 10 years on Casual basis at Archeological Survey of India at Guwahati, as such, she has acquired a valuable and legal right for consideration of her claim for appointment on priority basis with necessary weightage of her casual service.

5.7 For that, as per Govt. instructions the applicant is entitled for age relaxation to the extent she has rendered service to the department.

6. Details of remedies exhausted.

That the applicant states that she has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application. Personal approaches and representation made by the applicant failed to evoke any response.

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

The applicant further declares that no application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

Padma rani Mudai Hazarika.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to grant age relaxation to the applicant if she is found over aged in terms of Govt. of India's instruction as well as to the extent the applicant has served the department on casual basis.
- 8.2 That the Hon'ble Tribunal be pleased to declare that the sole post of Library and Information Assistant belongs to General Category and further be pleased to restrain the respondents to fill up the post by the O.B.C candidate in terms of the advertisement dated 3-9 January, 2004 published in Employment News. ✓
- 8.3 That the Hon'ble Tribunal be pleased to direct the respondents to consider the case of the applicant for interview/selection for appointment to the post of Library and Information Assistant.
- 8.4 Costs of the application.

Paalmarani Mudai Hazarika.

8.5 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

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

9.1 That the Hon'ble Tribunal be pleased to direct the Respondents, more particularly the Respondent No.4 to allow the applicant to appear in the selection/ interview for appointment to the post of Library and Information Assistant in terms of advertisement dated 3-9 January, 2004 and further be pleased to direct the respondents to consider the applicant for the post of Library and Information Assistant in terms of advertisement dated 3-9 January, 2004 published in Employment News as an interim measure.

10.
This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No.	: 116378765
ii) Date of Issue	: 22.03.04.
iii) Issued from	: G.P.O., Guwahati.
iv) Payable at	: G.P.O., Guwahati.

12. List of enclosures.

As given in the index.

Padmakani Mudai Hazari Ka.

VERIFICATION

I, Smti Padmarani Mudai Hazarika, Wife of Sri Ballav Hazarika of Chandmari Colony, Nizarapar, Guwahati-3, District Kamrup, Assam, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the ^{24th}~~23rd~~ day of March, 2004.

Padmarani Mudai Hazarika.

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-17-

ANNEXURE-I

1/19-Admn/95

Government of India,
Archaeological Survey of India,
Office of the Superintending Archaeologist,
Guwahati Circle, Dispur, Guwahati-781005.

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OFFICE ORDER NO _____/1992

14/2/93

Miss Padmarani Mudai has been engaged as Assistant librarian
as casual basic from 14/7/1993.

[Signature]

(D. Bhengra).
Superintending Archaeologist,
Head of Office

14/2/93

1. Copy to Miss Padmarani Mudai for information.
2. UDC Adm.
3. Office Copy.

[Signature]

Superintending Archaeologist,

14/5/93

Superintending Archaeologist,
Archaeological Survey of India,
Guwahati Circle, Dispur
GUWAHATI-781005

*Attested
Sub-
Advocate
23/02/04*

- 24 - भारत सरकार - 18 -
GOVERNMENT OF INDIA

ANNEXURE-II

PHONE : 87961

OFFICE OF THE
SUPERINTENDING ARCHAEOLOGIST
ARCHAEOLOGICAL SURVEY OF INDIA
GUWAHATI CIRCLE

DISPUR, GUWAHATI-781 005, ASSAM



कार्यालय :-
अधीक्षक पुरातत्वविद
भारतीय पुरातत्व सर्वेक्षण
गुवाहाटी मंडल
दिसपुर,
गुवाहाटी-७८१००५, असम

क्रमांक
दिनांक १९

No.....

Dated the.....19

TO WHOME IT MAY CONCERN

THIS to certify that Mrs. Padma Rani Mudai Hazarika
W/o Sri Ballav Hazarika of Chandmari, Guwahati is working in
this office as Assistant Librarian on casual basis since
14.7.93 till the date. She posses a good knowledge in her work.
She is sincere, hard worker and obideant.

I wish her every succes in her life.

[Handwritten signature]

[Handwritten signature]

D. BENGHRA
SUPERINTENDING ARCHAEOLOGIST
HEAD OF OFFICE

Superintending Archaeologist,
Archaeological Survey of India,
Gauhati Circle, Dispur,
GUWAHATI-781005

*Attested
by
Advocate*

दस्तावेज : ६१९६१

कार्यालय :

आधीक्षक पुरातत्वविद
भारतीय पुरातत्व सर्वेक्षण
गुवाहाटी मंडल

गुवाहाटी-७८१००१ असम

क्रमिक

दिनांक

१९



प्रतीकचिह्नमपावृणु

OFFICE OF THE
SUPERINTENDING ARCHAEOLOGIST
ARCHAEOLOGICAL SURVEY OF INDIA
GUWAHATI CIRCLE

Ambdn GUWAHATI - 781 001, ASSAM

No 1/9/99-Adm.-1117

Dated the 16.7.99.19

TO WHOM IT MAY CONCERN

Certified that Srimati Padmarani Mudal working on casual basis in this office since July, 1993 and attached with the Library Section to assist the incharge Librarian in matters off accessioning of books, safe keeping them in the self and issued as and when needed. Besides she knows English Typing and time to time typed letters etc. Partening the Library section, I found her very honest, sincere and dutiful.

I wish her all sucess in her future career to get a regular job in any Central and State Govt. Offices, where her competency could be utilised properly, if appointment ~~was~~ as office assistant/Library Assistant.

(Dr. G. C. Chauley)
Superintending Archaeologist -
Guwahati Circle.

16/7/99

Attested
J. S. S. S. S.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.245 of 2002

Date of decision: This the 12th day of August 2003

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

Smt Padmarani Mudal Hazarika
Wife of Shri Ballav Hazarika,
Chandmari Colony, Nizarapar,
Guwahati.

.....Applicant

By Advocates Mr M. Chanda, Mr G.N. Chakraborty
and Mr H. Dutta.

- Versus -

1. The Union of India, represented by
The Secretary to the Government of India,
Ministry of Art and Culture,
New Delhi.

2. The Director General
Archaeological Survey of India,
New Delhi.

3. The Superintending Archaeologist,
Archaeological Survey of India,
Guwahati Circle, Ambari,
Guwahati, Assam.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

Conferment of temporary status in the light of the
Office Memorandum dated 10.9.1993 issued by the Government
of India is the issue raised in this O.A. in the following
circumstances:

The applicant was initially appointed as Assistant
Librarian on casual basis on 14.7.1993. According to the
applicant she was thereafter shifted to the General
Section as Group 'D' Worker and entrusted with different
works. The applicant was working as such under the

*Assisted
J. Choudhury
Adrocali*



respondents and moved this O.A. for conferment of temporary status. It seems that by order dated 1.8.2002 the employment of the applicant as casual worker was to be terminated after one month from the date of issued of the order. The applicant, on receipt of the same preferred a Misc. Petition and vide order dated 30.8.2002 in M.P.No.109 of 2002 the impugned order of termination was kept under suspension. By the present O.A. the applicant has claimed for conferment of temporary status in the light of the O.M. dated 10.9.1993.

2. The respondents submitted their written statement and asserted that the applicant was engaged as a casual worker on 14.7.1993 on daily wage basis subject to availability of work. According to the respondents the applicant was not entitled for being conferred the temporary status on the score that she was engaged as a casual worker on 14.7.1993 and she did not complete the requisite number of days, i.e. 206 days as on 10.9.1993, the basic criteria for conferment of temporary status to casual workers.

3. The controversy in this application centres round the interpretation of the Scheme known as the Casual Labourers' (Grant of Temporary Status and Regularisation) Scheme, 1993. According to the applicant the Scheme favours for conferment of temporary status to her, whereas accordingt to the respondents the applicant did not fulfil the conditions prescribed in the Scheme, more particularly in Clause 4(i) of the Scheme read with the Office Instructions issued by the Department from time to time.

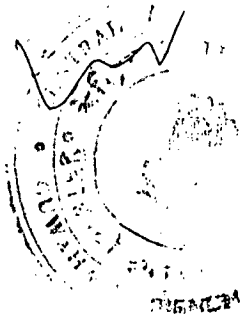
4. I have heard Mr M. Chanda, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. at length. Mr A. Deb Roy submitted that the Scheme in question.....



question is a one time measure and not an ongoing process. The applicant no doubt was employed on the date of issue of the O.M. dated 10.9.1993, but then she did not fulfil the other conditions, namely she did not complete 206 days when the Scheme came into operation. The Scheme in question was issued in the light of the Judgment and Order rendered by the Principal Bench of the Central Administrative Tribunal in O.A.No.2306 of 1989 disposed of on 16.2.1990 (Raj Kamal and others Vs. Union of India). In the said O.A. the applicants prayed for regularisation of their services. The Principal Bench of the Central Administrative Tribunal finally disposed of the said O.A. and issued numerous directions on the respondents to consider regularisation of the employees. In the light of the said order of the Tribunal the above mentioned Scheme was formulated for granting temporary status to casual workers who were employed on the date of issuance of the Notification dated 10.9.1993. Clause 4(i) of the Scheme indicated the condition for conferment of temporary status, which reads as follows:

"Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week)."

4. According to Mr Chanda since the applicant was in employment on the date of issue of the O.M., she was entitled for conferment of temporary status on completion of one year service. Mr A. Deb Roy referred to the communication dated 10.3.1998 issued by the Government of India, Archaeological Survey of India to All Heads of Circles/Branches and contended that the grant of temporary status.....



status is a one-time affair and is applicable in respect of those casual employees who were on service on the date of NOTification of the Scheme, i.e. 10.9.1993 and had rendered one year of continuous service with 240 days or 206 days of service as the case may be on that date. Mr A. Deb Roy, in other words, submitted that both the conditions must be fulfilled for conferment of temporary status, namely one must be on employment on 10.9.1993 and one must have already rendered one year of continuous service with 240 days or 206 days of service as the case may be, on the date of issue of the Notification.

5. There is no dispute to the fact that the applicant was in employment on the date of issue of the O.M. The controversy is as regards the fact that the applicant did not complete 206 days when the Scheme came into existence.

From the records it appears that the applicant continued to serve under the respondents and by order dated 10.10.2000 the applicant was considered for semi-skilled status with effect from 1.10.2000 until further orders and on which capacity she continued to work. On perusal of Clause 4(i) it appears that for conferment of temporary

status one was to be in employment on the date of issue of the O.M. dated 10.9.1993 and one was to render a continuous service of at least one year which means one was to be engaged for a period of 240 or 206 days as the case may be. There are two conditions for conferment of temporary status - (1) one was to be in employment on the date of issue of the Notification and (2) one was to complete the period of service as prescribed. There is no dispute that a casual worker was required to be in employment when the Scheme was introduced vide O.M. dated 10.9.1993 - a clear-cut date was given. In addition, a

casual.....



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casual worker was to complete 240 days or 206 days of service. Mr A Deb Roy submitted that the second condition would be fulfilled only in those cases where the persons completed 240 days or 206 days as the case may be when the Scheme was introduced. I find it difficult to accept the contention of Mr A. Deb Roy. The Scheme was introduced from a particular date. That means the Scheme was applicable to all those casual employees who were in employment on the date of issue of the Scheme. Paragraphs 2 and 3 of the Scheme are relevant for this purpose, which read as follows:

"This scheme will come into force w.e.f. 1.9.1993.

This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders....."

6. The Scheme was made for those casual employees who were in employment on the date of issue of the Scheme. It did not contemplate that those persons were required to complete the prescribed period of 240 days or 206 days as the case may be on the date the Scheme came into force. the O.M. No.40011/2/2002-Estt.(C) dated 12.4.2002 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, seemingly clarified the position. It referred to the stipulation contained in the O.M. dated 10.9.1993, namely that "(i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of OM; and (ii) should have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week)".



certified to be true

प्रमाणित प्रतिनिधि

26/5/03

Section Officer (D)
C.A.T. CHANDI NAGAR
Gurgaon, Haryana

Paragraph... ..

Paragraph 2 further mentioned that in most cases the first condition stipulated was ignored and a view was taken as if the scheme was an ongoing scheme. The Supreme Court in Union of India and another Vs. Mohan Pal, etc disposed of on 29.4.2002 clarified the scheme and observed that the scheme in question was not an ongoing scheme and that temporary status could be conferred on the casual labourers under the Scheme only on fulfilling the conditions incorporated in Clause 4 of the Scheme, namely, they should have been casual labourers in employment as on the date of the commencement of the Scheme and they should have rendered continuous service of at least one year, i.e. at least 240 days in a year or 206 days (in case of offices having 5 days a week). The Government of India purposely gave a cut-off date that employees were to be in employment on the date of the Scheme and to get temporary status one is to render continuous service of at least one year, which means that the casual employee was to be engaged for at least 240 days or 206 days in a year as the case may be. Clause 4 of the Scheme did not give a blanket authority to confer temporary status to all casual workers as and when they complete one year continuous service. To earn the benefit a casual employee must be in employment on the date when the scheme was introduced.

7. For the reasons stated above the application is allowed and the respondents are directed to consider the case of the applicant for conferment of temporary status in the light of the Scheme and the findings and observations made above.

No order as to costs.

Sd/VICE CHAIRMAN





STAFF SELECTION COMMISSION

ADVERTISEMENT NO. 1/2003-NER
F.NO. SSCG.A-12024/2/2003-Recit.

APPLICATIONS ARE INVITED FOR THE FOLLOWING POSTS

Cat. No. NER-(C)-1: Professional Assistant (Hydrometeorology) in the Brahmaputra & Barak Basin, Central Water Commission, Shillong.

Vacancy: 2 (UR-01 & OBC-01)

Pay-Scale: Rs. 5000-150-8000

EQ: Bachelors Degree in Physics or Geo-physics, Geology, Hydrometeorology or Meteorology from a recognised University or equivalent.

IP: Guwahati (Assam), Dibrugarh (Assam).

Note: Posting place may also change.

Age: 18 to 27 years (Age relaxation, 5 years for SC/ST, 3 years for OBC, 12 years for Departmental candidates).

IP: 1. Checking of rainfall data copied by the computers.

2. Checking of all other computations and work done by the computers.

3. Drawing of the isohyets polygon net work required for weighted rainfall calculations.

4. Selection of heavy rainfall spells for design storm studies.

5. Analysis of soil recording rainfall data and preparation of frequency tables.

6. Preliminary drawing of isohyets.

7. Maintenance of files and rainfall records.

Cat. No. NER-(C)-2: Research Assistant (Chemistry) in the Brahmaputra & Barak Basin, Central Water Commission, Shillong.

Vacancy: 02 (OBC-01 & ST-01)

Pay Scale: Rs. 4500-125-7000

EQ: Degree in Science (Chemistry) or equivalent from recognised University.

IP: Guwahati (Assam), Dibrugarh (Assam).

Age: 20 to 28 years (Age Relaxation, 5 years for SC/ST, 3 years for OBC & 13 years for Departmental candidates).

IP: Guwahati (Assam), Dibrugarh (Assam).

1. Collection and analysis of water samples for 41 parameters viz. Physico-Chemical, Biological including Trace & Toxic Total Carbon, pesticide & insecticides etc.

2. Collection of sediment samples and their analysis where required.

3. Physical determinations like wet density sp. Gravity, Mechanical analysis of river bed samples etc.

4. Operation and Maintenance of general and sophisticated equipment viz. ICP, HPLC, AAS, Analyser etc.

5. Compilation and publication of data in the form of water Quality, Sediment and bed material year books required.

6. Special studies like Longitudinal DO, BOD Surveys.

7. Preparation of Water Quality/Status reports giving special emphasis on suitability of water for different uses and reports on specified tests at selected sites on user demand.

8. Preparation of Water Quality Bulletines and other reports.

9. Preparation of SPC Memo and working Estimates for different schemes related to "Water Quality/monitoring in rivers lakes/reservoirs."

10. Assistance in preparation of technical specifications for procurements of various equipment including advanced, sophisticated and imported equipment.

11. Assistance ARO/IO/Senior officers in various Scientific/Technical matters.

Cat. No. NER-(C)-3: Information Assistant in India Tourism, Guwahati.

Vacancy: 02 (UR-02)

Pay scale: Rs. 5000-150-8000

EQ: 1. Graduate of a recognised University in India.

2. Knowledge of Computer application supported by Diploma or Degree in Computer Application from a Govt. Institute or Institute recognised by the Government.

3. General knowledge of and familiarity with places of tourist interest in India.

4. Knowledge of various places of Indian History and architecture, ancient and modern.

IP: 1. Diploma in Tourism.

2. Knowledge of the any European language other than English.

3. Experience in a travel or publicity firm or office, Academic qualifications relaxable by Govt. in the case of candidates otherwise exceptionally suitable for reasons to be recorded in writing.

Age: 21 to 25 years. (Age relaxation, 35 years for Deptl. candidates, relaxation for SC/ST & OBC as per Govt. rules).

IP: 1. Naharlagun (Arunachal Pradesh), 2. Imphal (Manipur). AISL.

3. Dissemination of Tourist Information, preparation of itineraries/write-up including up and collection of Tourist statistic, receiving, accompanying VIPs/Travel writers

Cat. No. NER-(C)-4: One Sr. Hindi Translator, O/o the Chief Postmaster General, Shillong-793001.

Vacancy: 01 (UR-01)

Pay-Scale: Rs. 5000-150-8000

EQ: Master degree of recognised University in Hindi/English with English/Hindi as subject (which includes the term compulsory and elective) at degree level. OR

1. Bachelors degree of recognised University in any subject with English and Hindi as main subjects. (which includes the term compulsory and elective) at degree level.

IP: 1. Shillong.

Age: 18 to 20 years (Age relaxation, 5 years for SC/ST, 3 years for OBC).

IP: 1. E. Postal Circle, O/o the Chief P.M.G., N.E. Circle, Shillong-793001 (Meghalaya)

2. East Khasi Hills, State - Meghalaya, AISL.

3. Sr. Hindi Translator.

Cat. No. NER-(C)-5: Zoological Assistant, Zoological Survey of India.

Vacancy: 01 (OBC)

Pay-Scale: Rs. 5000-150-8000

EQ: 1. Second Class B.Sc. (Hons.) or B.Sc. with Zoology with not less than 55% or 50% in aggregate.

2. Experience in arranging Zoological exhibits of a museum/experience in field or positions of exhibits.

3. Aptitude in Systematic Zoology.

Age: Below 27 years. (Relaxable for SC, ST, etc. as per Govt. Rules and also relaxable for Govt. Servants as per Rules).

IP: Shillong (Meghalaya) with AISL.

JR: Maintenance and development of Zoological Collections, attending to Scientific enquiries from outside, field surveys & Research work on concerned problems.

Cat. No. NER-(C)-6: Junior Zoological Assistant, Zoological Survey of India.

No. of Vacancy: 01 (OBC)

Pay-Scale: Rs. 4000-100-6000

EQ: Bachelor's degree in Science of a recognised University with Zoology as one of the subject.

DQ: i) Experience of collecting and preservation of Zoological specimens.

ii) Knowledge of zoological laboratory techniques e.g. preparation of slides, cutting microtome sections etc.

Age: Below 27 years. (Relaxable for SC, ST, etc. as per Govt. Rules and also relaxable for Govt. Servants as per Rules).

IP: Shillong (Meghalaya) with AISL.

JR: Maintenance of Zoological Collections, collection and preservation of Zoological specimens, assistance in field surveys and research work.

Cat. No. NER-(C)-7: Laboratory Assistant, Zoological Survey of India.

No. of Vacancy: 01 (OBC)

Pay-Scale: Rs. 3200-65-4900/-

EQ: Higher Secondary (10+2 years course) or equivalent with Biology as one of the subject.

DQ: i) Familiarity with handling and maintenance of equipment in Zoological Laboratory.

ii) Knowledge of preparing zoological fixatives, stains.

Age: Below 27 years. (Relaxable for SC, ST, etc. as per Govt. Rules and also relaxable for Govt. Servants as per Rules).

IP: Shillong (Meghalaya) with AISL.

JR: Proper maintenance of the Laboratories and equipment, preparation of material required for research work.

Cat. No. NER-(C)-8: Library & Information Assistant, Archaeological Survey of India.

No. of Vacancy: 01 (OBC)

Pay-Scale: Rs. 5000-150-8000

EQ: 1. Degree in Arts, Science or Commerce from a recognised University.

2. Diploma in Librarianship from a recognised institution.

DQ: Knowledge of atleast one foreign language other than English.

Age: Below 30 years. Relaxable by 03 years for OBC.

IP: Guwahati with AISL.

JR: To attend all works relating to purchase of library books & publications, maintenance of accounts, registers and stock of library, proper maintenance of records in respect of library etc.

Cat. No. NER-(C)-9: Asstt. Storekeeper, Archaeological Survey of India.

No. of Vacancy: 01 (UR)

Pay Scale: Rs. 3050-75-4590/-

EQ: Matriculate or equivalent & proficiency in typing of 30 w.p.m.

DQ: Experience of Store Keeping.

Age: 18-25 years.

IP: Guwahati with AISL.

JR: All works relating to purchase of stores and their maintenance of account/registers and correspondence according to rules in force. To set up and wind up camps, excavated materials, arrange transportation of camp equipments, etc. and related work connected with it. Maintenance of office furniture, fixtures and lightings including hot and cold arrangements. Supervision of the work of office Chowkidars and Sweepers. Any other work relating to his office/branch and his job assigned by superior officers.

Cat. No. NER(C)-10: Geographer, Director of Census Operations.

No. of Vacancy: 01 (UR)

Pay Scale: Rs. 5500-175-9000/-

EQ: Master degree or 1st class honours in Geography or Master degree in Economics with honours in Geography.

DQ: Two years experience either in tracing or research work in the field of Geography in a recognised Institute.

IP: Kohima (Nagaland), AISL - Nil.

JR: Preparation of maps, Charts, diagrams and Cartographic works.

INSTRUCTIONS TO CANDIDATES

1. ABBREVIATIONS USED:

EQ: Essential Qualifications, DQ: Desirable Qualifications, UR: Unreserved, SC: Scheduled Caste, ST: Scheduled Tribe, OBC: Other Backward Classes, OH: Orthopaedically Handicapped, HH: Hearing Handicapped, Cat: Category, P.S.: Pay Scale, IPO: Indian Postal Order, CRFS: Central Recruitment Fee Stamps, Govt.: Government, IP: Initial Posting, JR: Job Requirement, Deg.: Degree, Dip: Diploma, Sci: Science, Equv.: Equivalent, Prof. Test: Proficiency Test, Recog.: Recognised, Univ.: University, Instt.: Institute, AISL: All India Service Liability, Exp: Experience, Exam: Examination, Hr.: Higher, Sec.: Secondary, Sr. Senior, Tech.: Technical, Mo: Ministry of, D/o: Department of, O/o: Office of, MA: Master of Arts, MSc.: Master of Science, UTs: Union Territories, SSC: Staff Selection Commission.

2. Fee Payable: Rs. 50/- (Rupees fifty only). No fee for Scheduled Castes, Scheduled Tribes and ExS. However, no fee concession would be admissible to ExS who would otherwise be considered as general candidate in terms of para 6(vi) of important instructions. Such candidates would be required to pay the requisite fee for the examination. Fee concession is not admissible to sons, daughters and dependents of Ex-S. Service Clerks in the last year of their colour service are not exempted from payment of fee. Remission of fee may be allowed to those repatriated from Kuwait/Iraq who are not in a position to pay it.

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

3. Mode of Selection: Candidates fulfilling the minimum prescribed qualifications will be shortlisted on the basis of their educational qualifications, academic records, percentage of marks, etc. or through a screening test. Candidates thus selected may

Continued

*Selected
Name
Date*

Serial No. 14751...

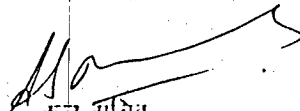
- 27 -

ANNEXURE-VI
Enrolment No. 958400371

इन्दिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय
INDIRA GANDHI NATIONAL OPEN UNIVERSITY

प्रमाणित किया जाता है कि पद्मारानी मुद्दे
को नियत अध्ययन-क्रम पूरा कर दिसम्बर 2002
की परीक्षा उत्तीर्ण करने के उपरान्त पुस्तकालय एवं
सूचना विज्ञान में स्नातक की उपाधि प्रदान
की जाती है।

This is to certify that Padmarani Mudai
having pursued the prescribed course of study and passed
the examination held in December 2002.....is hereby
awarded the **Degree of Bachelor of Library and**
Information Science.


कुल-साधिव
Registrar



नई दिल्ली New Delhi
दिनांक Date 26.3.2003


कुलपति
Vice-Chancellor

*Submitted
for
signature*

No. 0394

Written by :

Signature

Checked by :

Signature



इंदिरा गांधी राष्ट्रीय मुक्त विश्वविद्यालय - 28 -

INDIRA GANDHI NATIONAL OPEN UNIVERSITY

STUDENT REGISTRATION & EVALUATION DIVISION

Maldan Garhi, New Delhi - 110 068

BACHELOR'S DEGREE IN LIBRARY AND INFORMATION SCIENCE

STATEMENT OF MARKS

CERTIFICATE NO: 0003429

SERIAL NO. 1
BLS 958400371
MS. PADMARANI MUDAI

DATE: 29/01/2004

DOPDAR ROAD
NORTH GUWAHATI
GUWAHATI - 781030
ASSAM

TERM-END EXAM. DECEMBER 2002

COURSE CODE	CONTINUOUS EVALUATION						ACEM	ACEG	TEM	TEG	30% OF ACEM	70% OF TEM	MAX MARKS	MARKS OBTD.	CRS. GRD.	CRS. STS.
	ASSN. 1		ASSN. 2		ASSN. 3		MM100		MM100							
	Mks.	Gr.	Mks.	Gr.	Mks.	Gr.	Mks.	Gr.	Mks.	Gr.						
BLS1	80	A	50	C	48	C	65	B	44	C	20	31	100	51	C	SC
BLS2	92	A	80	A	86	A	89	A	40	C	27	28	100	55	C	SC
BLS3	72	B	58	C	62	B	67	B	49	C	20	34	100	54	C	SC
BLS4	88	A	58	C	58	C	73	B	41	C	22	29	100	51	C	SC
BLS5	84	A	50	C	54	C	69	B	43	C	21	30	100	51	C	SC
BLS6	82	A	54	C	54	C	68	B	50	C	20	35	100	55	C	SC
BLS7	88	A	44	C	62	B	75	B	40	C	23	28	100	51	C	SC
BL3P	40	C	36	D	46	C	43	C	64	B	13	45	100	58	C	SC
BL4P	60	B	60	B	60	B	60	B	50	C	18	35	100	53	C	SC
GRAND TOTAL:													900	479		
RESULT:																

BACHELOR'S DEGREE IN LIBRARY AND INFORMATION SCIENCE SUCCESSFULLY COMPLETED
OVERALL PERCENTAGE 53.22 % II DIVISION

MM - Maximum Marks
* Not submitted / Absent / Result Later as the case may be
MKS - Marks
GR - Grade
ACEM - Average Continuous Evaluation Marks
ACEG - Average Continuous Evaluation Grade
SC - Successfully Completed
NC - Not Completed
TEM - Term End Examination Marks
TEG - Term End Examination Grade
CRS GRD - Course Grade
CRS STS - Course Status
OBTD - Obtained
For details see overleaf

[Signature]
DIRECTOR (SR&E)

*Admitted
Recd
Adv. calc*

SCHEME OF ASSESSMENT OF BACHELOR'S DEGREE IN LIBRARY AND INFORMATION SCIENCE

1. LIST OF COURSES OFFERED :

- BLS-1 LIBRARY AND SOCIETY
- BLS-2 LIBRARY MANAGEMENT
- BLS-3 LIBRARY CLASSIFICATION THEORY
- BLS-4 LIBRARY CATALOGUING THEORY
- BLS-5 BIBLIOGRAPHY AND REFERENCE SOURCES
- BLS-6 INFORMATION SERVICES
- BLS-7 COMPUTER BASICS AND APPLICATIONS
- BLS-3P LIBRARY CLASSIFICATION PRACTICE
- BLS-4P LIBRARY CATALOGUING PRACTICE

2. RESULT IS DECLARED IN NUMERICAL MARKS AS WELL AS IN LETTER GRADES ON A FIVE-POINT SCALE.

- 3. EVALUATION OF STUDENTS PERFORMANCE HAS TWO COMPONENTS : CONTINUOUS ASSESSMENT THROUGH ASSIGNMENTS CARRYING WEIGHTAGE OF 30% AND TERM-END EXAMINATION CARRYING WEIGHTAGE OF 70%.
- 4. FOR THE PURPOSE OF COMPUTATION OF COURSE GRADE THE SCORE OF BEST TWO ASSIGNMENTS OUT OF THREE PRESCRIBED IN A COURSE IS TAKEN INTO ACCOUNT.
- 5. IN ORDER TO SUCCESSFULLY COMPLETE A COURSE, STUDENT MUST OBTAIN ATLEAST 40% MARKS IN EACH OF THE CONTINUOUS EVALUATION AND THE TERM-END EXAMINATION.
- 6. LETTER GRADE, GRADE POINTS AND CORRESPONDING RANGE OF MARKS FOR PURPOSE OF COMPUTATION ARE AS UNDER.:

MARKS RANGE	LETTER GRADE	QUALITATIVE LEVEL	GRADE POINT
80% and above.	A	Excellent	5
60% but below 80%	B	Very Good	4
40% but below 60%	C	Good	3
20% but below 40%	D	Satisfactory	2
below 20%	E	Unsatisfactory	1

7. THE OVERALL PERFORMANCE OF THE STUDENT IN THIS PROGRAMME IS DETERMINED AS UNDER :-

I Division	60% and above
II Division	50% and below 60%
Pass	40% and below 50%
Unsuccessful	below 40%

*Attested
Signature
28/02/04*

45-13

To,
The Regional Director (NER)
Staff Selection Commission,
Rukmininagar,
P.O.- Assam Sachivalaya,
Guwahati- 781 006.

(Through proper channel)

Sub: - Prayer for consideration for selection to the post of Library and Information Assistant and also prayer for condonation of over age, by taking into consideration the period of service rendered at ASI, Guwahati.

Respected Sir,

I like to draw your kind attention on the subject cited above and further beg to state that, I have already applied for the post of Library and Information Assistant. However, so far age limit is prescribed for the said post, the undersigned may be treated as an in-service, direct recruit candidate, for the said post as I am serving in ASI at Guwahati for about 10 years. Undersigned was initially appointed on casual basis as Assistant Librarian and served there in the library, for a very long period. Be it stated, the aforesaid post was earlier advertised, but no suitable candidate of OBC category was available. In the meanwhile, the undersigned obtained Bachelor degree in Library Science in addition to my graduation in Arts. Therefore candidature of the undersigned be considered on priority basis, as she has also earned long experience in library work. Moreover undersigned is also entitled to age relaxation to the extent I have served the department as Govt. instruction in force. In this connection I further beg to state that I was initially appointed on 14.07.1993 and continuing in service till date without any break in service. In the fact and circumstance the undersigned request you to kindly consider my case for appearing in the interview/selection and also be pleased to take in to consideration the period of service rendered by

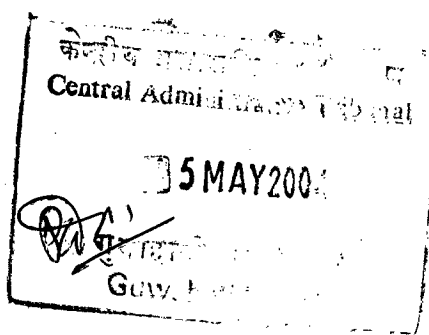
*Satisfied
Team
isrocali*

31- 92 45
the undersigned, for the purpose of condonation of age limit, in favour of the undersigned.

Yours sincerely

DATE: 18.03.2004

(PADMA RANI MUDAI HAZARIKA)



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Filed by

(A. DESHPANDE)

Sr. C.G.S.C.

C.A.T. GUWAHATI Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI.

O.A. NO. 72 OF 2004

Smt. Padmarani Mudai Hazarika.

..... Applicant.

- Vs -

Union of India & Ors.

..... Respondents.

In the matter of :

Written Statement submitted by

the Respondents Nos. 1, 2 & 3.

The humble respondents beg to submit the parawise-written statement as follows :-

1. That with regard to para 4.1, of the application the respondents beg to offer no comments.
2. That with regard to the statement made in para 4.2, of the application the respondents beg to state that the applicant has been engaged as casual worker in July, 1993 i.e. 14.07.1993 to perform purely temporary nature of works.
3. That with regard to the statement made in para 4.3, of the application the respondents beg to state that the applicant was engaged as casual worker on daily wage basis from 14.7.1993 and thereafter from time to time on availability of works and funds under the respondents.

-2-

4. That with regard to the statement made in para 4.4, of the application the respondents beg to state that reiterate the statement made in para 4 of this written statement.

5. That with regard to the statement made in para 4.5, of the application the respondents beg to state that the applicant was engaged as daily wage casual worker from 14.7.1993 and thereafter from time to time for doing purely temporary nature of works as per availability of works and funds under the respondent. Further in the light of the judgment of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati dated 12.8.2003 regarding conferment of temporary status to the applicant. The case has been considered in terms of the Scheme for Grant of Temporary Status circulated vide DOPT O.M. dated 10.9.1993, 12.4.2002 and the advice given by the DOPT in this matter circulated by the headquarter office of Archaeological Survey of India, Janpath, New Delhi vide F. No. 33/12/96-Admn.II dated 10.9.1998, the judgment of the Hon'ble Supreme Court of India ~~and~~ dated 29.4.2002 in S.B. Appeal No. 3168 of 2002 by the Union of India and others - Vrs- Mohan Pal etc. (Annexure-1). Under the Scheme the casual workers who were in service on the date of commencement of the scheme and those who have completed one year regular service i.e. 206 or 240 days as the case may be on that date i.e. 10.9.1993 should be granted temporary status. The scheme is not an on going one to be considered to all casual

Contd.....

casual workers as and when they complete one year of continuous service. In the said case the applicant has completed only 41 days of service from 14.7.1993 to 10.9.1993, as such her case for grant of temporary status could not be considered by the respondents.

Copy of O.M. dated 10.9.1993 and O.M. dated
12.4.2002 are annexed herewith and marked as
Annexure -1 (series).

6. That with regard to the statement made in para 4.6, of the application the respondents beg to state that the written statements on O.A. No. 32/2004 are being submitted to the Hon'ble CAT by the respondents.

7. That with regard to the statement made in para 4.7, of the application the respondents beg to state that the applicant was engaged as daily wage casual worker from 14.7.1993 and thereafter from time to time for doing purely temporary nature of works subject to availability of works and funds under the respondent. The post of Library and Information Assistant comes under direct recruitment through open competition. As such the respondent has requisitioned to the Staff Selection Commission for sponsoring suitable candidate for the post in accordance with recruitment norms of the post.

8. That with regard to the statement made in para 4.8, of the application the respondents beg to state that as per post based roster point the vacant post of Library and

-35-
a

and Information Assistant comes under reservation category of Other Backward Class (O.B.C.) as communicated by the Headquarter office of Archaeological Survey of India, Janpath-New Delhi vide letter No. F.10-15/96-Adm. I dated 4th October, 1996 (Annexure-II). The roster point was issued by the competent authority long back i.e. on 4th October, 1996 hence the allegation made by the applicant in this regard is totally false, baseless and far from the truth.

Copy of letter dated 4.10.1996 is annexed herewith and marked as Annexure - II.

The requirement for engagement of daily wage casual worker is subject to availability of works and funds. As there was no work to provide to the applicant as such her services was terminated. However in compliance with the interim order of the Hon'ble CAT dated 19.2.2004 the applicant is still now engaged without any work. The applicant has completed only 41 days of service from 14.7.1993 to 10.9.1993 whereas 206 days of service for conferment of temporary status were required. As such she is not eligible for grant of temporary status.

The respondents beg to state that the casual workers are not entitled for leave. The applicant has completed only 41 days of service from 14.7.1993 to 10.9.1993 and she has completed only 114 days of service in the calendar year 1993. The number of days of service of the applicant has been calculated as per rule and actual days of presence of applicant.

Contd.....

-5-

9. That with regard to the statement made in para 4.9, of the application the respondents beg to state that the vacant post of Library and Information Assistant comes under reservation of Other Backward Class (OBC) as communicated by the Headquarter Office of Archaeological Survey of India, Janpath, New Delhi vide letter No. F. 10-15/96-I Admn. dated 4th Octo., 1996 and the allegation made by the applicant is totally false and baseless.

10. That with regard to the statement made in para 4.10, of the application the respondents beg to state that as per roster position the post is reserved for OBC and the upper age is relax able upto 3 years as per rule. The age relaxation to casual workers are given for absorption in Group 'D' Post only (Annexure-III).

Copy of Age Relaxation for Appointments is annexed herewith and marked as Annexure-I II.

11. That with regard to the statement made in para 4.11, of the application the respondents beg to state that no representation for condonation of age limit of the applicant is received by the respondents. However as per rule the applicant is not entitled for any condonation of age as she is daily wage worker and the post of Library ~~and the post~~ and Information Assistant comes under

Contd.....

-37-
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-6-

director recruitment by open competition and the post is reserved for OBC category and upper age is relaxable as per rule.

12. That with regard to the statement of the application the respondents beg to state that the applicant is not entitled to any relief urged for in the application and the case is liable to be dismissed.

Verification.....

V E R I F I C A T I O N

I, R.D. Singh, Superintending Archaeologist,
Archaeological Survey of India, Guwahati Circle, Ambari,
Guwahati do hereby verify that the statements made in
paragraphs of the written statement
are true to my knowledge, those made in paragraphs
being matter of records are true to my information derived
therefrom which I believe to be true % and those made in
the rest are humble submissions before the Hon'ble Tribunal.
I have not suppressed any material facts.

And I signed this verification on this the
th day of , 2004 at Guwahati.

Michael

Deponent.

R. D. SINGH
Superintending Archaeologist
Archaeological Survey of India
Guwahati Circle, Guwahati

New Delhi, the 10th Sept. 1993

OFFICE MEMORANDUM

Subject: Grant of temporary status and regularization of casual workers - Formulation of a scheme in pursuance of the CAT, Principal Bench, New Delhi, judgement dated 16th Feb 1990 in the case of Shri Raj Kamal & Others Vs. UOI.

The guidelines in the matter of recruitment of persons on daily-wage basis in Central Government offices were issued vide this Department's O.M. No. 49014/2/UG-Estt(C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the CAT, Principal Bench, New Delhi delivered on 6.2.90 in the writ petition filed by Shri Raj Kamal and others. Union of India and it has been decided that while the existing guidelines contained in O.M. dated 7.6.88 may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by a scheme as appended.

Ministry of Finance etc. are requested to bring the scheme under their notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines containing O.M. dated 7.6.88. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.

Sd/-
(Y.G. Parande)
Director

Ministries/Departments/Offices of the Government of India as per the standard list.

- to:
- (1) All attached and subordinate offices of
(i) Ministry of Personnel, PG and Pensions
(ii) Ministry of Home Affairs
 - (2) All offices and sections in the MHA and
Ministry of Personnel, PG and Pensions.

Sd/-
(Y.G. Parande)
Director

APPENDIX

Department of Personnel & Training, Casual Labourers (Grant of Temporary Status and Regularisation) Scheme

1. This scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993".
2. This scheme will come into force w.e.f. 1.9.1993.
3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.

4. Temporary status

- i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O.A. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).
- ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'O' posts.
- iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.
- iv) Such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'O' posts.

5. Temporary status would entitle the casual labourers to the following benefits:-

- i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'O' official including DA, HRA and CCA.
- ii) Benefits of increments at the same rate as applicable to a Group O employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for atleast 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
- iii) Leave entitlement will be on a pro-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible. They will be allowed

to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.

- iv) Maternity leave to lady casual labourers as admissible to regular Group D employees will be allowed.
- v) 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after their regularisation.

- vi) After rendering three years' continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group D employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group D employees, provided they furnish two sureties from permanent Govt. servants of their Department.

- vii) Until they are regularised, they would be entitled to Productivity Linked Bonus/A.d.hoc bonus only at the rates as applicable to casual labourers.
6. No benefits other than those specified above will be admissible to casual labourers with temporary status. However, if any additional benefits are admissible to casual workers working in Industrial Establishments in view of provisions of Industrial Dispute Act, they shall continue to be admissible to such casual labourers.

7. Despite conferment of temporary status, the services of a casual labourer may be dispensed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

8. Procedure for filling up of Group D posts
- (1). Two out of every three vacancies in Group D posts in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of personnel & Training from amongst casual workers with temporary status. However, regular Group D staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or

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or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

9. On regularisation of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions.

10. In future, the guidelines as contained in this Department's O.M. dated 7.6.80 should be followed strictly in the matter of engagement of casual employees in Central Government Offices.

11. Department of Personnel & Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time.

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S/NO. 1/R

No.40011/2/2002 -Estt. (C)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi, dated the 12th April, 2002

Office Memorandum

Subject:- Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Govt. of India, 1993-Clarification.

The undersigned is directed to say that the Casual Labourers (Grant of Temporary Status & Regularisation) Scheme of Govt. of India, 1993 formulated in pursuance of the CAT, Principal Bench, Judgement dated 16th April, 1990 in the case of Raj Kamal & Others Vs Union of India and circulated vide this Department's OM No.51016/2/90-Estt. (C) dated 10th September, 1993, inter alia, stipulate the following two conditions for grant of temporary status to the persons recruited on daily wage basis in the Central Government Offices:-

- (i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of OM; and
- (ii) should have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).

2. The various Benches of the CAT, including High Courts, while deciding the cases of casual labourers have ignored the first condition stipulated above and have been taking views that the scheme is an ongoing affair. In the meantime the Supreme Court in its judgement dated 11-3-2002 in the case of Punjab State Electricity Board & Anr. V. Wazir Singh (JT 2002(3) SC 49) have observed "since the circular issued by the appellant board stipulated two conditions namely that the concerned daily wage worker should not only put in 500 working days in service up to the cut off date but should be actually in service on the date of issuance of the circular, the second condition regarding continuance in service cannot

Sh. K. K.
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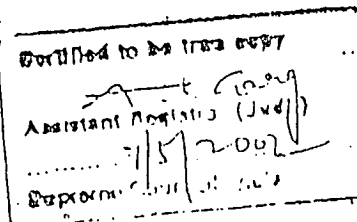
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3168 OF 2002
(Arising out of SLP(Civil) No. 2224/2000)

Union of India and Anr.

Vs.

Mohan Pal, etc. etc.



Appellants

Respondent

With 3182, 3179, 3176-3179 & 3169 of 2002, 3181/2002

CIVIL APPEAL NOS. OF 2002
(Arising out of SLP(Civil) No. 13024/2001, SLP(Civil) No. 1563/2001,
SLP(Civil) No. 17174-17176/2000, SLP(Civil) No. 2151/2000, SLP(Civil)
326/2001)

AND

CIVIL APPEAL NOS. OF 2002
(Arising out of SLP(Civil) Nos. 8738-8739/2000)

Lt. Governor (Admin.) & Ors.

Vs.

Sadanandan Bhaskar & Ors., etc. etc.

Appellants

Respondents

With 6740-41 & 6742-43 of 2000 and 6740/2000
CIVIL APPEAL NOS. OF 2002
(Arising out of SLP(Civil) Nos. 6740-41 and 6742-43/2000 and
970/2001)

JUDGMENT

K.G. Balakrishna, J.

Leave printed

(13) (44)
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be ignored as done by the High Court." A copy of the judgement as appeared in 'Judgements Today' is enclosed.

3. The Court cases in the matter may accordingly be defended on the lines of the principle laid down by the Supreme Court in its judgement dated 11-3-2002 indicated in para 2 above.

4. The above judgement of the Supreme Court may also be brought to the notice of the Government Counsels defending the cases of the casual labourers.

P Mohan
(Pratibha Mohan)
Director

To

All Ministries/Departments of the Govt. of India and Attached and Subordinate Offices as per the standard list.

-21-

(11) (14) 45

A

No. F.33/12/96-Adm. II
Government of India
Archaeological Survey of India

Janpath, New Delhi-11.

Dated:- 10.3.98.

To

All Heads of Circles/Branches:

Sub:- Grant of Temporary Status to Daily Wagers - reg.

Sir,

It may kindly be recalled that a number of daily wage workers had been granted Temporary Status in 1993-94 in accordance with the DOP & Trg. "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Govt. of India 1994". It is also possible that a number of cases for grant of temporary status are pending in your office. The DOPT instructions have been circulated vide O.M. No.52016/2/90-Estt(C) dated 10.3.1993 and this Deptt. have subsequently also issued a number of instructions on the subject. The grant of Temporary Status in the Survey has been reviewed in consultation with DOP & Trg. in connection with a representation submitted by one of the ex. casual labourer before the Chairman, National Commission for Scheduled Castes & Scheduled Tribes, New Delhi. The advice given by DOP & Trg. in the case is reproduced below for guidance:-

- i. The Scheme for grant of temporary status to the casual employees was formulated in pursuance of the judgement dated 16.2.90 of the CAT Principal Bench, New Delhi in the case of Shri Raj Kamal & others v. Union of India & others. The Scheme for grant of temporary status is a one time affair and is applicable in respect of those casual employees who were in service on the date of the notification of the scheme i.e. 10.9.93 and had rendered one year of continuous service with 240 days or 206 days of service as the case may be, on that date. The provisions of the scheme are also not applicable in respect of those casual employees who were recruited otherwise than through the sponsorship of employment exchange.

- ii. In this connection attention is also invited to the Supreme Court judgement dated 27.1.97 in the case of Passport Officer, Trivandrum & Others v. Union of India & Ors. in which the hon'ble court has held that "if Department decides that only those employees who were recruited in normal manner i.e. through the employment exchange shall be given the temporary status, no fault can be found with the Department."

The decision cannot be said to be unreasonable or arbitrary. Therefore, we find it difficult to accept the line of reasoning taken by the Tribunal in holding that the decision was inconsistent with Article 11 of the Constitution".

In view of the above, you are requested to review all the cases for grant of temporary status to casual workers immediately for appropriate action. A detailed report may be furnished to this office for information and review within one month.

Yours faithfully,

Sd/-
(SATYA PAL)
DIRECTOR (ADMINISTRATION)

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Annexure-II

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No.F.10-15/96-Adm.I
Government of India
Archaeological Survey of India

Janpath, New Delhi-110 011

Dated :

7.10.96
8/10

To

The Superintending Archaeologist,
Archaeological Survey of India,
Guwahati Circle,
Guwahati.

4 OCT 1996

Sub.: Recruitment to the post of Library & Information Assistant in the pay scale of Rs.1400-2600/-.

.....

Sir,

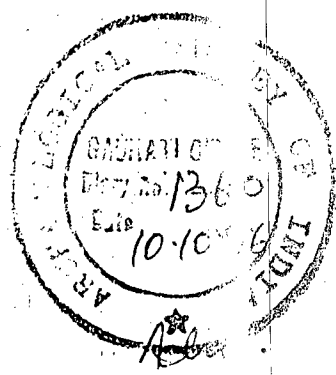
I am to refer to your letter No.1/3/Adm./96-831 dated 23.8.1996 on the subject cited above and to state that the vacant post of Library & Information Assistant of your office, for which roster position is detailed below, may be filled in through Staff Selection Commission after obtaining the 'No Objection Certificate' from Department of Personnel & Training, Central (Surplus Staff) Cell, New Delhi as per rules. :-

<u>Number of vacancies/vacancy</u>	<u>Roster position</u> ✓
One	<u>OBC</u>

The particulars i.e. Name, date of Birth, qualifications and date of appointment etc. of the newly recruited candidate may be forwarded to the Directorate for determine the seniority in the grade.

Yours faithfully,

(SATYA PAL)
Director (Administration)



AGE RELAXATIONS FOR APPOINTMENTS

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Category of Persons to whom Age concession is admissible (1)	Categories of Posts to which the Age concession is admissible (2)	Extent of Age concessions (3)
(xii) Casual labourers for absorption in regular establishment in Group 'D'.	For Group 'D' posts only.	Period spent as casual labourer. Broken period of service rendered as a casual labourer may also be taken into account for the purpose of age relaxation for appointment in regular establishment, provided that one stretch of such service is for more than six months.
(xiii) ***		45 years (50 years for SC/ST). *
(xiv) Blind, deaf-mute and orthopaedically handicapped persons.	For Groups 'C' and 'D' posts filled through Employment Exchange.	Ten years (15 years for SC/ST).
(xv) ***		
(xvi) Territorial Army Personnel, who have served on the permanent staff of a Territorial Army Unit or have been embodied for service under TA Rule 33 for a continuous period of not less than six months.	For posts filled otherwise than through UPSC on the basis of Competitive tests, i.e., for posts filled through Employment Exchange.	Entire period of embodied service (including broken periods) in the Territorial Army plus three years.
(xvii) Widows, divorced women and women judicially separated from their husbands and who are not re-married.	Group 'C' and Group 'D' posts filled through the Staff Selection Commission and Employment Exchange.	Up to the age of 35 years (up to 40 years for members of SCs/STs). *
(xviii) Staff car drivers having not less than 3 years' continuous regular service.	For Group 'C' posts filled through Staff Selection Commission [for Clerks Grade Open Competitive Examination].	Up to 35 years. *
(xix) Meritorious sportspersons.	All Groups of Civil posts.	UP to 5 years (10 years for SC/ST candidates).
(xx) Personnel retrenched from the Chukha Hydel Project Authority in Bhutan.	For Groups 'C' and 'D' posts.	Period of service rendered in the Project (Concession available for 10 years from 7-11-1990).

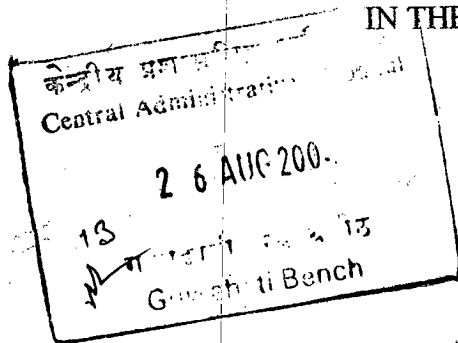
* Requires revision consequent to the increasing of the age-limit by two years for general category.

Annexure - III

17

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

O.A. NO.72 OF 2004

Smt. P.M.Hazarika

-Vs-

Union of India & Ors.

In the matter of :

Written Statement submitted by

the respondents No. 4

The humble respondent No.4 beg to submit the parawise written statement as follows :-

1. That with regard to paras 1,2,3,4,4.1,4.2,4.3,4.4,4.5 and 4.6 of the application the respondents beg to offer no comments.
2. That with regard to the statement made in para 4,7, of the application, the respondents beg to state that the fact is correct that Staff Selection Commission had advertised in the Employment News dated 3-9th January,2004 for the post of Library and Information Assistant along with other 9 category of posts.
3. That with regard to the statement made in para 4.8, of the application the respondents beg to state that the fact is correct that in the advertisement dated 3-9th January,2004, the post of Library and Information Assistant has been shown as OBC post. The post has been shown as OBC as per the requisition of the department concerned i.e. Archaeological Survey of India, Guwahati. The roster of the post are maintained by the department. The Commission advertise and recruits candidates as per the requisition of the Indenting department. Category of post, age, educational qualifications, experience etc. are as per recruitment rules of the indenting department.

...2/-

4. That with regard to the statement made in para 4.9 of the application, the respondent beg to state that the advertisement for the post of Library and Information Assistant for Archaeological Survey of India, Guwahati has been published in the Employment News dated 3-9th January, 2004 as per the requisition submitted by the indenting department vide their letter no. 1/1-L.&I.A./2003-1460 dated 20.08.2003. The subject post was not advertised by the Commission earlier.

5. That with regard to the statement made in para 4.10 of the application, the respondents beg to state that since the applicant belongs to SC category cannot be considered for selection against a post reserved for OBC category. So the question of age relaxation to the applicant does not arise.

6. That with regard to the statement made in para 4.11 of the application, the respondents beg to state that it is not correct that the application of the applicant was rejected on the ground of exceeding the age limit. The application of the applicant was not considered since the applicant belongs to SC category and the post is reserved for OBC category.

7. That with regard to the statement made in para 4.12 of the application the respondents beg to state that as at para 4.11, the application of the applicant was not rejected on the ground of exceeding the age limit, but, the application was not considered as the applicant belongs to SC category and not OBC.

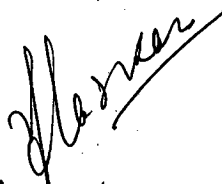
8. That with regard to paras 4.13, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 6, 7, 8, 8.1, 8.2, 8.3, 8.4, 8.5 & 9 of the application, the respondents beg to offer no comments.

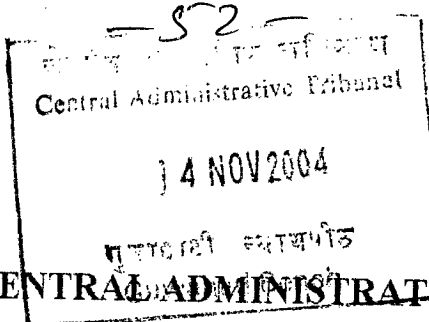
9. That with regard to the statement made in para 9.1 of the application, the respondent beg to state that as in paras 4.11 and 4.12, the post of Library & Information Assistant advertised in the Employment News dated 3-9th January, 2004 is reserved for OBC and the applicant belongs to SC category, hence the application of the applicant was not considered.

VERIFICATION

I, N.I.Laskar, Regional Director(NER), Office of the Staff Selection Commission, Guwahati do hereby verify that the statements are true to my knowledge, those made in paragraphs being matter of records are true to my information derived therefrom which I believe to be true and those made in the rest are humble submissions before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this day of August, 2004, Guwahati.


Deponent.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

88
Filed by the Petitioner
Mr. Anupam Choudhary
Advocate
on 4.11.2004

In the matter of:

O.A.No. 72 of 2004

Smt. Padmarani Mudai Hazarika.

-vs-

The Union of India & Others.

-AND-

In the matter of:

Rejoinder submitted by the petitioner
against the written statement submitted
by the respondents.

The applicant abovementioned most humbly and respectfully begs to state as under; -

1. That with regard to the statements made in paragraph 3,5, and 7, it is stated that the applicant was continuously working in the respondents department without any break in service since 14.7.1993, the nature of work entrusted to the applicant is perennial in nature, the contention raised by the respondents in paragraph 5(five) are contrary to the decision rendered by this Hon'ble Tribunal in O.A.No 245/02, hence respondents are barred by law of estoppel, once a matter settled by a competent court of law the same cannot be reopened by the respondents at their whims. The applicant further reiterates her statement made in paragraph 4.7.
2. That with regard to the statements made in paragraph 8,9,10,11 and 12 of the written statement the applicant denied the correctness of the same and so far contention raised by the respondents in Paragraph 8 of the written statements it appears that the H.Q.Office way back on 4.9.1996 inform that the post of Library and Information assistant fall in the roster position in the category of O.B.C. In this connection it may be stated that the roster policy of Govt. of India in the

meanwhile changed radically following O.M No. 36012/2/96-Estt.(Rcs), dated 2.7.1997 and it has been stated that the existing 200 point, 40 point and 120 point vacancy based rosters has been replaced by post based roster and similarly it is directed to the local authorities, may prepare rosters to replace 100 points rosters in respect of local recruitment to group "C" and "D" post on the basis of the same principles and for a direct recruitment post on all India basis by open competition, a model roster has been prepared as well as model roster for cadre strength upto 13 post has been prepared by replacing the old one, therefore it appears that the post shown as O.B.C way back in 1996 may not fall in the category of O.B.C in the year 2004 due to change in roster policy of the Govt. of India. Moreover, it appears that the post of Librarian and Information assistant is being centrally maintained in the Head Quarter office, therefore the respondents are liable to furnish total cadre strength in the cadre of Library and Information assistant and also liable to inform the Hon'ble Court whether it is maintained centrally or not if the post is maintained centrally the present post of Library and Information Assistant may not fall in the category of O.B.C. Therefore Hon'ble Court direct the respondents to furnish the details of the staff strength in the cadre of Library and Information Assistant and also to furnish whether the Assistant post of Library and Information Assistant fall within the category of O.B.C in view of the revision of the roster policy. So far relaxation of age is concern, the issue is already settled by the Hon'ble Supreme Court.

That the applicant denies the correctness of the aforesaid paragraphs and reiterates the statements made in the Original application.

A Copy of the O.M dated 2.7.1997 and a model roster for direct recruitment are enclosed as Annexure-A (series).

In the facts and circumstances stated above the application is deserves to be allowed with cost.

VERIFICATION

I, Smti Padmarani Mudai Hazarika, Wife of Sri Ballav Hazarika of Chandmari Colony, Nizarapar, Guwahati-3, District Kamrup, Assam, do hereby verify that the statements made in Paragraph 1 and 2 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 4th day of November 2004.

Padmarani Mudai Hazarika.

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Annexure → A (Series)

SECTION III
CONCESSIONS IN APPOINTMENTS

CHAPTER 26
POST-BASED ROSTERS INSTEAD OF
VACANCY-BASED ROSTERS

G.I., Dept. of Per. & Trg., O.M. No. 36012/2/96-Estt. (Res.),
dated the 2nd July, 1997

The undersigned is directed to say that under the existing instructions, vacancy-based rosters have been prescribed in order to implement the Government's policy relating to reservation of jobs for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes. The application of reservation on the basis of these rosters was called into question before Courts. The Constitution Bench of the Supreme Court, in the case of *R.K. Sabharwal v. State of Punjab* as well as *J.C. Mallicks v. Ministry of Railways* has held that the reservation of jobs for the backward classes SC/ST/OBC should apply to posts and not to vacancies. The Court further held that the vacancy-based rosters can operate only till such time as the representation of persons belonging to the reserved categories, in a cadre, reaches the prescribed percentages of reservation. Thereafter, the rosters cannot operate and vacancies released by retirement, resignation, promotion, etc., of the persons belonging to the general and the reserved categories are to be filled by appointment of persons from the respective category so that the prescribed percentage of reservation is maintained.

2. The Court also held that persons belonging to the reserved categories, who are appointed on the basis of merit — and not on account of reservation — are not to be counted towards the quota meant for reservation.

3. With a view to bringing the policy of reservation in line with the law laid down by the Supreme Court, it has been decided that the existing 200-point, 40-point and 120-point vacancy-based rosters shall be replaced by post-based rosters. All Ministries/Departments and concerned authorities are requested to prepare the respective rosters based on the principles elaborated in the Explanatory Notes given in Annexure-I to this OM and illustrated in the Model Rosters annexed to this OM as Annexures-II, III and IV. Similarly, the concerned authorities may prepare rosters to replace the existing 100-point rosters in respect of local recruitment to Groups 'C' & 'D' posts on the basis of the same principles.

4. The principles for preparing the rosters elaborated upon in the Explanatory Notes are briefly recapitulated below:—

Attested
Sd/-
on 4.11.07

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- (a) Since reservation for OBCs does not apply in promotions, there shall be separate rosters for direct recruitment and for promotions;
- (b) The number of points in the roster shall be equal to the number of posts in the cadre. In case there is any increase or decrease in the cadre strength in future, the rosters shall be expanded/contracted correspondingly;
- (c) Cadre, for the purpose of a roster, shall mean a particular grade and shall comprise the number of posts to be filled by a particular mode of recruitment in terms of the applicable Recruitment Rules. Thus, in a cadre of, say, 200 posts, where the Recruitment Rules prescribe a ratio of 50:50 for direct recruitment and promotion, two rosters — one for direct recruitment and one for promotion (when reservation in promotion applies) — each comprising 100-points shall be drawn up on the lines of the respective model rosters;
- (d) Since reservation does not apply to transfer on deputation/transfer, where the Recruitment Rules prescribe a percentage of posts to be filled by this method, such posts shall be excluded while preparing the rosters;
- (e) In small cadres of up to 13 posts, the method prescribed for preparation of rosters does not permit reservation to be made for all the three categories. In such cases, the administrative Ministries/Departments may consider grouping of posts in different cadres as prescribed in this Department's O.M. No. 42/21/49-NGS, dated 28-11-1952 and subsequent orders reproduced at Pages 70 to 74 of the Brochure on Reservation for Scheduled Castes & Scheduled Tribes (English Edition) and prepare common rosters for such groups. In the event it is not possible to resort to such grouping, the enclosed rosters (Appendices to Annexures-II, III & IV) for cadre strength up to 13 posts may be followed. The principles of operating these rosters are explained in the explanatory notes.
5. At the stage of initial operation of a roster, it will be necessary to adjust the existing appointments in the roster. This will also help in identifying the excesses/shortages, if any, in the respective categories in the cadre. This may be done starting from the earliest appointment and making an appropriate remark — "utilized by SC/ST/OBC/Gen.", as the case may be, against each point in the rosters as explained in the explanatory notes appended to the model rosters. In making these adjustments, appointments of candidates belonging to SCs/STs/OBCs which were made on merit (and not due to reservation) are not to be counted towards reservation so far as direct recruitment is concerned. In other words, they are to be treated as General category appointments.
6. Excess, if any, would be adjusted through future appointments and the existing appointments would not be disturbed.

7. All Ministries/Departments are requested to initiate immediate action to prepare rosters and operate them according to these guidelines.
8. The existing orders on the subject are deemed to have been amended to the extent herein.

9. These orders shall take effect from the date of their issue. However, where selections have already been finalized, they need not be disturbed and the necessary adjustments in such cases may be made in future. In other cases, recruitment may be withheld till the revised rosters are brought into operation and recruitment effected in accordance with these instructions.

ANNEXURE-I

O.M. No. 36012/2/96-Estt. (Res.), dated 2-7-1997

EXPLANATORY NOTES.—

Principles for making and operating post-based rosters

1. As hitherto, these rosters are only an aid to determine the entitlement of different categories with regard to the quota reserved for them. They are not to determine seniority.
2. The model rosters have been drawn up keeping in mind two fundamental principles — the reservation for the entitled categories is to be kept within the prescribed percentage of reservation and the total reservation should in no case exceed 50% of the cadre.
3. There should be separate rosters for direct recruitment and for promotions where reservation in promotion applies.
4. The number of points in each roster shall be equal to the number of posts in a cadre.
5. While cadre is generally to be construed as the number of posts in a particular grade, for the purpose of preparation of roster, it shall comprise posts required to be filled by a particular mode of recruitment in terms of the applicable Recruitment Rules. To illustrate, in a cadre comprising 200 posts, where the Recruitment Rules prescribe a ratio of 50:50 for direct recruitment and promotions, the roster for direct recruitment shall have 100-points and that for promotion shall have 100-points — thus making a total of 200.
6. As indicated in the model roster, the method for making a roster is to multiply each post by the prescribed percentages of reservation for the different reserved categories. The point at which the multiple for a community obtains a complete number or oversteps the number is to be reserved for that community — while taking care to evenly space out the different reserved categories. Thus, at point No. 15, in the roster at Annexure-II, both OBC and SC get entitled. However, since earlier reserved point has gone to OBC, point No. 15 has been reserved for SC and point No. 16 for OBC.

7. Since reservation does not apply to transfer/transfer on deputation, where rules prescribe a percentage of posts to be filled by this method, the corresponding proportion of posts should be excluded while drawing up the rosters.

8. It would be noted that at the end of the roster, "squeezing" has been done for the reserved categories to reach the number of posts to be reserved for them without violating the 50% limit laid down by the Courts. While drawing up rosters, the cadre controlling authorities should similarly "squeeze" the last points of the roster. Such squeezing may not, however, be done where it would violate the rule of 50%.

9. Whenever there is any increase or decrease in the cadre strength, the roster shall be correspondingly expanded or contracted. The same will also apply whenever there is a change in Recruitment Rules which affects the proportion of posts to be filled by a particular mode of recruitment.

10. The roster is to be operated on the principle of replacement and not as a "running account" as hitherto. In other words, the points at which reservation for different categories applies are fixed as per the roster and vacancies caused by retirement, etc., of persons occupying those points shall be filled by appointment of persons of the respective categories.

11. While operating the roster, persons belonging to communities for whom reservation has been made, but who were appointed on merit and not owing to reservation, should not be shown against reserved points. They will occupy the unreserved points.

12. In the case of small cadres (up to 13 posts), all the posts shall be earmarked on the same pattern as in the model post-based rosters. Initial recruitment against these posts shall be by the category for which the post is earmarked. Replacement of incumbents of posts shall be by rotation as shown horizontally against the cadre strength as applicable. While operating the relevant roster, care will have to be taken to ensure that on no occasion the percentage of reserved category candidates exceed 50%. If such a situation occurs at any time, the relevant reserved point occurring as a result of rotation will be skipped.

Initial Operation

1. At the point of initial operation of the roster, it will be necessary to determine the actual representation of the incumbents belonging to different categories in a cadre vis-a-vis the points earmarked for each category viz., SC/ST/OBC and General in the roster. This may be done by plotting the appointments made against each point of roster starting with the earliest appointee. Thus, if the earlier appointee in the cadre happens to be a candidate belonging to the Scheduled Castes, against point No. 1 of the roster, the remark "utilized by SC" shall be entered. If the next appointee is a General category candidate, the remark "utilized by General category" shall be made

against point No. 2: and so on and so forth till all appointments are adjusted in the respective rosters. In making these adjustments, SC/ST/OBC candidates on merit, in direct recruitment, shall be treated as General category candidates.

2. After completing the adjustments as indicated above, a tally should be made to determine the actual percentages of representation of appointees belonging to the different categories in the cadre. If there is an excess representation of any of the reserved categories, or if the total representation of the reserved categories exceeds 50%, it shall be adjusted in the future recruitment. Vacancies arising from retirement, etc., of candidates belonging to such categories shall be filled by appointment of candidates belonging to the categories to which the relevant roster points, against which the excesses occur, belong.

3. Since recruitment is generally vacancy-based, it may happen that the actual number of promotees and direct recruits in the cadre does not correspond to the number of posts earmarked in the respective reservation roster. For the purpose of calculations of representation of reserved category in a cadre, total of promotees and direct recruits may be taken. Rectification of the representation as per prescribed percentage by the prescribed mode of recruitment at the earliest possible should however be the goal.

ANNEXURE-II

FOR DIRECT RECRUITMENT

Objective: — Representation of each of the reserved category should at no point of time exceed the reservation prescribed for it.

MODEL ROSTER OF RESERVATION WITH REFERENCE TO POSTS FOR DIRECT RECRUITMENT ON ALL INDIA BASIS BY OPEN COMPETITION

Sl. No. of Post	Share of entitlement			Category for which the post should be earmarked	Sl. No. of Post	Share of entitlement			Category for which the post should be earmarked
	SC @ 15%	ST @ 7.5%	OBC @ 27%			SC @ 15%	ST @ 7.5%	OBC @ 27%	
1.	0.15	0.075	0.27	UR	23.	3.45	1.725	6.21	OBC-6
2.	0.30	0.15	0.54	UR	24.	3.60	1.8	6.48	UR
3.	0.45	0.225	0.81	UR	25.	3.75	1.875	6.75	UR
4.	0.6	0.3	1.08	OBC-1	26.	3.90	1.95	7.02	OBC-7
5.	0.75	0.375	1.35	UR	27.	4.05	2.025	7.29	SC-4
6.	0.90	0.45	1.62	UR	28.	4.20	2.1	7.56	ST-2
7.	1.05	0.525	1.89	SC-1	29.	4.35	2.175	7.83	UR
8.	1.2	0.6	2.16	OBC-2	30.	4.50	2.25	8.1	OBC-8
9.	1.35	0.675	2.43	UR	31.	4.65	2.325	8.37	UR
10.	1.5	0.75	2.7	UR	32.	4.80	2.4	8.64	UR
11.	1.65	0.825	2.97	UR	33.	4.95	2.475	8.91	UR
12.	1.8	0.9	3.24	OBC-3	34.	5.10	2.55	9.18	OBC-9
13.	1.95	0.975	3.51	UR	35.	5.25	2.625	9.55	SC-5
14.	2.1	1.05	3.78	ST-1	36.	5.40	2.7	9.72	UR
15.	2.25	1.125	4.05	SC-2	37.	5.55	2.775	9.99	UR
16.	2.40	1.2	4.32	OBC-4	38.	5.70	2.85	10.26	OBC-10
17.	2.55	1.275	4.59	UR	39.	5.85	2.925	10.53	UR
18.	2.70	1.35	4.86	UR	40.	6.00	3	10.8	ST-3
19.	2.85	1.425	5.13	OBC-5	41.	6.15	3.075	11.07	SC-6
20.	3.00	1.5	5.4	SC-3	42.	6.30	3.15	11.34	OBC-11
21.	3.15	1.575	5.67	UR	43.	6.45	3.225	11.61	UR
22.	3.30	1.65	5.94	UR	44.	6.60	3.3	11.88	UR

Sl. No. of Post	Share of entitlement			Category for which the post should be earmarked	Sl. No. of Post	Share of entitlement			Category for which the post should be earmarked
	SC @ 15%	ST @ 7.5%	OBC @ 27%			SC @ 15%	ST @ 7.5%	OBC @ 27%	
45.	6.75	3.375	12.15	OBC-12	76.	11.40	5.7	20.52	UR
46.	6.90	3.45	12.42	UR	77.	11.55	5.775	20.79	UR
47.	7.05	3.525	12.69	SC-7	78.	11.70	5.85	21.06	OBC-21
48.	7.20	3.6	12.96	UR	79.	11.85	5.925	21.33	UR
49.	7.35	3.675	13.23	OBC-13	80.	12.00	6	21.6	ST-6
50.	7.50	3.75	13.5	UR	81.	12.15	6.075	21.87	SC-12
51.	7.65	3.825	13.77	UR	82.	12.30	6.15	22.14	OBC-22
52.	7.80	3.9	14.04	OBC-14	83.	12.45	6.225	22.41	UR
53.	7.95	3.975	14.31	UR	84.	12.60	6.3	22.68	UR
54.	8.10	4.05	14.58	SC-8	85.	12.75	6.375	22.95	UR
55.	8.25	4.125	14.85	ST-4	86.	12.90	6.45	23.22	OBC-23
56.	8.40	4.2	15.12	OBC-15	87.	13.05	6.525	23.49	SC-13
57.	8.55	4.275	15.39	UR	88.	13.20	6.6	23.76	UR
58.	8.70	4.35	15.66	UR	89.	13.35	6.675	24.03	OBC-24
59.	8.85	4.425	15.93	UR	90.	13.50	6.75	24.3	UR
60.	9.00	4.5	16.2	OBC-16	91.	13.65	6.825	24.57	UR
61.	9.15	4.575	16.47	SC-9	92.	13.80	6.9	24.84	UR
62.	9.30	4.65	16.74	UR	93.	13.95	6.975	25.11	OBC-25
63.	9.45	4.725	17.01	OBC-17	94.	14.10	7.05	25.38	SC-14
64.	9.60	4.8	17.28	UR	95.	14.25	7.125	25.65	ST-7
65.	9.75	4.875	17.55	UR	96.	14.40	7.2	25.92	UR
66.	9.90	4.95	17.82	UR	97.	14.55	7.275	26.19	OBC-26
67.	10.05	5.025	18.09	OBC-18	98.	14.70	7.35	26.46	UR
68.	10.20	5.1	18.36	SC-10	99.	14.85	7.425	26.73	SC-15*
69.	10.35	5.175	18.63	ST-5	100.	15.00	7.5	27	OBC-27*
70.	10.50	5.25	18.9	UR	101.	15.15	7.575	27.27	UR
71.	10.65	5.325	19.17	OBC-19	102.	15.30	7.65	27.54	UR
72.	10.80	5.4	19.44	UR	103.	15.45	7.725	27.81	UR
73.	10.95	5.475	19.71	UR	104.	15.60	7.80	28.08	OBC-28
74.	11.10	5.55	19.98	SC-11	105.	15.75	7.875	28.35	UR
75.	11.25	5.625	20.25	OBC-20					

Sl. No. of Post	Share of entitlement			Category for which the post should be ear-marked	Sl. No. of Post	Share of entitlement			Category for which the post should be ear-marked
	SC @ 15%	ST @ 7.5%	OBC @ 27%			SC @ 15%	ST @ 7.5%	OBC @ 27%	
106.	15.90	7.95	28.62	UR	136.	20.40	10.20	36.72	ST-10
107.	16.05	8.025	28.89	SC-16	137.	20.55	10.275	36.99	UR
108.	16.2	8.10	29.43	ST-8	138.	20.70	10.35	37.26	OBC-37
109.	16.35	8.175	29.43	OBC-29	139.	20.85	10.425	37.53	UR
110.	16.50	8.25	29.70	UR	140.	21	10.50	37.80	SC-21
111.	16.65	8.325	29.97	UR	141.	21.15	10.575	38.07	OBC-38
112.	16.80	8.40	30.24	OBC-30	142.	21.30	10.65	38.34	UR
113.	16.95	8.475	30.51	UR	143.	21.45	10.725	38.61	UR
114.	17.10	8.55	30.78	SC-17	144.	21.60	10.80	38.88	UR
115.	17.25	8.625	31.05	OBC-31	145.	21.75	10.875	39.15	OBC-39
116.	17.40	8.70	31.32	UR	146.	21.90	10.95	39.42	UR
117.	17.55	8.775	31.59	UR	147.	22.05	11.025	39.69	SC-22
118.	17.70	8.85	31.86	UR	148.	22.20	11.10	39.96	ST-11
119.	17.85	8.925	32.13	OBC-32	149.	22.35	11.175	40.23	OBC-40
120.	18	9	32.40	ST-9	150.	22.50	11.25	40.50	UR
121.	18.15	9.075	32.67	SC-18	151.	22.65	11.325	40.77	UR
122.	18.30	9.15	32.94	UR	152.	22.80	11.40	41.04	OBC-41
123.	18.45	9.225	33.21	OBC-33	153.	22.95	11.475	41.31	UR
124.	18.60	9.30	33.48	UR	154.	23.10	11.55	41.58	SC-23
125.	18.75	9.375	33.75	UR	155.	23.25	11.625	41.85	UR
126.	18.90	9.45	34.02	OBC-34	156.	23.40	11.70	42.12	OBC-42
127.	19.05	9.525	34.29	SC-19	157.	23.55	11.775	42.39	UR
128.	19.20	9.60	34.56	UR	158.	23.70	11.85	42.66	UR
129.	19.35	9.675	34.83	UR	159.	23.85	11.925	42.93	UR
130.	19.50	9.75	35.10	OBC-35	160.	24	12	43.20	ST-12
131.	19.65	9.825	35.37	UR	161.	24.15	12.075	43.47	OBC-43
132.	19.80	9.90	35.64	UR	162.	24.30	12.15	43.74	SC-24
133.	19.95	9.975	35.91	UR	163.	24.45	12.225	44.01	OBC-44
134.	20.10	10.05	36.18	OBC-36	164.	24.60	12.30	44.28	UR
135.	20.25	10.125	36.45	SC-20	165.	24.75	12.375	44.55	UR

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Sl. No. of Post	Share of entitlement			Category for which the post should be ear-marked	Sl. No. of Post	Share of entitlement			Category for which the post should be ear-marked
	SC @ 15%	ST @ 7.5%	OBC @ 27%			SC @ 15%	ST @ 7.5%	OBC @ 27%	
166.	24.90	12.45	44.82	UR	184.	27.60	13.80	49.68	UR
167.	25.05	12.525	45.09	OBC-45	185.	27.75	13.875	49.95	UR
168.	25.20	12.60	45.36	SC-25	186.	27.90	13.95	50.22	OBC-50
169.	25.35	12.675	45.63	UR	187.	28.05	14.025	50.49	SC-28
170.	25.50	12.75	45.90	UR	188.	28.20	14.10	50.76	ST-14
171.	25.65	12.825	46.17	OBC-46	189.	28.35	14.175	51.03	OBC-51
172.	25.80	12.90	46.44	UR	190.	28.50	14.25	51.30	UR
173.	25.95	12.975	46.71	UR	191.	28.65	14.325	51.57	UR
174.	26.10	13.05	46.98	SC-26	192.	28.80	14.40	51.84	UR
175.	26.25	13.125	47.25	ST-13	193.	28.95	14.475	52.11	OBC-52
176.	26.40	13.20	47.52	OBC-47	194.	29.10	14.55	52.38	SC-29
177.	26.55	13.275	47.79	UR	195.	29.25	14.625	52.65	UR
178.	26.70	13.35	48.06	OBC-48	196.	29.40	14.70	52.92	UR
179.	26.85	13.425	48.33	UR	197.	29.55	14.775	53.19	OBC-53
180.	27	13.50	48.60	SC-27	198.	29.70	14.85	53.46	ST-15*
181.	27.15	13.575	48.87	UR	199.	29.85	14.925	53.73	SC-30*
182.	27.30	13.65	49.14	OBC-49	200.	30	15	54	OBC-54
183.	27.45	13.725	49.41	UR					

* To allot requisite number of posts without violating rule of 50%.

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APPENDIX TO ANNEXURE-II
DIRECT RECRUITMENT ON ALL INDIA BASIS
BY OPEN COMPETITION

Model Roster for cadre strength up to 13 posts

REPLACEMENT NO.

Cadre Strength	Initial Recruitment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1.	UR	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST
2.	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST	
3.	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST		
4.	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST			
5.	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST				
6.	UR	SC	OBC	UR	UR	UR	OBC	UR	ST					
7.	SC	OBC	UR	UR	UR	OBC	UR	ST						
8.	OBC	UR	UR	UR	OBC	UR	ST							
9.	UR	UR	UR	OBC	UR	ST								
10.	UR	UR	OBC	UR	ST									
11.	UR	OBC	UR	ST										
12.	OBC	UR	ST											
13.	UR	ST												

- NOTE.— 1. For cadres of 2 to 13 posts, the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row, i.e., like "L".
2. All the posts of a cadre are to be earmarked for the categories shown under column Initial Appointment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.
3. The relevant rotation by the indicated reserved category could be skipped over if it leads to more than 50% representation of reserved category.

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