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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 154/2003.....

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

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

1. Orders Sheet. O.A. 154/2003.....Pg. 1.....to. 2.....
2. Judgment/Order dtd. 31/03/2004.....Pg. 1.....to. 3 *disposed*
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 154/2003.....Pg. 1.....to. 28.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S. *Submitted Responses No. 1 to 4*.....Pg. 1.....to. 45.....
8. Rejoinder. *filed by the applicant*.....Pg. 1.....to. 5.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 154/03

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - Mr. N. S. Rathore

Respondants: - M. G. T. Gomm

Advocate for the Applicants: - Mrs. Dr. M. Pathak, D. Brahma, J. Das

Advocate for the Respondants: - Cable

Notes of the Registry	Date	Order of the Tribunal
<p>this application is in form but not in time Condonation Petition is filed / not filed C.F. for Rs. 50 deposited vide IPO/B/O No. 2657853D Dated 7.7.03...</p> <p><i>[Signature]</i> By, Registrar 7/7/03</p> <p>Steps taken.</p> <p><i>[Signature]</i></p> <p>pd. counsel was dated 9/7/03.</p> <p><i>[Signature]</i> 7/7/03</p> <p>Notice prepared & sent to DLS for filing the Respondent No 1 to 4 to Regd. AID. D No 1514 to 1577 Dtd 16/7/03 16/7</p>	<p>8.7.</p> <p>9.7.2003</p> <p>bb</p> <p>11.8.2003</p> <p>mb</p>	<p>Court did not sit today. The case is adjourned to 9.7.03</p> <p>Heard Dr. Mrs. M. Pathak, learned counsel for the applicant.</p> <p>The application is admitted, call for the records, returnable by four weeks. List the case on 11.8.2003 for order.</p> <p><i>[Signature]</i> Vice-Chairman</p> <p>On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents further four weeks time is allowed to file written statement. List on 17.9.2003 for orders.</p> <p><i>[Signature]</i> Vice-Chairman</p>

17.9.03 Four weeks time allowed for filing written statement on the prayer of Mr A. Deb Roy, learned Sr.C.G.S.C. List on 31.10.03 for orders.

No written statement has been filed.

30.10.03

pg

K. V. Prasad
Member

31.10.2003 On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents further four weeks time is allowed to the respondents to file written statement. List on 4.12.2003 for orders.

Written statement has been filed on behalf of the respondents 164.

NS
19.12.03.

[Signature]
Vice-Chairman

mb

26.12.2003 Present : The Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
The Hon'ble Mr. K.V. Prahladan, Member (A).

Rejoinder filed by the Applicants against the Wfs

30.3.04

The learned counsel for the applicant has submitted that he has received a copy of the written statement and he ^{wants} to file a rejoinder within short time. Rejoinder, if any, may be filed within two weeks. The matter shall appear for hearing before the next available Division Bench.

K. V. Prasad
Member

B
Vice-Chairman

mb

nkm

16.4.04. Copy of the order has been sent to the Office from which the case to the applicant as well as to the S.C.S.C.
31.3.2004 Present: HON'ble Shri Kuldip Singh, Judicial Member
Hon'ble Shri K.V. Prasad, Administrative Member.

Heard the learned counsel for the parties. Hearing concluded. The application is disposed of vide orders contained in separate sheets.

K. V. Prasad
Member (A)

[Signature]
Member (J)

nkm

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No. 154 of 2003

DATE OF DECISION 31.3.2004

Shri Narendra Singh Rathore

.....APPLICANT(S).

Dr (Mrs) M. Pathak, Mr D. Boruah and

Mr J. Das

.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

Union of India and others

.....RESPONDENT(S)

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

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

THE HON'BLE MR. KULDIP SINGH, JUDICIAL MEMBER

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

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgment.?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Member (J)

[Handwritten signature]

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.154 of 2003

Date of decision: This the 31st day of March 2004

The Hon'ble Shri Kuldip Singh, Judicial Member

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

Shri Narendra Singh Rathore
S/o Late Sriram Singh Rathore,
Hindi Officer (since repatriated)
Head Quarter, Inspector General (North),
Assam Rifles, C/o 99 APO.Applicant
By Advocates Dr (Mrs) M. Pathak,
Mr D. Boruah and Mr J. Das.

- versus -

1. Union of India, represented by the
Secretary, Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Director General,
Assam Rifles,
Shillong.
3. The Inspector General,
Assam Rifles (North),
C/o 99 APO.
4. The D.I.G., Assam Rifles,
Assam Rifles Training Centre & School,
Dimapur, Nagaland.Respondents
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R (ORAL)

KULDIP SINGH, JUDICIAL MEMBER

The applicant joined the Assam Rifles on 31.12.1979 as LNK/Writer from where he was promoted as Hindi Translator, Grade II on 7.7.1988 on deputation basis. Thereafter the applicant was again promoted as Hindi Translator Grade I on 29.6.1999. While he was serving as such a post of Hindi Officer fell vacant in the establishment of the respondents and the respondents

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issued an advertisement for filling up of the post of Hindi Officer on deputation basis for a period of three years. The applicant applied for the post. He was found suitable for the post and accordingly he was appointed as Hindi Officer on deputation basis for a period of three years. While the applicant was continuing on deputation, Recruitment Rules for the post of Hindi Officer was promulgated afresh and according to the fresh Recruitment Rules the post of Hindi Translator Grade I had become a feeder cadre for promotion to the post of Hindi Officer. Since the applicant was in the feeder cadre and in the direct line of promotion to the post of Hindi Officer as per the fresh Recruitment Rules, he could not be considered for deputation and therefore the respondents repatriated him back to the post of Hindi Translator Grade I. Meanwhile, the applicant had submitted several representations for being retained in the post of Hindi Officer on deputation and also a representation for his non-consideration for promotion to the post of Hindi Officer.

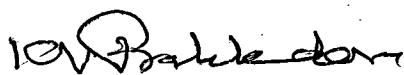
2. The representations of the applicant have not been disposed of because of the fact that the matter was subjudiced. In view of this the applicant now wants to withdraw the O.A. and wants that his representations should be disposed of. We allow the applicant to withdraw the O.A. and at the same time direct the respondents to dispose of ^{his} ~~the~~ representation by a reasoned and speaking order. However, the applicant may file a fresh representation including all the developments that have

taken.....

fm

taken place. The fresh representation should be filed within a period of one month and the representation shall ^{be} ~~be~~ disposed of by the respondents by a reasoned and speaking order within a period of ^{five months} ~~four weeks~~ from the date of receipt of the representation.

3. The application is disposed of. No order as to costs.



(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER



(KULDIP SINGH)
JUDICIAL MEMBER

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

O.A. No. 154 /2003

Sri Narendra Singh Rathore
.....Applicant

-versus-

Union of India & others
.....Respondents

INDEX

Sl No.	Annexure	Particulars	Page
1	—	Application	1-10
2	—	Verification	11
3	Annexure A	Advertisement for the post of Hindi Officer dated 24.8.1999	12-18
4	Annexure B	Appointment as Hindi Officer vide dated 29.6.2000	19-20
5	Annexure D	Representation dated 11.3.2003	21
6	Annexure E	Recommendation dated 11.4.2003	22
7	Annexure F	Forwarding letter dated 16.4.2003	23
8	Annexure G	Representation dated 14.6.2003	24
9	Annexure H	Recommendation letter dated 16.6.2003	25
10	Annexure I	Forwarding letter	26
11	Annexure J	Impugned order S No. 3271 dated 27.6.2003	27
12	Annexure K	Movement order dated 28.6.2003	28

Filed by:

D. Baruah.

(D. Baruah)
Advocate

9

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

O.A. No. /2003

Sri Narendra Singh Rathore
.....Applicant

-versus-

Union of India & others
.....Respondents

SYNOPSIS OF THE CASE

Date	Particulars	Annexure/ Page
31.12.1979	Joined in service of Assam Rifles as LNK/Writer	3
1.6.1985	Applicant appointed as Hindi Teacher in Assam Rifles	3
7.7.1988	Considering the meritorious service of the applicant he was appointed as Hindi Translator Grade II	3
29.6.1999	The applicant is promoted as Hindi Translator Gr. I	3
24.8.1999	Advertisement published inviting application for the post of Hindi Officer	Annexure A/12
13.6.2000	UPSC selected the applicant for appointment as Hindi Officer	Annexure B/19
29.6.2000	Applicant appointed as Hindi Officer on Transfer on Deputation basis — the terms and conditions for such appointment was to be regulated under the provision of Govt. of India O.M. No. 2/29/91-Estt(Pay.II) dated 5.1.1994 and O.M. No. AB.14017/71/89/Est(RR) dated 3.10.1989	4

10

11.4.2003	Representation for regularization/ absorption/ extension of service as Hindi Officer submitted by the applicant to the respondents with due recommendation of the competent authority	Annexure D & E/21, 22
16.4.2003	Representation forwarded to the higher authority by the competent authority	Annexure F/23
14.6.2003	Second representation for regularization/ absorption/ extension of service as Hindi Officer submitted with recommendation of the competent authority	Annexure G&H/ 24, 25
16.6.2003	Representation forwarded to the appropriate authority for consideration	Annexure I/ 26
27.6.2003	The applicant reverted for the post of Hindi Officer to the post of Hindi Translator Grade I without disposing/ considering the representations submitted by the applicant	Annexure J/ 27
28.6.2003	The applicant is struck-off from the strength of the establishment and order of movement issued — being aggrieved at the illegal and arbitrary action of the respondents, this instant application has been filed in this Hon'ble Tribunal for setting aside the impugned orders in Annexure J & K and for the other reliefs	Annexure K/ 28

Filed by:

(D. Baruah)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 154 OF 2003

Filed by the Applicant

Through:-

Dip P Barmah

Advocate

7-7-2003.

BETWEEN

Sri Narendra Singh Rathore,
Son of Late Sriram Singh Rathore,
Hindi Officer (since repatriated),
Head Quarter, Inspector General
(North), Assam Rifles,
C/o. 99 APO

... Applicant

-versus-

1. Union of India
Represented by the Secretary, Govt of
India, Ministry of Home Affairs,
New Delhi.
2. The Director General, Assam Rifles,
Shillong - 793011.
3. The Inspector General, Assam Rifles
(North), C/o. 99 APO.

Narendra Singh Rathore

4. The D.I.G Assam Rifles
Assam Rifles Training Center &
School, Dimapur, Nagaland.

... Respondents

DETAILS OF THE APPLICATION

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

- (a) This application is made against the Telegraphic message SRL. No. 285153 without any date issued by the Respondent No.2 thereby directing the authorities to revert back the applicant from the post of Hindi Officer to the post of Hindi Translator, Grade I with effect from 29 June (forenoon) 2003 and to give effect of the said order immediately to be followed by notification from the Directorate of Director General, Assam Rifles (as in Annexure- J).
- (b) The order of movement issued by the Head Quarter, Inspector General, Assam Rifles (North) C/o. 99 APO vide No. VI.101/Est/203/ dated 20 June 2003 with a copy to the applicant. By the said order of movement the applicant has been directed to proceed to the Assam Rifle Training Centre & School on posting as Hindi Translator, Grade I and struck-off strength with effect from 29 June 2003 (as in Annexure- K).

2. JURISDICTION OF THE TRIBUNAL:

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

Narendra Singh Rathore

3. LIMITATION:

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

4. FACTS OF THE CASE:

- 4.1 That the applicant is the citizen of India and a permanent resident of Village and P.O. Kaila, District- Etah (Bihar) and at present is working as Hindi Officer (since reverted) in the Head Quarter, Inspector General, Assam Rifles (North) C/o. 99 APO and as such, he is entitled to all the rights, privileges and protection guaranteed under the Constitution of India and the other laws framed thereunder. The applicant is a civilian employee.
- 4.2 That the applicant joined the service in the Assam Rifles as LNK/Writer on 31.12.1979. Thereafter he was appointed as Hindi Teacher in Assam Rifles on 1.6.1985. Considering the meritorious service of the applicant, the respondents appointed the applicant as Hindi Translator, Grade II w.e.f. 7.7.1988 on deputation-basis. The applicant was the again promoted as Hindi Translator, Grade I on 29.6.1999. While the applicant was discharging his duties sincerely to the satisfaction of the respondents and without any blemish, a post of Hindi Officer felt vacant in the establishment of the respondents. The Respondents brought out an advertisement vide No. A/1-A/25/Part-II/ dated 24.8.1999. The said advertisement was widely circulated. The Applicant being eligible on fulfillment of the required terms and condition of the said advertisement for appointment as Hindi Officer, applied for the said post. According to the terms of Office Memorandum No. AB.14017/71/89-Estt.(RR) dated 3.10.1989 issued by the Ministry of personnel, Public Grievances and Pension, Department of Personnel and Training, New Delhi, the recruitment in the nature of composite method the selection is to be made only by the Union Public service

Narendra Singh Rathore

Commission (UPSC). In the instant case, the applicant was selected by the UPSC for appointment as Hindi Officer vide their letter No. F.No.3/24(3)/2000-ADT-3 dated 13.6.2000 and the same was communicated to the respondents. The respondents accordingly issued the order No. A/1-A/25/Part-II/285 dated 29.6.2000 and thereby appointed the applicant as Hindi Officer on transfer on deputation basis in the scale of pay of Rs. 6,500-200-10,500/- per month with other allowances from the forenoon of 29 June 2000. By the said order it was also stated that the period of deputation shall be for three years. It was also categorically stated that the terms and conditions of deputation would be regulated in accordance with the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), New Delhi as in OM. No. 2/29/91-Estt(Pay.II) dated 5.1.1994. The applicant resumed his duties w.e.f. 29.6.2000 as Hindi Officer. The applicant craves the leave of this Hon'ble Tribunal to allow the applicant to rely upon and produce the copies of the aforesaid O.M. dated 3.10.89 and 5.1.94 at the time of hearing of the application.

The copies of the Advertisement dated 24.8.1999, appointment letter dated 13.6.2000, order dated 29.6.2000 are annexed hereto as Annexure A, B & C respectively.

- 4.3 That the applicant while serving as Hindi Officer and before completion of the period of deputation, made a representation to the competent authority vide his letter dated 11.3.2003 for regularizing his appointment as Hindi Officer. The applicant relied upon the terms of deputation as a regular promotion as provided in para 7 of the Government of India, Department of Personnel and Training Office Memorandum No. AB. 14017/71/89/Est(RR) dated 3.10.1989. The applicant also made a prayer for regularization/extension as Hindi Officer in terms of the Government of India, Ministry of Personnel and Training O.M. No. 2/29/91-Estt.(Pay.II) dated 5.1.1994 in public interest. The applicant craves the leave of this Hon'ble Tribunal to allow him to rely upon and to produce the copy of the said O.M. dated 5.1.1994 at the time of hearing of the

Narendra Singh Rathore

case. The said representation was duly recommended by the competent authority on 11.4.2003 and the said representation was sent to the competent authority for necessary consideration on the basis of recommendation. This was done vide letter No. I.120/A/2003/0621 dated 16.4.2003.

The copies of the said representation and the recommendation dated 11.4.2003 and the forwarding letter dated 16.4.2003 are annexed hereto as Annexure- D, E & F respectively.

- 4.4 That the respondents failed to respond to the aforesaid representation made by the applicant and kept pending the matter without assigning any reason. Considering the silence maintained by the respondents, the applicant made another representation on 14.6.2003 and thereby prayed to the authorities to regularize his appointment as Hindi Officer. The said second representation dated 14.6.2003 has also been strongly recommended the case of the applicant by the competent authority for regularization as Hindi Officer. The said representation was also forwarded to the respondent No.2 with recommendation for consideration vide letter No. VI.104/Est/2003/1088 dated 16.6.2003.

The copies of the said representation dated 14.6.2003 and the recommendation and forwarding letter-dated 16.6.2003 are annexed as Annexure- G, H & I respectively.

- 4.5 That surprisingly enough, while the representations as stated above were pending before the respondents for consideration under the Rules, the respondents instead of regularizing/ absorbing or extending the services of the applicant as Hindi Officer in the same Department issued the impugned order thereby reverting/ repatriating him from the post of Hindi Officer to the post of Hindi Translator Grade- I, vide Telegraphic signal No. A 3271 (dated 27.6.2003) and the order of movement vide No. VI.101/Est/203/

Nabeendra Singh Rathore

dated 28.6.2003. The said impugned orders are therefore violative of the provision of rules of natural justice and also the recruitment rules and other legal provisions as stated hereinabove and the same are liable to be set aside and quashed.

The copies of the said impugned order in signal No. A.3271 (dated 27.6.2003) and the movement order dated 28.6.2003 are annexed as the Annexure-J & K respectively.

- 4.6 That the applicant is a holder of Master Degree in Hindi and English in addition to his degree in Law and B.Ed. Moreover his long working experience at his credit in the department of the respondents including in the post of Hindi Officer justifies his claim for regularization as Hindi Officer under the respondents.
- 4.7 That the applicant is the only qualified and eligible employee in the department to be promoted and regularized in the post of Hindi Officer. As stated herein above, the applicant is deemed to have been promoted to the post of Hindi Officer from his feeder grade of Hindi Translator Grade- I.
- 4.8 That the old recruitment rules for appointment of Hindi Officer provided that the appointment shall be made on deputation basis failing which by direct recruitment. But according to the new recruitment rules which has come into effect sometimes in the month of June/July, 2001, provides that 67 % of the posts of Hindi Officers shall be filled up by promotion failing which by deputation and the 33 % be filled up by deputation failing which direct recruitment. The vacancy here in this case being only one, the post is required to be filled up by promotion now. As applicant's appointment as Hindi Officer is deemed to have been made by promotion duly selected by the UPSC, the applicant has acquired a right to continue in the said post or to be regularized in the post. The settled position of law relating to deputation and absorption is that a deputationist has no right to seek absorption unless law/rules provide for such absorption. In the instant case, there are

Narendra Singh Rathore

law/rules for absorption/regularization and also for extension of such period of deputation in the public interest. More particularly, in this case the applicant made representation for such regularization/absorption or extension. Therefore, the impugned orders are bad in law and are liable to be set aside and quashed. The applicant craves the leave of this Hon'ble Tribunal to direct the respondents to produce the copy of the New recruitment rules of 2001 as the applicant could not collect the same in spite of his frantic effort and search.

- 4.9 That under the provisions of law and the facts and circumstances of the case, the applicant has a legitimate expectation that he shall be regularized as Hindi Officer or his services be extended till such time when his services are regularized as provided under the regulating Office Memorandum dated 5.1.94 fixed by the appointment letter.
- 4.10 That in any view of the facts of the case and the provisions of service jurisprudence, the impugned orders are illegal, arbitrary and the same are not tenable in law. Hence the same are liable to be set aside and quashed.
- 4.11 That the applicant demanded justice and administrative fair-play which has been denied to him by the respondents.
- 4.12 That the application is made bonafide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

- 5.1 For that the respondents erred in law and acted in violation of the provisions of rules of natural justice while issued the impugned orders No.A 3271 dated 27.6.2003 as telegraphic message and the movement order dated 28.6.2003 without disposing of the representations submitted by the applicant.

Narendra Singh Rathore

- 5.2 For that the respondents should have allow the applicant to continue in the post of Hindi Officer as his appointment is deemed to be appointment of promotion being duly selected by the UPSC and in terms of the Govt. of India O.M. No.AB. 14017/71/89-Estt. (RR) dated 3.10.89 and therefore the impugned orders are liable to be set aside and quashed.
- 5.3 For that non-consideration of the representations submitted by the applicant to the respondents and issuance of the impugned orders are violative of the provisions of the Govt. of India O.M. No. 2/29/91-Estt. (Pay. II) dated 5.1.94 which is the regulatory provision of the appointment of the applicant as Hindi Officer as stipulated in the appointment letter itself.
- 5.4 For that the impugned orders of reversion/repatriation is illegal, arbitrary and not tenable in law as the same are issued contrary to the provisions of law/rules providing that the applicant be promoted /regularized as Hindi Officer and / or his services be extended till such time when his services are regularized/ or he is absorbed as the Hindi Officer in the department.
- 5.5 For that the impugned orders are bad in law and can not sustain in law as the same are derogatory to the cherished principles of rules of legitimate expectation.
- 5.6 For that in any view of the matter and the provisions of law and the service jurisprudence, the impugned orders are liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative and efficacious remedy available to him.

Naren dra Singh Rathore

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

That the applicant further declares that he has not previously filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any court or any other Bench of the Tribunal or any other authority nor any such application or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances of the case, the applicant most respectfully prays in this Hon'ble Court that the application be admitted, records of the case be called for and notices be issued to the respondents directing them to show cause as to why the relief sought for should not be granted to the applicant as prayed for and after hearing the parties and perusing the records including the causes, if any shown by the respondents, Your Lordships would also be pleased to set aside the impugned orders No. A 3271 dated 27.6.2003 (as in Annexure-J) and the movement order dated 28.6.2003 (as in Annexure-K) and direct the respondents :

- 8.1 To allow the applicant to continue as the Hindi Officer by extending the period of deputation as provided by the Govt. Office Memorandum till such time when he is regularized/ absorbed as Hindi Officer as per provisions of new recruitment rules and the provisions of law/rules;
- 8.2 To consider the case of the applicant by disposing of his representations in the light of the new recruitment rules (copy to be produced by the respondents) and the provisions under the Govt. of India O.M. No.AB. 14017/71/89-Estt. (RR) dated 2.10.89 read with the provisions laid down in the O.M. No. 2/29/91-Estt. (Pay. II) dated 5.1.94 and the principles laid down by the Hon'ble Supreme Court;

Narendra Singh Rastore

- 8.3 To direct the respondent to not to abolish the post of Hindi Officer in the establishment of the respondents in the public interest;
- 8.4 To pay the cost of the case;
- 8.5 And / or this Hon'ble Tribunal may pass such further or other order thereby granting any other relief(s) to which the applicant is found entitled to under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR:

- 9.1 Pending disposal of the original application Your Lordships may further be pleased to stay/suspend the operation of the impugned orders dated 27.6.2003 (as in Annexure- J) and 28.6.2003 (as in Annexure-K) in the application or the said impugned orders may be kept in abeyance till the returnable date of notice to the respondents or hearing of the respondents or such returnable date.

10. The application is filed through Advocate.

11. PARTICULAR OF I.P.O. :

I.P.O. NO. 74. 578537

Date of Issue : 7-7-03

Issued from : G.P.O

Payable at : Gwalior

12. LIST OF ENCLOSURES:

As stated in the INDEX.

Verification ...

Narendra Singh Rastogi

VERIFICATION

I, Sri Narendra Singh Rathore, son of Late Sriram Singh Rathore, aged about 44 years, permanent resident of Village and P.O. Kaila, District- Etah (Bihar), at present working as Hindi Officer (since reverted) in the Head Quarter, Inspector General, Assam Rifles (North) C/o. 99 APO, do hereby solemnly affirm and state that the statements made in the application in para 1, 2, 3, 4.1, 4.6 to 10 and 11.

are true to my knowledge and belief, those made in para 4.2, 4.3, 4.4, 4.5 — — — being matter of records, are true to my information derived therefrom and the rest are my humble submission and legal advice. I have not suppressed any material fact of the case.

And I sign this verification on this 7th day of July, 2003 at Guwahati.

Narendra Singh Rathore

Deponent

Tele No. 705075

Bharat Sarkar
Govt of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

A/1-A/25/Part-II/

24 Aug 99

TO

1. Secretary General
Lok Sabha Sectt/Rajya Sabha Sectt., New Delhi
2. The Secretary,
President's Secretariat/Vice-President's Secretariat/
Planning Commission/Election Commission of India/Union
Public Service Commission/Central Vigilance Commission.
3. Registrar(Admn.) Supreme Court of India.
4. All Chief Secretaries State
Governments.
5. All Administrators
Union Territories
6. All Central Police Organisation

APPOINTMENT OF HINDI OFFICER IN THE
DIRECTORATE GENERAL ASSAM RIFLES
SHILLONG ON DEPUTATION BASIS

Sir,

1. I am directed to state that a vacancy of Hindi Officer exists in the Directorate General Assam Rifles, Shillong in the scale of Rs 6500-200-10,500/-per month. It is proposed to fill up the above vacancy on deputation by a suitable Officer under the Central or State Government.

2. The eligibility conditions and qualifications etc prescribed for the post are as under :-

(a) (i) Officers under the Central/State Government holding analogous post.

OR

(ii) With 3 years service in posts in the scale of Rs 5000-8000/5500-9000 or equivalent.

OR

(iii) With 2 years service in posts in the scale of Rs 4500-7000/5000-8000/- or equivalent and

.....2/-

(b) Possessing the educational qualification and experience as appended below :-

ESSENTIAL

- (i) Master's degree of a recognised University or equivalent in Hindi with English as a subject at the degree level.

OR

Master's degree of a recognised University or equivalent in English with Hindi as a subject at the degree level.

OR

Master's degree of a recognised University or equivalent in any subject with Hindi and English as subject at the degree level.

OR

Master's degree of a recognised University or equivalent in any subject with Hindi medium and English as a subject at the degree level.

OR

Master's degree of a recognised University or equivalent in any subject with English medium and Hindi as a subject at the degree level.

- (ii) 5 years experience of terminological work and/or translation work from English to Hindi or Vice-Versa preferably of technical or scientific literature.

OR

5 years experience of teaching, research, writing or journalism in Hindi.

DESIRABLE

- (i) Knowledge of Sanskrit and/or a Modern Indian Language.
- (ii) Administrative experience.
- (iii) Experience of organising Hindi classes or workshop for noting and drafting.

3. The pay of the officer selected for appointment on deputation basis will be regulated in accordance with the Deptt. of Personnel & Training O.P. No. 2720/91-Estt. (Pay. II) dated 05 Jan 94 as amended from time to time.

...3/-

4. It is requested that a wide publicity may be given to vacancy circulars issued for the post. The administrative control and, applications, in duplicate, in the enclosed proforma (Annexure-I) alongwith complete and upto date CR dossiers for the Officers, who can be spared in the event of their selection, may be sent to this Directorate. However, if 29 applications received after the last date for receipt of CR dossiers or otherwise found incomplete will not be considered. While forwarding the applications, it may also be verified and certified that the particulars furnished by the officers are correct and no disciplinary case is either pending or contemplated against him. The Integrity of the officer may also please be certified.
5. Period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same organisation/department shall ordinarily not exceed 3 years.
6. Candidates who apply for the post will not be allowed to withdraw their candidature subsequently.
7. The post is likely to be advertised.

5. Period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same organization/department shall ordinarily not exceed 3 years.

6. Candidates who apply for the post will not be allowed to withdraw their candidature subsequently.

7. The post is likely to be discontinued.

Yours faithfully,

Revised

1000

Director(3)

[illegible]

(Copy to :-

1. All Ministries/Departments are requested to take the necessary steps, with the request that a wide publicity be given to the vacancy circular in their respective departments and in their attache/consulate/embassy/missions of the eligible candidates may be sent to the Directorate in the prescribed proforma by 15.01.2011.
2. The Controller & Auditor General is advised for similar action.
3. Controller General of Accounts/ Controller of Accounts, Ministry of Finance for similar action.
4. All Section/Deputy Secretaries (General Administration), Deptt. of Personnel and Training, Ministry of Home Affairs for similar action.
5. The Director, General of the Commission and the undersigned New Delhi will be responsible for the recruitment of the vacancy now being published in the Government of India Gazette and the date of publication of the advertisement will be 15.01.2011.

2. The Controller of Audits is requested to advise for similar action.

3. Controller General of Accounts/ Controller of Accounts,
Ministry of Finance, Government of India.

1. All Section 8(a) workers in the District of Columbia, Department of Education, are hereby notified that the District of Columbia Board of Education is now in the process of reviewing the contract for the District of Columbia.

5. The life of an individual is a record of his actions and the ends and means. Now do this with the life of your country. It is a record of what it has done and how it has done it. It is a record of its successes and its failures. It is a record of its virtues and its vices. It is a record of its life and its death.

6. Liaison Officer
Det Assam Rifles
Room No 171
North Block
Ministry of Home Affairs
New Delhi

(i) Letter meant for all
Ministry's/Depts of Govt
of India are enclosed for
despatch to the concerned
Ministrys/Depts.

(ii) Letters meant for
DAVP (with 15 spare copies)
is also enclosed. Please
liaise with DAVP for early
publication.

7. List A,B,C,D,E and F

BIO DATA PROFORMAANNEXURE-1

1. Name and address in block letters :
2. Date of birth (in Christian era) :
3. Date of retirement under Central/State Govt rules :
4. Educational Qualification :
5. Whether educational and other qualifications required for the post are satisfied (if any qualification has been treated as equivalent to the one prescribed in the rules state the authority for the same)

Qualifications/
experience required

Essential

Qualifications/
Experience possessed
by the officer

- (i) Master's degree of a recognised University or equivalent in Hindi with English as a subject at degree level.

OR

Master's degree of a recognised University or equivalent in English with Hindi as a subject at the degree level.

OR

Master's degree of a recognised University or equivalent in any subject in Hindi and English as subject at the degree level.

OR

Master's degree of a recognised University or equivalent in any subject with Hindi medium and English as a subject at the degree level.

OR

Master's degree of a recognised University or equivalent in any subject with English medium and Hindi as a subject at the degree level.

- (ii) Knowledge of terminological work and/or translation work from English to Hindi or vice-versa preferably of technical or scientific literature.

OR

5 years experience of teaching research, writing or journalism in Hindi

Desirable

- (i) Knowledge of Sanskrit and/or a modern Indian language.
(ii) Administrative experience.
(iii) Experience of organising Hindi classes or workshops for noting and drafting.

6. Please state clearly whether in the light of enquiries made by you above, you meet the requirement of the post

7. Details of employment in chronological order. Enclose a separate sheet, duly authenticated by your signature, if the space below is insufficient.

Office/Institution/ Government/ From To Scale of pay and of last basic pay duties

8. Nature of present employment, i.e., adhoc or temporary or quasi-permanent or permanent.

9. In case the present employment is held on deputation/contract basis, please state-

(a) The date of initial appointment

(b) Period of deputation on deputation/contract

(c) Name of the parent office/organization to which you belong

10. Additional details about present employment.
Please state whether working under-
- (a) Central Government _____
 - (b) State Government _____
 - (c) Autonomous Organisations _____
 - (d) Government Undertakings _____
 - (e) Universities _____
11. Are you in Revised Scale of Pay?
If yes, give the date from which the revision took place and also indicate the pre-revised scale _____
12. Total emoluments per month now drawn _____
13. Additional information, if any, which you would like to mention in support of your suitability for the post. Enclose a separate sheet, if the space is insufficient. _____
14. Whether belongs to SC/ST _____
15. Remarks _____

Date _____

Signature of the
candidate
Address _____CERTIFICATE

1. Certified that particulars furnished by Shri/Smti/ _____ have been verified from his/her record and found correct.
2. No Vigilance case is either pending or contemplated against Shri/Smti _____. His/her integrity is certified.
3. No major or minor penalty was imposed on Shri/Smti _____ for the last 10 years as per records in the Ministry/Deptt.

Place _____

Date _____

Signature of Head of Office/
Deptt with Stamp

Attusled
D. B. S. S. S.
Adm. Secy

MAHANIDESHALAYA ASSAM RIFLES

DIRECTORATE GENERAL ASSAM RIFLES : SHILLONG- 793011

O R D E R

A/1-A/25/Part-II/ 285

Dated, Shillong, the 29 Jun 2000

1. In pursuance of Union Public Service Commission letter No F.No.3/24(3)/2000-ADT-3 dated 13 Jun 2000, Shri Narendra Singh Rathore, temporary Hindi Translator Grade-I, Directorate General Assam Rifles is hereby selected and temporarily appointed as Hindi Officer in the same Directorate on transfer on deputation basis in the scale of pay of Rs 6500-200-10,500/- per month plus other allowances as admissible under rules against the existing vacancy with effect from the forenoon of 29 Jun 2000.

2. The above deputation terms of appointment is for the period of 3 (three) years with effect from the forenoon of ~~29 Jun 2000 to the afternoon of 28 Jun 2003.~~

3. The terms and conditions of deputation will be regulated in accordance with Govt of India, Ministry of Personnel, Public Grievances & Pensions (Deptt of Pers & Trg) New Delhi OM No 2/29/91-Fstt(Pay.II) dated 05 Jan 94 as amended from time to time.

(S J B Sharma)
Major General
Deputy Director General
Assam Rifles

Memo No A/1-A/25/Part-II/

Dated Shillong, the 29 Jun 2000

copy to :-

1. Under Secretary(ADT-3)
Union Public Service
Commission, Dholpur House
Shahajahan Road, New Delhi - For information with
reference to their letter
No 3/24(3)/2000-ADT-3
dated 13 Jun 2000.
2. Govt of India
Ministry of Home Affairs
(Pers-II Section)
New Delhi - For information please.
3. The Additional Accountant General
(Central & Arunachal Pradesh)
Lachatellette Building
Shillong-793011

....2/-

Attested
Signature
Adm. Secy

4. The Pay and Accounts Office
Manbha Villa, Laitumkhrah
Assam Rifles, Shillong-03
5. ESTT Branch (Internal) - 4 copies
6. Fin Branch (Internal)
7. GS Branch (Hindi Section)
8. ✓ Shri Narendran Singh Rathore,
Hindi Officer
9. Personal file
10. Office copy.

(RS Rawat)
Lt Col
Assistant Director (A)
for Director General
Assam Rifles

Dwivedi/*

From : Narendra Singh Rathore
Hindi Officer
HQ IGAR (North)
C/O 99 APO

To : The Directorate General Assam Rifles
(A Branch)
Shillong -- 793011

(Through Proper Channel)
Sub : APPLICATION FOR REGULARISING THE APPOINTMENT OF
HINDI OFFICER

Sir,

1. I have the honour to submit that HQ DGAR vide their letter No. A/1-A/25/Part II dated 24 Aug 1999 advertised one post of Hindi Officer in Directorate General Assam Rifles, Shillong on deputation basis and I applied for the same as departmental Hindi Translator.

2. That Sir, there existed one post of Hindi Translator and one post of Hindi Officer in the HQ DGAR Shillong and my case was considered as a deptl candidate alongwith outsiders and the case for selection of Hindi officer on deputation was referred to UPSC by HQ DGAR.

3. That Sir, DGAR very kindly appointed me as Hindi Officer on 29 Jun 2000 on deputation basis vide order No A/1-A/Part II/ 285 . dated 29 Jun 2000(Copy attached) as I was selected for the post of Hindi Officer vide UPSC letter No.3/24(3)2000-ADT- 3 dated 13 Jun 2000.

4. That Sir, as per para 7 of Govt of India Dept of personnel & Trg office Memorandum No. AB 14017/71/89/Est(RR) dated 03 Oct 1989 lays down eligibility of departmental candidates for appointment by deputation states, if the departmental officer is selected for the appointment to the post on deputation basis, it is treated as having been filled by promotion as quoted below :-

"In the situation where the field of promotion consists of only one post, the method of recruitment by transfer on deputation (including short - term contract)/ promotion is prescribed so that the departmental officer is considered alongwith outsiders. If the departmental officer is selected for appointment to the post, it is treated as having been filled by promotion."

5. That Sir, I may like to add that I have already completed three years in the feeder grade i.e. Senior Hindi Translator.

6. That Sir, keeping in view the DOPT O.M No. AB 14017/71/89/Est(RR) dated 03 Oct 1989 it is prayed that I may be treated as having been promoted with effect from 29 Jun 2000 to avoid financial losses.

7. For this act of your kindness I shall ever remain grateful to you sir.

8. Thanking you in anticipation.

Yours faithfully,

(N S Rathore)
Hindi Officer
HQ IGAR (North)
C/O 99 APO

Dated : 11 March 2003

Place : Field

Attested
D. S. Sarmah
Ammeure

27

OFFICE OF THE INSPECTOR GENERAL ASSAM RIFLES,
HEADQUARTERS INSPECTOR GENERAL ASSAM RIFLES
(NORTH), C/O 99 APO

Shri Narendra Singh Rathore, Hindi Officer of this Headquarters was selected by UPSC to the post of Hindi Officer in Headquarters DGAR. The incumbent was depld Senior Translator in feeder grade at the time of selection to the post of Hindi Officer.

I recommend the case of Shri N S Rathore, Hindi Officer for regularisation on the post of Hindi Officer.

Dated : 11 Apr 2003

(D P Merchant)
 Maj Gen
 HQ IGAR (N)

Attested
 Dusem
 Admali

Headquarters
Inspector General
Assam Rifles (North)
C/O 99 APO

L.120/A/2003/ 0621

16 Apr 2003

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(A Branch)
Shillong - 793011

**APPLICATION FOR REGULARISING THE APPOINTMENT
OF HINDI OFFICER**

Application for regularising the appointment of Hindi Officer in respect of Shri N. S. Rathore, Hindi Officer of this HQ is enclosed herewith duly recommended by IGAR for your further necessary action please.

(S P Mukherjee)

Ms1

502(A)

For IG Assam Rifles

Encl :- 04 (four) only

NGO

Est Branch (Internal)

- for info wrt your letter No.
VI. 104/Est/2003/786 dated
12 Apr 2003.

Attested
D. Sarmah
Admn. K.

24

Annexure-G 34

From : Narendra Singh Rathore
Hindi Officer
HQ IGAR (North)
C/O 99 APO

To : The Directorate General Assam Rifles
(A Branch)
Shillong - 793011

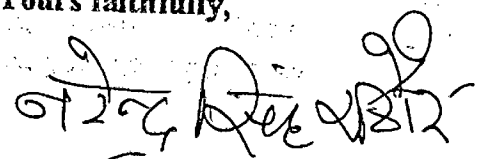
(Through proper Channel)

SUBJECT : APPLICATION FOR REGULARISING THE APPOINTMENT OF HINDI OFFICER

Sir,

1. Kindly refer to my application dated 11 Mar 2003 fwd to HQ DGAR Vide HQ IGAR (North) letter No. I. 120/A/2003/0621 dated 16 Apr 2003. I have the honour to submit following facts for your kind consideration and sympathetic orders please.
2. That Sir, I have rendered 24 years of unblemished service in Assam Rifles to the entire satisfaction of my superior Officers. I have never been warned except once when I was counselled for sitting in Officer's enclosure at ARASU on 24 Mar 2001. My apprehension is that my ACR for the year 2001-2002 may have been affected.
3. I have been performing as Hindi Officer since last three years which is a higher grade group 'B' Gazetted post. A vacancy is permanently existing on the post of Hindi Officer Group 'B' Gazetted against which I have been temporarily appointed.
4. During my tenure there, HQ DGAR won several national/ regional level awards/trophies in the field of Official language implementation. I have always accepted extra responsibilities cheerfully.
5. That Sir, provision exists vide O.A. No. 846 of 1988 published at serial No 36 page No. 75 Swamy's News letter Mar 2001 that if an Officer is working in higher grade while comparing his case with others who are in feeder cadre his ACR is to be upgraded by one grade.
6. That Sir, my tenure of deputation is expiring on 28 Jun 2003 and reversion to Translator's post will adversely effect my morale and cause great humiliation to me in person.
7. In view of above, I humbly pray your honour to regularise my appointment as Hindi Officer and oblige.

Yours faithfully,



(Narendra Singh Rathore)
Hindi Officer
HQ IGAR (North)

Place : Field

Dated : 14 Jun 2003

Attended
By
Advocate

RECOMMENDATION OF THE INSPECTOR GENERAL ASSAM RIFLES
(NORTH) ON THE APPLICATION IN RESPECT OF SHRI NARENDRA
SINGH RATHORE, HINDI OFFICER OF HEADQUARTERS
INSPECTOR GENERAL ASSAM RIFLES (NORTH)

1. Shri N S Rathore, Hindi Officer has been serving in this HQ from 03 Oct 2002 as Hindi Officer. His performance during the period has been absolutely impeccable and praiseworthy.
2. The individual has approached Headquarters DGAR through proper channel seeking regularization of his appointment as Hindi Officer and same has been forwarded by Headquarters IGAR(N) letter No. I 120/A/2003/0621 dated 16 Apr 2003.
3. The present application raises the issue of Confidential Report and regularization of his appointment as Hindi Officer.
4. I recommend that the case may be examined on its merit.

Station : Field

Dated : 16 Jun 2003

(DP Merchant)
Maj Gen
Inspector General
Assam Rifles

Attended
By
Advocate

TO BE FAXED

Headquarters
Inspector General
Assam Rifles (North)
C/O 99 APO

VI. 104/Est/2003/1088

16 Jun 2003

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(A Branch)
Shillong - 793011

APPLICATION FOR REGULARISING THE
APPOINTMENT OF HINDI OFFICER

Application for regularising the appointment of Hindi Officer in respect of Shri N S Rathore, Hindi Officer of this HQ is enclosed herewith duly recommended by IGAR for your further necessary action please.



(Surjit Kumar)
Dy Comdt
Camp Cdr
for Ex-Officio-Comdt

Attended
Dismantled
Advocate

27

Amecore-J

37

DATE	TIME
FROM	TO
SUBJECT	REMARKS

COPY //---

OP DTG 271630

SPL NO 285153

FROM DGAR -A BR

TO HQ IGAR [NI] ✓

ARTC&S

B RGE

UNCLAS A 3271

POSTING SHRI N S RATHORE . SHRI N S RATHORE POSTED AS HINDI
~~OFFICER ON DEPUTATION REVERTED BACK TO HIS ORIGINAL POST OF HINDI~~
~~TRANSLATOR GRADE I WEF 29 JUN [FN] 2003 AFTER COMPLETION OF HIS~~
~~DEPUTATION PD . INDIVIDUAL POSTED TO ARTC AND S AS HINDI~~
~~TRANSLATOR GRADE I ON EXISTING VACANCY WEF 29 JUN [FN] 2003 .~~
~~INDIVIDUAL TO BE SOS WEF 29 JUN [FN] 2003 ARTC AND S ONLY . SHRI~~
 DEVENDRA SINGH HINDI TRANSLATOR GRADE I REVERTED TO HINDI
 TRANSLATOR GRADE II WEF 29 JUN [FN] 2003 AS HIS PROMOTION WAS
 TEMPORARILY AND IN OFFICIATING CAPACITY . INDIVIDUAL REVERTED
 BACK TO HINDI TRANSLATOR GRADE II DUE TO NON AVAILABILITY OF
 VACANCY IN GRADE I DUE TO REVERSION OF SHRI N S RATHORE FROM
 DEPUTATION BACK TO GRADE I . SHRI DEVENDRA SINGH TO CONTINUE AT
 ARTC AND S AS HINDI TRANSLATOR GRADE II IN PLACE OF SHRI BHAKTI
 DHAR MISRA WHO ON COMPLETION OF HIS TENURE POSTED TO B RGE
 REQUEST CARRY OUT POSTING ORDER IMDT . NECESSARY NOTIFICATION
 BEING ISSUED BY THIS DTE //---

SD/BDK

Attended
D. Kumar
Advocate

CKD BY DSG

28

Annexure-K

38

RESTRICTED

HQ Inspector General Assam Rifles (North) C/o 99 APO

MOVEMENT ORDER

No. /// Rank Hindi Offr Name N S Rathore
and /// OR of this HQ will proceed to ARTC and School
Purpose of Journey Posted to ARTC&S as Hindi Translator Gd-I vide DGAR Sig
No. A 3271 dt 27 Jun 2003.
Date of departure 28 Jun 03 (AN/FN)
Date of SOS 29 Jun 03 (FN/AN) Date of SORS -
Authority for move HQ DGAR Sig No. A 3271 dt 27 Jun 2003.
On arrival at destination he/they will report Known to indl
Individual is in possession of his I/card No. -
Debit/Credit balance of the individual is Rs. - as per QSA for the quarter ending -
The following leave is at his credit upto -
(a) Earned leave - days (b) Casual leave - days
0. In case any difficulty enroute he/they will report to RTO or nearest CMP, if not available to the station master for assistance by producing this movement order.
1. Anti-malaria precautions will be strictly adhered.
2. Military matter will not be discussed with unauthorised pers.
3. Assam Rifles pers and their families are entitled to medical treatment in-service Hosp vide Min of Def letter No. F. 6/25/52/D (Med dated 12 Dec 52 DGMS letter No. B/75135/DGMS-3 (E) dated 07 Mar 55 as intimated vide DGAR letter No. VIII Med/I-M-I-73 dated 22 Mar 95.
4. Assam Rifles pers are authorised to use Army Transit Camps. (Auth AHQ letter No. 48506 dt 15 Jan 87).
5. Medical category of the individual is -
6. He is entitled to avail JT as per existing rules.
7. Passage warrant issued from /// to ///



Individual Party Commander Concerned.

HQ DGAR (A/Rec) Branch, Shillong-11.

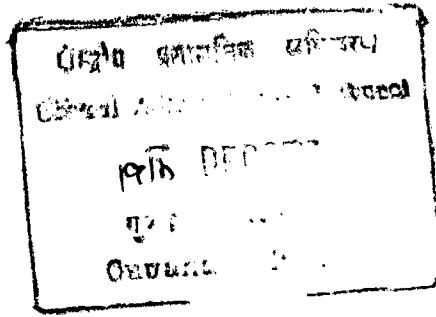
Unit Concerned ARTC & S

Office Copy.

*Attended
Dy. Insp.
Advocate*

RESTRICTED

(Signature)
(Surjit Kumar)
Major/Captain Dy Comdt
Adjutant/ Camp Cdr
for Commander
HQ IGAR (North)



Recd by
12/12/03
(A. DEB ROY)
Sr. C. G. S. C.
A. T. Guwahati Bench 89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

OA NO 154 of 2003

Shri NS Rathore

Vs

Union of India & Others

-And-

In the matter of :

Written Statement submitted the respondents

No 1 to 4 the respondents beg to submit a brief history of the case which may be treated as a part of the written statement.

BRIEF FACT OF THE CASE

1. Shri NS Rathore, Hindi Translator, Grade-I was temporarily appointed as Hindi Officer on transfer on deputation basis for a period of three years with effect from 29 Jun 2000(FN) to 28 Jun 2003(AN) vide this Directorate Order No. A/1-A/25/Part-II/285 dated 29 Jun 2000 (copy enclosed). He has been reverted back to his original post of Hindi Translator, Grade-I with effect from 29 Jun 2003 (FN), on completion of his deputation period and posted to ARTC&S vide this Directorate Signal No. A 3271 dated 27 Jun 2003(refer to Annexure J to O.A). Subsequently

-30- 2

40

formal order to the effect was also issued vide our order No. A/1-A/25/Part-II/232 dated 16 Jul 2003

A true copy of HQ DGAR order dated 16 Jul 2003 is attached as Annexure - I

PARAWISE COMMENTS

2. That with regard to statement made in Paras 1 to 4.2 of the application the respondent bet to state that offer no comments being a matter of record and factual.

3. That with regard to the statement made in Para 4.3 of the application, the respondent begs to state that the application submitted by Shri NS Rathore was examined. The individual in the ibid application contented that his appointment as Hindi Officer on deputation basis should be treated as promotion as he being the Departmental candidate selected for the said post, which was a promotional post by virtue of DOPT OM No. AB/14017/71/89/EST(RR) dated 03 Oct 1989.

A true copy of DOPT, OM dated 03 Oct 1989 is attached as Annexure – II.

That it is further submitted that as per the said OM when a departmental candidate is appointed in a promotional post by transfer on deputation basis, then it is to be treated as filled by promotion. However at the time of appointment of Shri NS Rathore on deputation as Hindi Officer, the said post was not a promotional post as per the Recruitment Rules in force at that time and hence he is not eligible for benefit of holding a promotional post on deputation as contented in his application.

That after creation of additional posts of Hindi Officer, fresh Rect Rules were published vide GSR NO 177 dated 08 May 2002 which become effective from 25-05-2002 i.e. the date of publication in the official gazette

A true copy of Recruitment Rules for Hindi Officer is attached as Annexure – III.

That as per the fresh Rect Rules the departmental officer in the feeder category who are in the direct line of promotion shall not be eligible for consideration of appointment on deputation. Similarly, deputationist shall not be eligible for consideration for appointment by promotion Shri NS Rathore is a departmental candidate in the feeder category who is in the direct line of promotion to the post of Hindi Officer. Hence as per fresh Rect Rules, now in force, he cannot be considered for deputation. He was due for promotion to the post of Hindi Officer during vacancy year 2003-2004. However his promotion to the post of Hindi Officer has not been recommended by the Departmental Promotion Committee for the year 2003-2004 due to lack of ACR criteria.

A true copy of DPC for the 2003-2004 is attached as Annexure – IV.

That Further Shri NS Rathore was temporarily appointed as Hindi Officer on transfer on deputation basis for a specified period and on completion of the same he has been reverted to his original post of Hindi Translator, Grade-I.

4. That with regard to statement made in Para 4.4 of the application the respondents beg to state that reply to the application received vide HQ IGAR(N) letter No VI.104/Est/2003/1088 dated 16 Jun 2003 has been sent vide our letter No. A/1-A/25/Part-II/99/222 dated 04 Jul 2003

A true copy of HQ DGAR letter dated 04 Jul 2003 is attached as Annexure – V.

5. That with regard to statement made in Paras 4.5 to 4.10 of the application the respondents begs to submit that same has already been replied vide Para 3 of the this written statement.

6. That with reference to Paras 4.11 and 4.12 of the O.A, the respondents begs to offer no comments.

7. That with regard to grounds for relief mentioned in Para 5.1 of the O.A, the respondents begs to submit that our Signal No. A3271 dated 27-06-2003 containing order for reversion of Shri NS Rathore from Hindi Officer to Hindi Translator Grade-I was issued after due consideration of the representation submitted by the indl and existing policy on the subject as explained in para 3 above.

8. That with regard to Paras 5.2 to 8.2 of the O.A, the respondents begs to submit that same has already been replied vide paras 3 and 7 of this written statement.

9. That with regard to Paras 8.3 of the O.A, the respondents begs to submit that out of the three sanctioned posts of Hindi Officer, one post has been already abolished for being vacant for more than one year.

10. That with regard to Paras 8.4 to Para 12 of the O.A, the respondents begs to offer no comments being the matter of record.

In view of above O.A filed by Shri NS Rathore, Hindi Translator Grade – I be rejected as it lacks merit with cost or as deem fit by Hon'ble CAT.

VERIFICATION

I Major KS George, aged 35 years s/o Late Mr. K. M George, working as SO2 (Legal) in the Officer of the Directorate General Assam Rifles being authorized by the Director General Assam Rifles the 2nd respondent herein to hereby verify and declare that the statements made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

And I, sign this verification on this 06th day of November 2003.

[Signature]
DEPONENT
SD 2 (Legal)
महानिदेशालय असम राईफल
Directorate General Assam Rifles
शिलांग-793011
Shillong-793011

[Signature]
DEPONENT
एस. जी. व. (विधि)
SD 2 (Legal)
महानिदेशालय असम राईफल
Directorate General Assam Rifles
शिलांग-793011
Shillong-793011

③

-33-

ANNEXURE-I

026. 43

MAHANIDESHALAYA ASSAM RIFLES
DIRECTORATE GENERAL ASSAM RIFLES : SHILLONG - 11

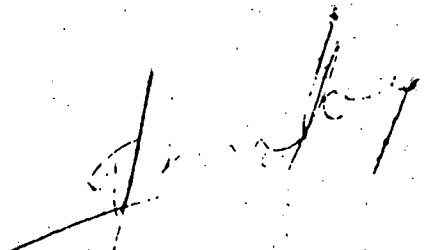
O R D E R

A/1-A/25/Part-II/99/239

Dated Shillong the, 16 Jul 2003

1. Shri Narendra Singh Rathore, Hindi Translator, Grade-I of HQ DGAR who was selected and temporarily appointed as Hindi Officer in the same Directorate on transfer on deputation basis in the scale of Pay of Rs 6500-200-10500/- per month plus other allowances as admissible under the rules against the existing vacancy with effect from 29 Jun 2000(FN) and subsequently posted to HQ IGAR(N), is hereby reverted to his original post of Hindi Translator, Grade-I in the scale of pay of Rs 5500-175-9000/- per month plus other allowances as admissible under the rules with effect from 29 Jun 2003(FN) after completion of his deputation period and posted to ARTC & S as Hindi Translator, Grade-I on existing vacancy with effect from same date.

2. Shri Devendra Singh, Hindi Translator, Grade-I of ARTC&S who was temporarily promoted to officiate as Hindi Translator, Grade-I in the scale of Pay of Rs 5500-175-9000/- per month plus other allowances as admissible under the rules with effect from 25 Oct 2002(FN) is hereby reverted to Hindi Translator, Grade-II in the scale of pay of Rs 5000-150-8000/- per month plus allowances as admissible under the rules with effect from 29 Jun 2003(FN) due to reversion of Shri Narendra Singh Rathore from deputation.


 (Arun Roye)
 Major General
 Addl Director General
 Assam Rifles

Memo No A/1-A/25/Part-II/99

Dated 16 Jul 2003Copy to:-

1. Under Secretary (ADT-3)
 Union Public Service Commission
 Dholpur House
 Shahajahan Road, New Delhi

.....2/-

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2. Govt of India
Ministry of Home Affairs
(Gen-II Section)
New Delhi
3. The Additional Accounts General
(Central & Arunachal Pradesh)
Lachmellalte Building
Shillong 793011
4. The Pay and Accounts Office
Manabha Villa, Laithumkhrah
Assam Rifles, Shillong
5. Estt Branch
HQ DGAR, Shillong-11
6. Fin Branch
HQ DGAR, Shillong-11
7. GS Branch (Hindi Section)
HQ DGAR, Shillong-11
8. Shri Narendra Singh Rathore
Hindi Translator Grade-I
ARTC&S, Dimapur, Nagaland
9. Shri Devendra Singh
Hindi Translator, Grade-II
ARTC&S, Dimapur, Nagaland
10. HQ IGAR(N)
Assam Rifles
C/O 99 APO
11. ARTC&S, Dimapur
Nagaland
12. Personal File
13. Office copy

(B K Chowdhury)
Colonel
Colonel(A)
for Addl DG Assam Rifles

7 35-
ANNEXURE (191) - P.S.

No. AB 14017/71/89-Estt.(RR)

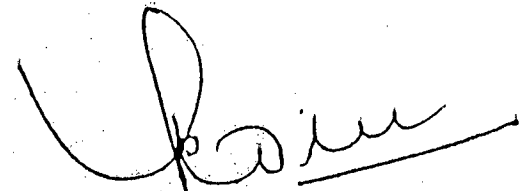
भारत सरकार
GOVERNMENT OF INDIA
कामिक, लोक शिकायत तथा पेंशन मंत्रालय
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
कामिक और प्रशिक्षण विभाग
DEPARTMENT OF PERSONNEL & TRAINING
नई दिल्ली
NEW DELHI

Dated the 3rd October, 1989.

OFFICE MEMORANDUM

Subject : Procedure to be followed in cases where appointment is to be made by transfer on deputation/transfer basis - consolidated instructions on.

The undersigned is directed to say that the recruitment rules in respect of a number of posts provide for appointment to the post by transfer on deputation (including short-term contract) and transfer. Instructions have been issued from time to time on the procedure to be followed in cases where appointment is to be made under these modes of recruitment. The various instructions have been consolidated for the facility and guidance of Ministries/Departments. A copy of the consolidated instructions is forwarded herewith.


(M.V. KESAVAN)
DIRECTOR

Encl.: As above.

To

All Ministries/Departments of the Government of India.

/TS/

Subject : Guidelines for prescribing transfer on deputation/transfer as a method of recruitment and the procedure to be followed in cases where appointment is to be made by Transfer on Deputation (including short-term contract) or Transfer basis.

...

1. Introduction

1.1. The Recruitment rules for a number of posts provide for appointment by transfer on deputation (including short term contract) and transfer. "Transfer on Deputation" and "Transfer" are not synonymous terms. There is substantial difference between them. Under the provision "Transfer", the officer is regularly absorbed in the post/grade. Under "Transfer on Deputation (including short-term contract)", an officer from outside is appointed for a limited period by the end of which he will have to revert to his parent cadre. Under Transfer on Deputation or Transfer, suitable officers having the requisite qualifications and experience working in other Central Government Departments or State Governments are considered for appointment. 'Short term contract' also is in the nature of deputation and this method is followed when services of suitable officers belonging to non-Government organisations e.g. Universities, recognised research institutions, public sector undertakings etc. are required for appointment to teaching, research, scientific or technical posts.

1.2. In cases where the field of promotion consists of only one post, the method of recruitment by "Transfer on deputation (including short-term contract)/Promotion" is prescribed so that the departmental officer holding the feeder post is considered alongwith outsiders who have applied for appointment by transfer on deputation. This method is also known as the "composite method". If the departmental candidate is selected for appointment to the post, it is to be treated as having been filled by promotion; otherwise, the post is filled by deputation/contract for the prescribed period of deputation/contract at the end of which the departmental officer will again be afforded an opportunity to be considered for appointment to the post.

2. Recruitment Rules

2.1. While providing for transfer on deputation (including short term contract)/transfer as a method of recruitment, the sources of recruitment (Central Govt., State Governments, Public Sector Undertakings etc.) and the categories and levels of officers (including pay scales) eligible for consideration including conditions of eligibility (i.e., number of years of service in a particular grade/scale) and the qualifications and experience required, if any, should be clearly specified in the recruitment rules. The period of deputation/contract should also be clearly indicated in the following standard form:-

"Period of deputation/contract including the period of deputation/contract in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/Department of the Central Government shall ordinarily not exceed....years".

2.2. Lateral induction of Armed Forces Personnel in Civilian posts

All Ministries/Departments should examine and identify the posts in, which military experience either in general or in a specific field or posts would be of distinct advantage and to provide for such experience as an essential or desirable qualification. In respect of Group 'A' & 'B' posts required to be filled by transfer on deputation of Government servants belonging to more than one service, a provision should be made in the recruitment rules, whereby armed forces personnel due to retire or to be transferred to reserve within a period of one year and having the requisite experience and qualifications can also be considered for appointment to such posts. The following provisions for lateral induction of armed forces personnel may be incorporated in the recruitment rules of the identified posts:-

In col.10 (Method of recruitment)

"For Ex-Servicemen

Transfer on deputation/re-employment."

In col.11 :

"For Ex-Servicemen

Transfer on deputation/re-employment"

"The Armed Forces Personnel due to retire or who are to be transferred to reserve within a period of one year and having requisite experience and qualifications prescribed shall also be considered. Such persons would be given deputation terms upto the date on which they are due for release from the Armed Forces; thereafter they may be continued on re-employment".

3. Consultation with Union Public Service Commission

3.1. When the field of deputation for Group 'A' posts consists of Central Government Group 'A' officers only, prior consultation with the UPSC is not necessary for selection of an officer. When the field for consideration includes State Government officers also, prior consultation with the Commission is necessary before appointing a State Government officer. When the field for consideration is made more broad-based and consists of not only Central/State Government officers but also officers from non-Government institutions, the selection shall always be made in consultation with the UPSC.

3.2. The UPSC are to be consulted for appointment of a Central Group 'B' officer on deputation to a Group 'A' post.

3.3. When the "composite method" of recruitment is prescribed for Group A or Group B posts, i.e., the departmental candidate is to be considered along with outsiders, the selection shall be made by the Commission only.

4. Procedure to be followed for appointment by transfer on deputation/transfer:-

4.1. An accurate assessment of the vacancies to be filled by the above methods should be made sufficiently in advance so that the Ministries/Departments will be able to follow the prescribed procedures properly.

4.2. Wherever the recruitment rules prescribe different sources of recruitment and where various categories of officers are eligible for being considered, the circulation of vacancies will be considered proper only where the Ministry concerned ensures that all such categories are tapped simultaneously. In other words, the Departments should not confine circulation of the vacancies to only one or two sources mentioned in the Recruitment Rules.

4.3. As a corollary to para 4.2. above, wherever employees of the public sector undertakings/autonomous bodies and non-sect. officers are also eligible under the Recruitment Rules, the Administrative Ministry concerned should specifically request the Departments to circulate the vacancy to all such organisations with whom they are concerned so that the requirements of the Recruitment rules are duly met.

4.4. The vacancy circular should invariably be published in the "Employment News".

4.5. The minimum time allowed for receipt of nominations should be two months. If in a few cases where there are compelling reasons to fill up the vacancy on urgent basis, a shorter time limit, which should not be less than six weeks, may be prescribed with the approval of the Joint Secretary concerned.

4.6. All the salient features of the vacancy circular (e.g.,) qualifications and experience, officers eligible, last date for receipt of nominations as prescribed by the originating Department should invariably be published in the "Employment News".

4.7. The circular should be addressed to all the agencies or sources of selection specified in the Recruitment Rules. As a proof of having complied with this instruction, the Departments, should, while making a reference to the UPSC for selection, render a certificate to the Commission that the vacancy circular has been despatched to all the agencies prescribed in the rules.

4.8. While calling for applications for appointment on transfer on deputation/transfer basis, the Ministries/Departments may call for the bio-data of the candidates in the proforma given at Annexure-A.

4.9. After circulation of the post, the proposal should be sent to the UPSC as early as possible and in any case within three months from the closing date for receipt of applications. While

forwarding the proposal to the U.P.S.C. the requisite details in the proforma given at Annexure-B should be sent to the Commission. Further, the details of the applicants, both eligible and ineligible, alongwith the Department's comments on their eligibility or otherwise should also be furnished in the proforma given at Annexure-C.

4.10. In the vacancy circular, it should be specifically mentioned that the candidates who apply for the post will not be allowed to withdraw their candidature subsequently.

5. Analogous posts

5.1. Whenever the recruitment rules for a post prescribe "transfer on deputation/transfer" as a method of filling up the post, they generally contain an entry in column 12 of the standard form of schedule stating inter-alia that the "transfer on deputation/transfer" shall be made from amongst the officers holding analogous posts on regular basis under the Central/State Govts. This Department has been receiving references from various Ministries/Departments asking for the definition of 'analogous posts'. It has, therefore, been considered appropriate to lay down the following criteria for determining whether a post could be treated as analogous to a post under the Central Govt.:-

- i) Though the scale of pay of the two posts which are being compared may not be identical, they should be such as to be an extension or a segment of each other, e.g. for a post carrying the pay scale of Rs.3000-5000, persons holding posts in the pay scale of Rs.3000-4500 will be eligible.
- ii) Both the posts should be falling in the same Group of posts as defined in the Department of Personnel and Administrative Reforms Notification No.13012/2/87-Estt.(D) dated the 30th June, 1987 viz. Group 'A' Group 'B' etc.
- iii) The levels of responsibility and the duties of the two posts should also be comparable.
- iv) Where specific qualifications for transfer on deputation/transfer have not been prescribed, the qualifications and experience of the officers to be selected should be comparable to those prescribed for direct recruits to the post where direct recruitment has also been prescribed as one of the methods of appointment in the recruitment rules.

Where promotion is the method of filling up such posts, only those persons from other Departments may be brought on transfer on deputation whose qualifications and experience are comparable to those prescribed for direct recruitment for the feeder grade/post from which the promotion has been made.

5.2. As far as the posts under the State Govt./Public Undertakings etc. are concerned, it is quite likely that even posts with identical designations may not have comparable scales of pay and they

40-

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may also differ with reference to the extent and stage of merger of D.A. with pay. The levels in the hierarchy and the nature of duties, may not also be comparable. These posts may not also be classified into four groups as has been done under the Central Govt. Taking these factors into consideration, the selection authorities may have to be guided more by the nature of duties performed by the candidates in their parent organisation vis-a-vis those in the posts under selection and qualifications and experience required for the posts under the Central Govt. for making selection for appointment by transfer/deputation (including short-term contract) from outside the Central Govt. service. Since details of the Recruitment rules for the posts under the State Govt./Public Undertakings etc. may not be available, bio-data sheets, signed by the officers themselves and certified/counselling by their employer indicating their qualification, experience, assignments held in the past, contributions made by them in the field of research, publications to their credit and any other information which the officers might consider relevant for assessing their suitability for the post in question may be obtained in the proforma at Annexure-A.

6. Crucial date for determination of eligibility

6.1. Where a post is required to be filled by transfer on deputation (including short term contract)/transfer, it is normally laid down in the recruitment rules that officers holding posts in a particular scale of pay who have completed specified years of regular service in the scale are eligible to be considered. The crucial date for determination of eligibility will be as follows:-

- i) In the case of a vacancy already existing at the time of issue of the communication inviting nominations, the eligibility may be determined with reference to the last date prescribed for receipt of nominations in the Ministry/Department/Organisation responsible for making appointment to the post, i.e., originating Ministry etc.
- ii) In the case of an anticipated vacancy the crucial date for determining eligibility should be the date on which the vacancy is expected to arise.

7. Eligibility of departmental officers for appointment by deputation:

7.1. In a situation where the field of promotion consists of only one post, the method of recruitment by transfer on deputation (including short-term contract)/promotion is prescribed so that the departmental officer is considered alongwith outsiders. If the departmental officer is selected for appointment to the post, it is treated as having been filled by promotion. Otherwise, the post is filled by deputation/contract for the prescribed period. In other cases, where the field of promotion is adequate i.e. there are adequate number of sanctioned posts in the feeder grade, promotion is provided as the first method or certain percentage of vacancies is earmarked for promotion and certain percentage for appointment by transfer on deputation or direct recruitment. In such cases, departmental officers in the feeder grade are considered for promotion when they are fully qualified for

discharging the responsibilities of the higher post and satisfy the eligibility criteria. If the departmental officer is not considered eligible or fit for promotion, it will not be proper to consider him again for appointment by transfer on deputation. Deputa-

tion is actually an appointment outside the normal line. It has, therefore, been decided that the departmental officer in the feeder category who, according to the provisions in the notified recruitment rules, are in direct line of promotion should not be considered for appointment by transfer on deputation. Similarly, the deputationists shall not be eligible for being considered for appointment by promotion.

8. Filling up of posts on short term contract from Public Sector Undertakings- Equation of pay scales:

8.1. The Recruitment rules for some posts under the Central Govt. provide for, inter alia, consideration of officers of the public sector undertakings for appointment on short term contract. The Recruitment Rules prescribe certain years of service in a particular scale or scales of pay which are obtaining in the Central Govt. Difficulty is often experienced at the time of making selection in determining whether a candidate from a public sector undertaking is holding a post equivalent to the one under the Central Govt. as envisaged in the Recruitment Rules, mainly because the scales of pay are different in the Public Sector Undertakings.

8.2. The pay scales followed in the Public Sector Undertakings are generally of two types, one where the pay scale carries the DA as under the Central govt. and the other where Industrial DA pattern is adopted. While there is no difficulty in examining the eligibility of public sector employees where the pay scales and DA are on the lines obtaining in the Central Govt., difficulty is experienced in other cases in the absence of any guidelines about equation of pay scales.

8.3. The Department of Public Enterprises follows the equations mentioned in Annexure D while examining cases involving movements of Central Govt. servants to posts under the public sector undertakings (not following the Central pattern pay scales and DA) and vice versa. For the time being, the same equations may be followed for the purpose of deciding the eligibility of public sector employees for appointment by "short term contract" to posts under the Central Govt. The appointing authorities may please keep these equations in mind in addition to other factors while examining the eligibility of candidates from public sector undertakings.

8.4. With a view to facilitating scrutiny about eligibility, the vacancy circulars should contain a specific direction that candidates from public sector undertakings should clearly indicate whether the pay scale held by them is on the Central D.A. pattern or the Industrial DA pattern.

-42-

-7-

9. Tenure of Deputation :

9.1. The period of deputation shall be subject to a maximum of three years in all cases except for those posts where a longer period of tenure is prescribed in the Recruitment rules.

9.2. The Administrative Ministries may grant extension beyond this limit upto one year, after obtaining orders of their Secretary, in cases where such extension is considered necessary in public interest.

9.3. The borrowing Ministries/Departments may extend the period of deputation for the fifth year or for the second year in excess of the period prescribed in the Recruitment rules, where absolutely necessary, subject to the following conditions :

- i) While according extension for the fifth year or the second year in excess of the period prescribed in the Recruitment Rules, the directive issued for rigid application of the tenure rules should be taken into consideration and only in rare and exceptional circumstances such extension should be granted.
- ii) The extension should be strictly in public interest and with the specific prior approval of the concerned Minister of the borrowing Ministry/Department.
- iii) Where such extension is granted, it would be on the specific understanding that the officer would not be entitled to draw deputation (duty) allowance.
- iv) The extension would be subject to the prior approval of the lending organisation, the officer on deputation, and wherever necessary the U.P.S.C.

(9.4) In cases where the extension is beyond the fifth year or beyond the second year in excess of the period prescribed in the Recruitment Rules, the same would be allowed only after obtaining the prior approval of the Department of Personnel and Training. Proposal in this regard should reach this Department at least three months before the expiry of the extended tenure.

9.5. When extension of the period of deputation is considered, the period of extension may be so decided upon as to enable the officer concerned to continue on deputation till the completion of the academic year in cases where the officer has school/college going children.

9.6. For computing the total period of deputation, the period of deputation, including the period of deputation in another ex cadre post held immediately preceding the current appointment in the same or some other organisation/department of the Central government shall also be taken into account.

9.7. If during the period of deputation the basic pay of an employee exceeds the maximum of the scale of pay of the post or the fixed pay of the post, on account of proforma promotion

in his cadre under the Next Below Rule or otherwise, the deputation of the employee should be restricted to a maximum period of six months from the date on which his pay thus exceeds such maximum and he should be reverted to his parent department within the said period.

9.8. If during the period of deputation, on account of proforma promotion in the parent cadre under the Next Below Rule the employee becomes entitled to a scale of pay higher than the scale of pay attached to the ex-cadre post, he may be allowed to complete the normal tenure of deputation subject to 9.7. above but no extension of the period of deputation should be allowed in such cases.

9.9. Extension of deputation appointments beyond the period laid down in the Recruitment rules would require consultation with the Union Public Service Commission in all cases where the relevant recruitment rules were framed in consultation with the Union Public Service Commission.

9.10. Such consultation would also be necessary in all cases where such deputation appointments were made in consultation with the Union Public Service Commission.

9.11. The Union Public Service Commission has, however, agreed to the following relaxation:

Where the word 'Ordinarily' is used in the recruitment rules to govern the period of deputation, the period of deputation may be extended by the competent authority by not more than one year except in cases where the period mentioned in the recruitment rules is 5 years or more. In the latter case, consultation with the UPSC would always be necessary.

9.12. If the deputation period is not laid down in the recruitment rules, then the extension of the period of deputation can be granted by the Administrative Ministry/Department subject to para 9.1. to para 9.6. above. In such a case reference to the Commission would be necessary only if the appointment on deputation had been made in consultation with the Commission and if it is intended to extend the tenure, if any, indicated in the Commission's advice.

9.13. In cases where the initial appointment/period of deputation was decided with the approval of the Appointments Committee of the Cabinet, any extension thereof can be granted only with the approval of the Appointments Committee of the Cabinet. The Administrative Ministries/Departments would no doubt consult the UPSC, wherever necessary, before seeking approval of the Appointments Committee of the Cabinet through the Establishment Officer.

-44-

-9-

10. Absorption of an officer on Transfer basis

10.1. Recruitment Rules for some posts prescribe inter-alia 'Transfer' as a mode of recruitment. 'Transfer' means permanent absorption in the post. Consultation with the UPSC is necessary in all cases of appointment by 'Transfer' to Group 'A' and Group 'B' posts. With a view to having a uniform approach and to enable the UPSC to consider proposals for absorption by 'Transfer' expeditiously, the following guidelines are laid down.

10.2. Cases of transfer fall into two categories viz.

- Where Recruitment rules provide for appointment by 'Transfer' on Deputation/Transfer and the proposal is only to absorb an officer already selected on deputation.
- Where Recruitment Rules provide for 'Transfer' on Deputation only at the time of initial selection of the officer concerned, but have been amended subsequently to include 'Transfer'.

So far as the first category is concerned, the Commission will consider the proposals for absorption where the following conditions are fulfilled:-

- The initial selection on deputation basis should have been made in consultation with the Commission.
- The administrative Ministry should certify that there is no other deputationist in position appointed earlier to the officer now proposed for absorption, and in case there is any such person, he is not willing to be considered for appointment on Transfer basis.
- The person concerned and the lending authority have given their willingness for such permanent absorption.
- The original circular letter calling for nomination for deputation should have clearly mentioned the possibility of permanent absorption (i.e. Transfer).

In the second category of cases, i.e., where 'Transfer' has been provided in the Rules subsequent to the selection of a person on Deputation, the Ministries/Departments should re-circulate the post, clearly indicating 'Transfer' as a mode of recruitment and then only make a reference to the Commission. Such circulation will also be necessary in the other category of cases if the original circular letter calling for nomination for deputation did not clearly mention the possibility of permanent absorption vide (iv) above.

11. Seniority of persons absorbed after being on deputation

11.1. The instructions on seniority of transferees contained in para 7 of the Annexure to DOP's O.M. No. 9/11/55-RPS dated 22.12.59 mainly deal with cases where persons are straight away appointed on Transfer. It is, however, observed that most of

the cases of permanent absorption are those where the officers were taken on Deputation initially under the method of 'Transfer on Deputation/Transfer' contained in the relevant Recruitment Rules.

11.2. Even in the type of cases mentioned above, i.e., where an officer initially comes on Deputation, and is subsequently absorbed the normal principle that the seniority should be counted from the date of such absorption, should mainly apply. Where, however, the officer has already been holding on the date of absorption the same or equivalent grade on regular basis in his parent Department, it would be equitable and appropriate that such regular service in the grade should also be taken into account in determining his seniority subject only to the condition that at the most it would be only from the date of deputation to the grade in which absorption is being made. It has also to be ensured that the fixation of seniority of a transferee in accordance with the above principle will not affect any regular promotion made to the next higher grade prior to the date of absorption. Accordingly, it has been decided to add the following sub para (iv) to para 7 of principles communicated vide O.M. dated 22.12.59:

"iv) In the case of a person who is initially taken on deputation and absorbed later (i.e., where the relevant Recruitment rules provide for Transfer on Deputation/Transfer), his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent Department such regular service in the grade shall also be taken into account in fixation of his seniority, subject to the condition that he will be given seniority from

- the date he has been holding the post on Deputation
- or
- the date from which he has been appointed on a regular basis to the same or equivalent grade in his parent Department.

whichever is later.

The fixation of seniority of a transferee in accordance with the above principles will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up vacancies in higher grade taking place after such absorption. In cases in which transfers are not strictly in public interest, the transferees will be placed below all officers appointed regularly to the grade on the date of absorption.

-11-

12. Whether an officer on deputation can be considered for appointment for another deputation without completing cooling off period

12.1. No general order has been issued regarding cooling off period between one spell of deputation and another spell of deputation. It is for the cadre controlling authority to decide whether there should be any cooling off period or not. However, in view of the rigid application of Tenure Rules, officers should not stay away from their respective cadres beyond the normal permissible deputation period. This aspect should be kept in view while deciding whether there should be any cooling off period or not.

13. Redeployment of surplus staff against vacancies to be filled by Transfer

13.1. No vacancy shall be filled by transfer (otherwise than on deputation basis) without obtaining a certificate of non-availability of surplus staff for redeployment against the vacancy in the first instance from the Central (Surplus staff) Cell in the Department of Personnel and Training in respect of Group 'A', Group 'B' or Group 'C' posts or from the Special Cell in the Directorate General, Employment and Training, Ministry of Labour in respect of Group 'D' posts.

Where a Group 'A' or Group 'B' post is to be filled up by transfer in consultation with the Commission, the controlling authority in respect of the post shall first intimate the vacancy to the Central (Surplus Staff) Cell in the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, who, if it has a surplus employee on its rolls who is prime facie suitable for appointment thereto, shall sponsor him to the Commission under intimation to the controlling authority concerned, for being considered for absorption against the post in question. Such a post will be circulated only if the Cell communicate non-availability of suitable surplus employee from its rolls to sponsor for absorption in it, or the Commission holds the surplus employee sponsored by the Cell to be unsuitable for appointment to the post.

BIO DATA PROFORMA

1. Name and Address in Block letters
2. Date of Birth (in Christian era)
3. Date of retirement under Central/ State Govt. rules
4. Educational Qualifications
5. Whether Educational and other qualifications required for the post are satisfied. (If any qualification has been treated as equivalent to the one prescribed in the rules, state the authority for the same).

	Qualifications/ experience required	Qualification/ Experience posses- sed by the officer
Essential	(1)	
	(2)	
	(3)	
Desired	(1)	
	(2)	

6. Please state clearly whether in the light of entries made by you above, you meet the requirements of the post
7. Details of Employment, in chronological order. Enclose a separate sheet, duly authenticated by your signature, if the space below is insufficient

Office/Instt./Orgn.	Post held	From	To	Scale of pay and basic pay	Nature of duties

7. Nature of present employment i.e.,
adhoc or temporary or quasi
permanent or permanent

9. In case the present employment is held on deputation/contract basis, please state -

- a) The date of initial appointment
- b) Period of appointment on deputation/contract
- c) Name of the parent office/organisation to which you belong

10. Additional details about present employment

Please state whether working under

- a) Central Govt.
- b) State Govt.
- c) Autonomous Organisations
- d) Government Undertakings
- e) Universities

11. Are you in Revised Scale of Pay? If yes, give the date from which the revision took place and also indicate the pre-revised scale.

12. Total emoluments per month now drawn.

13. Additional information, if any, which you would like to mention in support of your suitability for the post. Enclose a separate sheet, if the space is insufficient.

14. Whether belongs to SC/ST

15. Remarks

Signature of the candidate

Date _____

Address _____

Countersigned _____

(Employer)

49-

183

ANNEXURE B

PROFORMA FOR REFERRING PROPOSAL TO THE UNION
PUBLIC SERVICE COMMISSION FOR SELECTION OF
OFFICERS FOR APPOINTMENT ON DEPUTATION/TRANSFER/
CONTRACT

1. Name of Ministry/Department/Office
2. Grade/Post for which selection is to be made for appointment on deputation/transfer/contract
 - a) Designation
 - b) Classification
 - c) Scale of Pay
3. Total number of post(s) in the Grade
 - a) Number of posts filled on regular basis:
 - By direct recruitment
 - By promotion
 - By Deputation
 - By Transfer
 - By Contract
 - b) Number filled on ad-hoc basis, if any. Initial date(s) from which ad-hoc appointments had been made
 - c) Number unfilled
4.
 - a) Number of regular vacancies falling under deputation quota now reported. (In terms of instructions contained in para 4.1. of DOP&AR OM No. 22011/5/86-Estt.(D) dated 10.4.89)
 - b) Date(s) of occurrence of vacancy(s) in (a) above
5. Complete job description i.e. duties attached to the post (separate sheet to be attached)
6. Recruitment Rules for the grade/post
 - a) Date on which the Recruitment rules were notified in the Gazette of India and UPSC reference number under which they were approved

- b) Method of recruitment :-
 % direct recruitment
 % promotion
 % deputation/transfer
- c) Whether up-to-date copy of the recruitment rules has been enclosed? (this should invariably be sent for reference). If any change in the Recruitment Rules has been agreed to by the Commission after they were notified, details should be attached.

7. Relaxation

- a) Whether any relaxation involved
 b) if so, whether DOP's approval taken
 c) Whether relaxation indicated in the vacancy circular
8. Method of recruitment followed for filling up the last vacancy in the grade.
9. UPSC reference number under which selection for appointment on deputation was lost considered.
10. a) Whether the post was circulated to all the authorities provided in the Recruitment rules? if not, state reasons (Please enclose a copy of the circular issued alongwith a list of organisations to whom it was sent) A certificate to the effect that the copies of the vacancy circular have been despatched to all the authorities mentioned in the recruitment rules to be attached.
- b) whether the post was published in the 'Employment News' vide Deptt. of Personnel & Training No.O.M. No. 14017/17/83-Estt(RR) dt.17.7.85 & 22.5.86, if so, a copy of relevant extracts to be enclosed.
- c) Total number of applications received in response to the circular/Employment News.

-3-

- d) No. of applicants considered eligible
- e) No. of applicants considered ineligible.
- f) Whether bio-data in original of all applicants have been enclosed.
- g) Whether the proforma showing names and qualifications possessed by the applicant and those prescribed in the Recruitment Rules has been enclosed (vide DOP&R O.M. No.39011/8/81-Estt(B) dt. 18.7.81).

11. Character rolls :

Complete and uptodate character rolls of all the applicants are required.

- a) Whether a list has been attached showing the names of officers whose character rolls are enclosed with this reference.
 - b) Are the character rolls complete and uptodate?
12. Whether a self-contained note explaining the proposal for deputation is enclosed.
13. Whether a check list on the format circulated by Deptt. of Personnel & Training vide their O.M. No. 22011/6/86-Estt.(D) dated 20.5.86 is enclosed.

Signature _____

Designation _____

Date _____

Office Tel. No. _____

-52- (b)

CHECK LIST FOR TRANSFER ON DEPUTATION/TRANSFER

1. RECRUITMENT RULES

- a) Whether already notified
- b) Whether up to date
- c) Does it provide for transfer on deputation/transfer.
- d) Whether consultation with UPSC necessary.

2. VACANCY CIRCULAR

- a) Has it gone to all concerned organisations/agencies prescribed in RRs.
- b) Whether list given of organisations to which circulated.
- c) Whether prescribed eligibility conditions/field of selection/educational qualification and mode prescribed in the rectt. rules mentioned in the circular.
- d) Whether vacancy recirculated if RR was subsequently amended (after initial appointment on deputation) to provide for transfer (applicable only for transfer cases)

3. VACANCIES

Whether date and manner of occurrence given

4. RELAXATION

- a) Whether any relaxation involved
- b) If so, whether DOP's approval taken.
- c) Whether relaxation indicated in the vacancy circular.

5. SENIORITY LIST (FOR COMPOSITE FIELD)

- a) Whether seniority list in the feeder grade received
- b) If so, whether in prescribed proforma (Annexure I of DOP OM dated 10.4.89)
- c) Whether duly signed by an officer not below Under Secretary's rank.
- d) Is there any discrepancy

53-

6. JOB DESCRIPTION

7. Whether given
CONSOLIDATED COMPARATIVE STATEMENT
- Whether in prescribed proforma
 - Whether required particulars given.
 - Whether eligibility/non-eligibility indicated (with reason for non-eligibility)

8. BIO-DATA OF CANDIDATES

- Whether received for all nominees (eligible and ineligible)
- whether signed by nominees
- whether received through proper channel

9. CHARACTER ROLLS

- Whether received for all.
- Whether uptodate (Position to be indicated in a separate sheet)
- In case of attested copies of CR whether attested by an officer not below Under Secretary's rank.
- Whether reasons for incomplete/non-available CRs given.

10. PREVIOUS SELECTION

- Has UPSC reference number given
- Whether reserve list (still valid) available from previous selection.

11. @ EXISTING DEPUTATIONISTS

- Whether certificate given that no other deputationist was appointed prior to the officer who is being considered for transfer.
- If there are other deputationists, has a certificate of their unwillingness for transfer given.

12. @ CONSENT FOR TRANSFER

- Whether available from officer(s).
- Whether available from parent department(s).

@ Applicable only for transfer cases.

54-

Annexure C

Proforma showing names and qualifications possessed by
candidates and those prescribed in R/Rs.

Name of Officer and Date of Birth	Present post held with date and scale of pay & pay therein	Potential Qualifications Prescribed as per R.Rs.	Qualifications possessed by officer	Eligibility Service in terms of scale of pay		Whether C.Rs. comple- te/re- ceived	Bio- data	Remarks Eligible Ineligible If ineligible, the reason therefor
				Reqd. as per R.Rs.	Posses- sed by the officer			
2	3	4	5	6	7	8	9	10

E.O. 1

2

D.O. 1

2

64

Annexure D

PAY SCALES IN THE GOVERNMENTPAY SCALES FOR PUBLIC SECTOR
UNDERTAKINGS

Range of Existing Scale of Pay (Revised)

Maximum

Minimum of the scale is not less than	Rate of increment	Maximum of the scale is not more than	Scales of pay (for public sector undertakings)
---------------------------------------	-------------------	---------------------------------------	------------------------------------------------

A. Supervisors

i) Rs.1640	Rs.60-75	Rs.2900	Rs.715-40-1355
ii) Rs.2000	Rs.60-75-100	Rs.3500	Rs.900-50-1650

B. Executives

i) Rs.2200	Rs.75-100	Rs.4000	Rs.1050-50-1350-60-1170
ii) Rs.3000	Rs.100-125	Rs.4500	Rs.1450-60-1750-70-2240
iii) Rs.3700	Rs.125-150	Rs.5000	Rs.2050-70-2400-85-2740
iv) Rs.4500	Rs.150	Rs.5700	Rs.2625-100-3225

C. Executives in Scales
Analogous to Scheduled Scales

i) Rs.5100	Rs.150-200	Rs.6700	Rs.3000-100-3700
ii) Rs.5900	Rs.200	Rs.7300	Rs.3500-100-4000
iii) Rs.7300	Rs.200-250	Rs.8000	Rs.4000-125-4500

-56-

10

ANNEXURE

- III

86

13

14

समूह 'ख' विभागीय प्रोन्नति समिति
(प्रोन्नति के संबंध में विचार
करने के लिए :)

सीधी भर्ती करते समय संघ लोक सेवा आयोग से परामर्श
करना आवश्यक है।

- | | |
|-----------------------------------------------------|-----------|
| 1. उप महानिदेशक, असम राइफल्स | — अध्यक्ष |
| 2. निदेशक (प्रशासन), महानिदेशालय, असम राइफल्स | — सदस्य |
| 3. सहायक निदेशक (प्रशासन), महानिदेशालय, असम राइफल्स | — सदस्य |

[फा. सं. 45028/3/99-पर्स.-II]

ए. भट्टाचार्य, अपर सचिव

टिप्पण !— हिन्दी अनुवादक श्रेणी-I (समूह 'ख') और हिन्दी अधिकारी (समूह 'ख') भर्ती नियम, 2001 सा.का.नि. सं. 579, तारीख 10 अक्टूबर, 2001 द्वारा भारत के राजपत्र में प्रकाशित हुए थे।

New Delhi, the 8th May, 2002

G.S.R. 177.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, and supersession of Assam Rifles Hindi Translator Grade I (Group 'B') and Hindi Officer (Group 'B') Recruitment Rules, 2001, the President hereby makes the following rules, regulating the method of recruitment to the posts of Hindi Officer (Group 'B') and Hindi Translator in the Assam Rifles, Ministry of Home Affairs, namely :—

1. **Short Title and Commencement.**—(1) These rules may be called the Assam Rifles Hindi Officer and Hindi Translator Grade I (Group 'B') Recruitment Rules, 2002.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Number of posts, classification and scale of pay.**—The number of the said posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

3. **Method of recruitment, age limit, qualifications, etc.**—The method of recruitment to the said posts, age limit, qualifications and other matters relating thereto shall be as specified in columns 5 to 14 of the said Schedule.

4. **Initial Constitutions.**—The incumbents of the posts of Hindi Translator Grade I and Hindi Officer who were appointed to the posts before the publication of these rules shall be deemed to have been appointed under these rules and the service rendered by them in the said posts before the said publication shall be taken into account for deciding their eligibility for promotion to the next higher grades.

5. **Disqualification.**—No person,

(a) who, has entered into or contracted a marriage with a person having a spouse living; or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the said posts :—

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and there are other grounds for so doing, exempt any person from the operation of this rule.

6. **Power to relax.**—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any of the provisions of these rules with respect to any class or category of persons.

7. **Saving.**—Nothing in these rules shall effect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Ex-Servicemen, and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of the post	Number of post	Classification	Scale of pay	Whether Selection by merit or selection cum-seniority or non-selection post.
1	2	3	4	5
Hindi Officer	3* (2001) *Subject to variation dependent on workload.	General Central Service Group 'B', Gazetted, Ministerial	Rs. 6500-200-10500/-	Selection-Cum-Seniority

Age limit for direct recruits	Whether benefit of added years of service admissible	Educational and other qualification required for direct recruits
6	7	8
Not exceeding 30 years. Note 1 : Relaxable for Government Servants upto 5 years in accordance with the instructions or orders issued by the Central Government. Note 2 :— The crucial date of determining the age limit shall be the closing date for receipt of applications from candidate in India and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu & Kashmir State, Lahaul and Spiti District and Pangri Sub-division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep.	No	Essential : (i) Master's degree of a recognised University or Equivalent in Hindi with English as a subject at degree level. OR Master's degree of a recognised University or Equivalent in English with Hindi as a subject at Degree level. OR Master's degree of a recognised University or Equivalent in any subject with Hindi and English as a subject at degree level. OR Master's degree of a recognised University or Equivalent in any subject with Hindi Medium and English as a subject's at degree level. OR Master's degree of a recognised University or Equivalent in any subject with English Medium and Hindi as a subject at degree level. (ii) Five years' experience of terminological work in Hindi and/or translation work from English to Hindi or vice versa preferably of technical or scientific literature. OR Five year's experience of teaching, research, writing or journalism in Hindi. Note 1. — Qualifications are relaxable at the discretion of the U.P.S.C. in case of candidates otherwise well qualified. Note 2. — The qualification(s) regarding experience is/ are relaxable at the discretion of the U.P.S.C. in the case of candidates belonging to Scheduled Caste or Scheduled Tribes. If any stage of selection the U.P.S.C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Desirable :

(i) Knowledge at the level of Matriculation of one of the languages, other than Hindi, mentioned in the eighth schedule of the Constitution.

(ii) Two years' administrative experience including experience of organising Hindi classes or workshops.

Whether age and educational qualification prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods
9	10	11

N.A.	Two years for direct recruits	67% promotion failing which by deputation. 33% deputation failing which by Direct Recruitment.
------	-------------------------------	---------------------------------------------------------------------------------------------------

In case of recruitment by promotion/deputation/absorption grades from which promotion/deputation/absorption to be made	If a Departmental Promotion Committee exists, what is its composition	Circumstances, in which Union Public Service Commission is to be consulted in making recruitment
12	13	14

<p>Promotion:— Hindi Translator Grade-I with three years' regular service in the grade. NOTE : Where Junior who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualification/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service.</p> <p>Deputation : Officers under the Central Government : (a) (i) Holding analogous posts on Regular basis; or (ii) With three years' regular service in post in the scale of Rs. 5500-9000 or equivalent; and (b) Possessing the educational qualifications and experience prescribed for Direct recruit under column 8.</p>	<p>Group 'B' Departmental Promotion Committee (For Considering Promotion and Confirmation). :— 1. Deputy Director General, Assam Rifles —Chairman 2. Director (Adm), Dte General, Assam Rifles —Member 3. Assistant Director (A), Dte General, Assam Rifles —Member.</p>	<p>Consultation with UPSC necessary while making direct recruitment.</p>
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(The Department Officers is in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation, similarly, deputationists shall not be eligible for consideration for appointment by promotion (period of deputation including period of deputation in another ex-cadre post held immediately preceeding this appointment in the same or some other organisation/department of the Central Government shall ordinarily not exceed three years. The maximum age limit for appointment by deputation shall be not exceeding 56 years as on the closing date of receipt of applications).

1	2	3	4	5
Hindi Translator Grade-I	5* (2001) *Subject to variation dependent on workload.	General Central Service Group 'B', Non-Gazetted, Ministerial	Rs. 5500-175-9000/-	Selection-Cum-Seniority
6	7	8		
NA	NA	NA		
9	10	11		
N.A.	Two years for direct promotees	Promotion		
12	13	14		
Promotion:— Hindi Translator Grade-II with three years' regular service in the grade. NOTE : Where Junior who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualification/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less and have successfully completed their	Group 'B' Departmental Promotion Committee (For Considering Promotion):— 1. Deputy Director General, Assam Rifles —Chairman 2. Director (Adm), Dte General, Assam Rifles —Member 3. Assistant Director (A), Dte General, Assam Rifles —Member.	Consultation with UPSC not necessary.		

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12

probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying/eligibility service.

[F. No. I. 45028/3/99-Pers.II]

A BHATTACHARYA, Under Secy.

Note :—The Hindi Translator Grade I (Group 'B') and Hindi Officer (Group 'B') Recruitment Rules, 2001 were published in the Gazette of India vide GSR No. 579 dated 10th October, 2001.

पहला दृष्टि
FIRST SIGHT DAB

प्राप्त
BRANCH

निदेशक/DGAR

निदेशक/DDGAR

निदेशक (प्रशासन) / Dir (Adm)

निदेशक (वित्त) / Dir (A)

निदेशक (वित्त) / Dir (A)

निदेशक (वित्त) / Dir (A)

निदेशक (वित्त) / Dir (A)

निदेशक (वित्त) / Dir (A)

निदेशक (वित्त) / Dir (A)

2606
28/1

ANNEXURE - IV

-61-

**SELF CONTAINED NOTE FOR DPC FOR THE YEAR 2003-04
(01 APR 2003 TO 31 MAR 2004) FOR PROMOTION TO THE
POST OF HINDI OFFICER FROM HINDI TRANSLATOR
GRADE-I TO BE HELD ON JAN 2003**

1. This Force was authorized 3 posts of Hindi Officer in the pay scale of Rs 6500-10,500/-.

As per approved Recruitment Rules the method of rect is as under :- (RR at flag A).

- (a) 67% - Promotion failing which by deputation.
- (b) 33% - Deputation failing which by direct recruitment.

2. Out of 3 posts, one post has been filled by deputation by departmental candidate Shri NS Rathore, Hindi Translator Grade-I for 3 years wef 29 Jun 2000(FN) to 28 Jun 2003 (AN).

3. MHA had however abolished Hindi Posts being vacant for more than one year. Subsequently MHA has given sanction for revival of one post of Hindi Offr. This post has also been filled by deputation by Shri Badari Yadav, Sr Translator of Central Translation Bureau, Dept of Official Language MHA, New Delhi for 3 years wef 11 Jul 2002 to 10 Jul 2005.

4. As per RR, promotion to the post of Hindi Offr is to be made from Hindi Translator Grade-I having 3 yrs regular service in the grade on selection cum seniority basis. The following staff were promoted to the post of Hindi Translator Grade-I as per details given below :-

S/No	Name	Date of promotion to the post H/Translator Gde-I	Date of Completion of 3 yrs service in Gde-I	Remarks
(a)	Shri NS Rathore	29-10-99	29-10-02	Appt as Hindi Offr on Deputation basis for 3 yrs Wef 29-6-2000 to 28-6-2003.
(b)	Shri Asit Kamal	03-04-2001	03-04-2004	
(c)	Shri Brijesh K Pandey	25-10-2002	25-10-2005	
(d)	Shri Devendra Singh	25-10-2002	25-10-2005	

5. It may be seen that Shri NS Rathore has completed 3 yrs service in the Gde-I as on 01 Jan 2003 as per crucial date for determining eligibility service for DPC year 2003-04 and therefore became eligible for regular promotion to the post of Hindi Officer.

6. DPC statement showing details of vacancies and Aet folder are submitted to DPC for perusal please.

(IM Singh)
Lt Colonel
SO-1 (A)

VACANCY POSITION IN RESPECT OF HINDI OFFICER
IN ASSAM RIFLES FOR PROMOTION

Name of Cadre	Vacancy		Total
	Existing	Anticipated	
Hindi Officer	01		01

Authenticated by



(IM Singh)
Lt Colonel
Staff Officer (A)
For Director General
Assam Rifles

24 Jan 2003

63-

INTEGRITY CERTIFICATE AS PER ITEM 9 OF DPC
PROFORMA FOR PROMOTION

Certified that the records of service of the Hindi Translator Grade-I as mentioned under Annexure-I (attached) who are to be considered for promotion in their respective grade have been carefully scrutinised and it is certified that there is no doubt about their integrity.

Authenticated by

(IM Singh)
Lt Colonel
Staff Officer (A)
For Director General
Assam Rifles

24 Jan 2003

36.

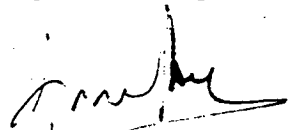
-64-

Annexure-I

ITEM NO 7 OF THE DPC PROFORMA SENIORITY
LIST HINDI TRANSLATOR GRADE-I - DPC YEAR 2003-04 (01 Apr 2003 to 31 Mar 2004)
AS ON 01 JAN 2003

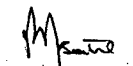
Ser No	Name of the Officer	Whether belongs to SC/ST	Date of birth	Date of regular appt in present post	UPSC ref in which appt in present post	Post held substantively	Remarks of last 5 ACRs					Recommendation of the DPC
							1997-1998	1998-1999	1999-2000	2000-2001	2001-2002	
1.	Shri Narendra Singh Rathore	Neither	31-07-59	29-10-99	-	-	V/Good	V/Good	V/Good	Good	Average	Not recommended as lacking ACR criteria
2.	Smti Asit kamal	Neither	10-01-70	03-04-2001	-	-	V/Good	V/Good	V/Good	V/Good	V/Good	Not recommended due to lack of eligibility service
3.	Shri Brijesh Kumar Pandey	Neither	05-08-75	25-10-2002	-	-	-	-	Good	V/Good	V/Good	do
4.	Shri Devendra Singh	Neither	25-06-75	25-10-2002	-	-	-	-	Good	Good	Good	do

Chairman :



 (Maj Gen Arun Roye, VSM)
 ADGAR,

28 Feb 2003

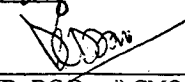
Members :

1. 
 (Brig PR Batra)
 Brig (Adm)

28 Feb 2003

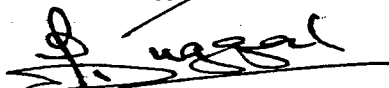
2. 
 (Lt Col IM Singh)
 SO1(A)

28 Feb 2003

3. 
 (Dr DC Deuri) CMO)
 (rep of SC/ST)

28 Feb 2003

Approved/Not approved



(GK Duggal)
 Lt Gen
 Director General Assam Rifles

28 Feb 2003

74

37

-65-

ANNEXURE-V

(324)

KS

Tele No :705075

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahavidyalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011


A/1-A/25/Part-II/99 / 222

04 Jul 2003

Headquarters
IGAR(N)
C/o 99 APO

**APPLICATION FOR REGULARISING THE
APPOINTMENT OF HINDI OFFICER**

- P-322/c
1. Reference your VI.104/EST/2003/1088 dated 16 Jun 2003.
 2. It is to inform you that the case of Shri NS Rathore, Hindi Officer has been considered with due merit. However, since he has not fulfilled the requirement of DPC for promotion to Hindi Officer, he has been reverted back to his original grade after termination of his deputation period.
 3. You are requested to apprise the officer accordingly.


(M Singh)
Lt Colonel
Staff Officer-1 (A)
For DG Assam Rifles

MC
L
27/7
8/7

- 38 -

76
Filed by the
Applicant: Tharun
Dilip Bhasin
Advocate
29/3/04

2.9 MAR 2004
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : AT GUWAHATI

O.A. NO. 154/2003

Shri Narendra Singh Rathore

....Applicant

-vs-

Union of India & others

....Respondents

(A Rejoinder filed by the applicants against the written
statements of the Respondents No. 1 to 4)

The re-joinder of the applicant is as follows:

1. That a copy of the written statements (hereafter referred to as the "WS") filed by the respondents No. 1 to 4 has been served on the applicant. The applicant has gone through the same and under stood the contents thereof.
2. That save and except whatever has been specifically admitted in this re-joinder, the other statements made in the written statements filed by the respondents are hereby denied by the applicant.
3. That with regard to the statements made in para 1 and 2 of the WS, the applicant begs to offer no comments as they are matters pertaining to record and nothing is admitted which is not supported by such records.
4. That with regard to the statements made in para 3 of the WS, the applicant reiterates the statements made in para 4.3 of the Original Application. The applicant further begs to rely upon the

Narendra Singh Rathore

para 7 of the OM No. AB.14017/71/89/Est (RR) dated 3.10.1989. The applicant further begs to state that the departmental officers falling under the feeder category who as per the provisions of the Recruitment Rules are in direct line of promotion should not be considered for appointment by transfer on deputation. It is pertinent to mention here that the applicant was holding the post of Hindi Translator Grade I (which is the feeder grade for the post of Hindi Officer) before his appointment as Hindi Officer on deputation basis, and he completed 3 years of regular service as Hindi Officer on deputation.

The applicant further begs to state that the statements made in by the respondents are not true and are contrary to the records. It is stated in the WS that the new Recruitment Rules were introduced on 8.5.2002 and these set of rules provides for creation of three new posts of Hindi Officer out of which 67% shall be filled up by promotion and the rest by deputation. This clearly indicates that the post in which the applicant was posted on deputation was purely a promotional post. But the respondents have interpreted this provision in a contrary way.

The applicant further states that the new Recruitment Rules provides that the candidates from the feeder grade are not eligible for appointment on deputation. But the respondents erroneously put him on deputation instead of promoting him although he was in the direct line of promotion being a candidate from the feeder category. In this respect, the contention of the applicant is that he had completed more than 2 years of regular service as Hindi Officer on deputation even after the enforcement of the new recruitment rules and besides he was duly selected by the UPSC. The applicant here further reiterates that he submitted several representations to the respondents for regularization/ absorption/ extension of his service as Hindi Officer with due recommendation of the competent authority. But the case of the applicant was not considered by the respondents assigning the reason that his

Narendra Singh Rathore

promotion to the aforesaid post has not been recommended by the Departmental Promotion Committee (hereafter "DPC") for the year 2003-2004 due to lack of ACR criteria. Accordingly, he was reverted back to the parent post of Hindi Translator Grade I after completion of the deputation period. In this regard, the settled position of law is that if an officer is working in higher grade, his ACR is to be upgraded by one grade while comparing his case with others who are in the feeder grade. In the instant case, the 5 grading of ACR of the DPC of the applicant have been shown as 'very good', 'very good', 'very good', 'good' and 'average'. As per the provision of the above ruling, his ACR grading becomes 'very good', 'very good', 'very good' and 'very good' and 'good'. Hence, the applicant fulfils the ACR criteria for promotion, as the grading of 'good' is the benchmark for promotion.

That the applicant further begs to state that he has been awarded the average grading in the ACR in the year 2001-2002. But this adverse remark has never been communicated by the respondents and except this he has never been awarded any such remark in the entire 24 years of his unblemished service career. In this connection, the settled legal provision is that an adverse report in the ACR cannot be acted upon to deny the promotional opportunities unless it is communicated to the person concerned. A grading which is below the benchmark amounts to adverse remark in the ACR and hence, is required to be communicated to the person concerned for making improvements by him, otherwise that may adversely affect his service career. The respondents however, did not give any reasonable opportunity for improvement to the applicant; hence, natural justice has been denied to him.

5. That with regard to the statements made in para 4 of the WS, the applicant begs to offer no comments.

Narendra Singh Rathore

6. That with regard to the statements made in para 5 of the WS, the applicant reiterates the foregoing statements made in para 3 of this rejoinder.
7. That with regard to the statements made in para 7 and 8 of the WS, the applicant reiterates the foregoing statements made hereinabove. The applicant further submits that as mentioned earlier, it was the error on the part of the respondent authorities who posted him on deputation as Hindi Officer and for that fault of the respondents, the applicant has been deprived of direct promotion even though he is in the direct line of promotion being a departmental candidate. Hence, the impugned orders are liable to be set aside and quashed and service of the applicant be regularized in the post of Hindi Officer instead of reversion to Hindi Translator Grade I.

Narendra Singh Rathore

VERIFICATION

I, Sri Narendra Singh Rathore, son of Late Sriram Singh Rathore, aged about 45 years, permanent resident of Village and P.O. Kaila, District- Etah (Bihar), at present working as Hindi Officer (since reverted) in the Head Quarter, Inspector General, Assam Rifles (North) C/o. 99 APO, do hereby solemnly affirm and state that the statements made in the application in para 1 to 6 and 7 are true to my knowledge and belief, those made in para — — — — being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this 29th day of March, 2004 at Guwahati.

Narendra Singh Rathore

Deponent