

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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FORM NO. 4.
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 249/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(S): Miss H.L. Thumpi Arad

Respondant(S): U.O.P. Jors

Advocate for the Applicant(S): Mr. P. Bhowmick

Advocate for the Respondant(S): Sr. C.A.S. G. Baishya

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C.P. No. 249/05 deposited vide PC/205 No. 26.G.318274 Dated 15.9.05 <i>[Signature]</i> Dy. Registrar	19.9.05	Heard Mr P. Bhowmik, learned counsel for the applicant and Miss U. Das, learned Addl. C.G.S.C for the respondents. post on 21.9.05 for admission. <i>[Signature]</i> Vice-Chairman
<i>Steps taken with</i> <i>envelops.</i> <i>[Signature]</i>	21.9.05	Since Ms. U. Das learned Addl. C.G.S.C. appearing for the Respondents has raised preliminary question regarding jurisdiction. Mr. P. Bhowmick learned counsel for the applicant seeks for time. Post the matter on 11.11.05. <i>[Signature]</i> Vice-Chairman
<i>[Signature]</i>	11.11.2005	Mr. P. Bhowmick, learned counsel for the applicant and Ms. U. Das, learned Addl. C.G.S.C. are present. Ms. U. Das submits that a written statement is being prepared and the same will be filed shortly. Post on 5.12.2005. <i>[Signature]</i> Vice-Chairman

5.12.2005

Mr. P. Bhowmick, learned counsel for the applicant and Ms. U. Das, learned Addl. C.G.S.C.2 for the respondents are present.

Mr. Bhowmick, counsel for the applicant submits that the respondents have filed their written statement and therefore, the applicant wants to file rejoinder.

Post on 20.01.2006.

Vice-Chairman

2-12-05

WLS has been filed.

20

mb

19-1-06

No rejoinder filed.

mb

20.01.2006 Present : Hon'ble Sri K. V. Sachidanandan, Vice-Chairman.

The issue involved in this case is regularisation of the applicant who has been worked in the Border Security Force Base Hospital and according to her, she is a civil servant as contemplated in CCS Rules. It is also her case that Sri Suresh Devi has already been regularised and she has got Discriminative treatment from the respondents.

When the matter came up for hearing the applicant has filed rejoinder. Ms. U. Das, learned Addl. C.G.S.C. submitted that she will file additional written statement, if necessary. Four weeks time is granted.

Considering the larger issue involved in this case, the O.A. may be admitted. Admit, keeping question of jurisdiction open.

Post after four weeks before the Division Bench.

Vice-Chairman

22.11.05

WLS filed by the respondents.

AS

25.1.06

A. Rejoinder to the WLS filed by the Applicant.

mb

Notice and order dt. 20/01/06 sent to D/section for issuing to resp. nos. 1 to 6 by regd. A/D post.

27/1/06, D/No=139 to 144 Dt=30/1/06

Notice duly served on resp. nos. 4, 5, 6, 1.

Notes of the Registry	Date	Order of the Tribunal
<p>Reply to the rejoinder has been filed by the respondent.</p> <p>NE 26.4.06</p>	9.8.2006	<p>Learned counsel for the applicant was represented that he is not ready with the matter. Post the matter before the next Division Bench.</p> <p><i>[Signature]</i> Member (A)</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>12.5.06</p> <p>An additional affidavit filed by the applicant.</p> <p><i>[Signature]</i></p>	bb	
	26.2.07.	<p>Post the matter on 28.2.07.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
	lm	
<p>28.7.06</p> <p>Reply to the additional affidavit filed.</p> <p><i>[Signature]</i></p>	28.2.07	<p>On the prayer of the counsel for the applicant post the case on 22.3.07.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
	pg	
<p><i>[Signature]</i></p> <p>The case is ready for hearing.</p> <p><i>[Signature]</i> 8.8.06</p>	22.3.07.	<p>None appears for the applicant. Despite fact that many occasions has been given to the respondents to produce ACRs. But the respondents has not been produced the same. The counsel for the respondents is directed to produce the same. If it is not the concerned officer will be summoned on the next date. Post the matter on 25.4.07.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>10.8.06</p> <p>An additional affidavit filed by the applicant.</p> <p><i>[Signature]</i></p>	lm	
	22.3.07.	<p>None appears for the applicant. Let the case be listed on 25.4.07.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>28.12.06</p> <p>Reply filed by the respondents Nos. 1 to 6.</p> <p><i>[Signature]</i></p>	lm	
<p>The case is ready for hearing.</p> <p><i>[Signature]</i></p>		

O.A.249/05

05.05.2008

This matter stands adjourned to
28.05.2008 for hearing.

The case is ready
for hearing.

/bb/

27.5.08.

(Khushiram)
Member (A)

28.05.2008

no applicant is present
None for the Applicant/Mr.G.Baishya,
learned Sr. Standing counsel appearing for
the Respondents is present.

Call this matter on 17.06.2008.

The case is ready
for hearing.

16.6.08

lm

(Khushiram)
Member(A)

17.06.2008

None appears for the Applicant nor the
Applicant is present. Mr.G.Baishya, learned Sr.
Standing counsel for the Union of India, seeks
an adjournment of the hearing of this case.

Call this matter on 23.07.2008 for hearing.

Send copies of this order to the Applicant
and the Respondents; who should come ready
to participate in the hearing on the next date.

Dt. 17.6.08

Pl. send copies of this
order to the Applicant
and Respondents.

17/6/08

Order dt. 17/6/08

Send to D/Section
for issuing to applicant
and to the respondents
by post.

/bb/

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

Ces
D/No-2899 to 2308-2008
Dt. 23/6/08.

The case is ready
for hearing.

22.7.08.

Call this matter on 09.09.2008 for
hearing.

~~Mr P. Bhowmick, learned Counsel
appearing for the Applicant is present. Mr
G. Baishya, learned Sr. Central Government
Standing Counsel appearing for the
Respondent/Department is absent.~~


23.08.2008

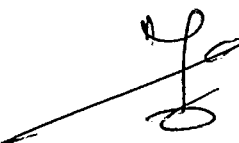
Mr P. Bhowmick, learned Counsel appearing for the Applicant is present. Mr G. Baishya, learned Sr. Central Government Standing Counsel appearing for the Respondent/Department is absent.

The case is ready for hearing.

8.09.2008.

Call this matter on 09.09.2008 for hearing.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

nk m

09.09.2008

Counsel for the Applicant is not present. Mr. G. Baishya, learned Sr. Standing counsel appearing for the Respondents is present.

The case is ready for hearing.

4.11.08

Call this matter on 05.11.2008.


(Khushiram)
Member(A)

lm

05.11.2008

Heard Mr. P. Bhowmick, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel representing the Respondents.

(2) This O.A. was admitted on 28th January, 2006.

(3) During pendency of this case, Annexure-13 dated 13.06.2006 and Annexure-14 dated 29.09.2007, were issued by the Respondents and by filing the M.P.No.135 of 08 the Applicant intends to bring those developments on record; by way of amending of the Original Application No.249 of 2005.

Contd/-

Contd/-

05.11.2008

(4) Applicant intends to bring new paragraphs 4.11 and 5.5 in the O.A. He also intends to substitute existing Paragraphs 6 and 8 of the Original Application by new Paragraph 6 and 8. He intends to Annexure-2 new documents as Annexures-13 and 14 to the Original Application.

5. While granting liberty to the Respondents to file their additional written statement to the new paragraphs (now sought to be incorporated by way of amendment of O.A.); the prayer to amend the Original application is hereby allowed. Accordingly, the M.P. No. 135 of 08 is hereby disposed of.

6. Mr. P. Bhowmick, learned counsel appearing for the Applicant undertakes to file amended O.A by 14th November 2008. He also undertakes to supply seven extra copies of the amended O.A. to Mr.G.Baishya, learned Sr.Standing Counsel representing the Respondents by 14th November, 2008.

7. Mr.G.Baishya, learned Sr.Standing Counsel intends to file additional written statement (to be amended O.A.) by 15th December 2008.

8. Call this matter on 15th December 2005 awaiting additional written statement from the Respondents.

9. Send copies of this order to the Respondents in the address given in the O.A and free copies of this order be supplied to the learned counsel appearing for both the parties.

(S.N.Shukla)
Member(A)

(M.R.Mohanty)
Vice-Chairman

Rise petition
to 135/08 disposed
and kept in 'c' file.

Dis
14/11/08

Received 7 amended
copies of the OA on
behalf of Mr. G. Baishya
G. C. S. C. CAT.

Approved by
14.11.08.

14.11.08

Amended petition
has been filed by
the Applicant,
undertaking given
for service copy.

Dis
14/11/08

15.12.2008

Mr. P. Bhowmick, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents are present.

Call this matter on 03.02.2009.

The case is ready
for hearing.

19.3.09

/lm/

(S.N.Shukla)
Member (A)

03.02.2009

Call this matter on 20.03.2009 for hearing before the Division Bench.

(M.R.Mohanty)
Vice-Chairman

/bb/

The case is ready
for hearing.

28.4.09

20.03.2009

None for the Applicant. Mr.G.Baishya, learned Sr.C.G.S.C. for the Respondents.

Adjourned to be taken up on 29.04.2009.

(A.K.Gaur)
Member (J)

/bb/

4.5.09
W/S filed
by Mr. G. Baishya,
Sr. CGSC on behalf
of Respondents.

lm

29.04.2009

Call this matter on 16.06. 2009 for hearing.

(M.R.Mohanty)
Vice-Chairman

12.06.2009

Call this matter on

02.08.2009 for hearing.

(M.R.Mohanty)
Vice-Chairman

the case is ready^{lm}
for hearing.

31.7.09

03.08.2009 On the prayer of Mr.
P.Bhowmick, learned counsel for the
Applicant, call this matter on 7th
September, 2009.

(M.K.Chaturvedi)
Member(A)

(M.R.Mohanty)
Vice-Chairman

/lm/

03.09.2009

On the prayer of Mr.P.Bhowmick,
learned counsel appearing for the Applicant
and Ms. U.Das, learned Addl. Standing
counsel, call this matter on 22.10.2009 for
hearing.

(M.K.Chaturvedi)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

22.10.2009

Heard learned counsel for both sides.

Hearing concluded. Judgment reserved.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

27.10.2009

Judgment pronounced in open court.

The O.A. is dismissed in the terms of the
order passed separately.

(Madan Kumar Chaturvedi),
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

4.9.2009

Composite list
of dates has been
filed by the d/Adv.
in the Appellate.

4/9/09

The case is ready
for hearing.

21.10.09

29/10/09

Copy of Judge's order dtd
27/10/09 has been
prepared and send to the
D/section for issuing to the
Applicant & Respondents by post
Free copies of both
side standing counsel
be hand.

29/10

9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A.No. 249 of 2005

Dated 27.10.2009

Miss H.L. Thumpi Anal

Applicant

By Advocate Mr. P. Bhowmick

Versus

Union of India & others

Respondents

By Advocate Ms. Usha Das, Addl. C.G.S.C.

Present: The Hon'ble Mr. Mukesh Kumar Gupta, Member(J)
The Hon'ble Mr. Madan Kumar Chaturvedi, Member(A)

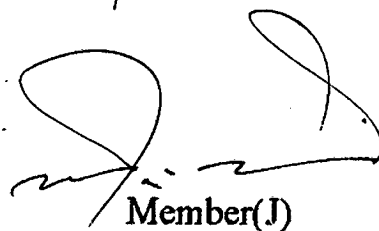
1. Whether reporters of local newspapers may be allowed to see the Judgment?
2. Whether to be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether to be forwarded to other Benches?

Yes/No

Yes/No

Yes/No

Yes/No


Member(J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 249 of 2005

Guwahati, this the 27th day of October, 2009

The Hon'ble Mr. Mukesh Kumar Gupta, Judicial Member
The Hon'ble Mr. Madan Kumar Chaturvedi, Administrative Member

Miss H.L. Thumpi Anal,
D/o Late Sh. Hulang Mono Anal,
Resident of Vill. Berukhudam,
P.O. Sungu, Dist. Chandel,
Manipur.

Applicant

By Advocate Mr. P. Bhowmick

Versus

1. Union of India,
Represented by the Secretary,
Ministry of Home Affairs,
New Delhi- 110 001
2. The Director General
Border Security Force,
Block No.10, Lodhi Road,
New Delhi- 110 003
3. The Inspector General,
Border Security Force,
Tripura, Cachar & Mizoram,
Frontier Headquarters,
Shillong-6, Meghalaya
4. The Director (Medical),
Border Security Force,
Block No.10, Lodhi Road,
New Delhi- 110 003
5. The Assistant Director (Medical),
Border Security Force,
Salbagan, Agartala- 799 012
6. The Assistant Director (Welfare),
Frontier Headquarter,

Border Security Force,
Block No.10, Lodhi Road,
New Delhi- 110 003

Respondents

By Advocate Ms. Usha Das, Addl.C.G. S.C.

ORDER
O.A.No. 249 of 2005

MUKESH KUMAR GUPTA MEMBER(J):-

In this O.A. filed under Section 19 of the A.T. Act, 1985 as amended, Applicant challenges validity of order dated 13th June, 2006 (A-12) as well as order dated 28/29th September, 2007 (A-13) whereby she was appointed as Midwife on a consolidated salary on purely temporary and contract basis. She also seeks a direction to the Respondents to reinstate her in the post of Auxiliary Nurse Midwife and regularize her services with effect from 26th September, 1997, i.e. the date of her initial joining with all consequential benefits.

2. The facts, as stated, are that pursuant to her application dated 07.06.1997 and consequent upon interview, she was appointed as Auxiliary Nurse Midwife vide letter dated 26th September, 1997 on terms and conditions prescribed therein, namely, that her service will be temporary, which can be terminated without assigning any reasons before expiry of term of contractual period. Initially, she was posted at Pallel in the State of Manipur with 55th Battalion BSF, and, later, in July 2000, she was again transferred to 37th Battalion, BSF and, thereafter, she was transferred to Frontier Headquarter at Shalbagan, Agartala. She had served as Civilian staff. On 17th March, 2005, she made a representation seeking regularization. She also belongs to

S.T. Community. In response to her representation, she was informed that her case for regularization had been considered, and since there were only two sanctioned non-combated post of AYA/ANM, which were duly filled, there was no scope for her regularization. In response thereto, she made further representation and conveyed that one Suresh Devi has been transferred to Delhi, and vacancy is available. Despite serving with sincerity, honesty and with utmost dedication, instead of regularizing her, the Respondents have discontinued her services. Prior to it, vide impugned communications dated 13th June, 2006 as well as 28/29th September, 2007, they changed her status from "temporary" to "contractual appointment" and was paid consolidated amount, instead of pay-scale, in which she was appointed, namely, Rs. 800-25-1200/-.

3. Shri P. Bhowmick, learned Counsel appearing for the Applicant vehemently raised the following contentions:-

(i) That she was not in affordable bargaining position. Her terms and conditions of service were varied to her prejudice, which is totally illegal and arbitrary besides unjust in law. When she joined the Respondents, she was within age-limit and now has become over-age. For regularization of her services, the Respondents have exploited her and did not act as a model employer. It was totally unfair on their part to refuse regularization on specious plea. It is well settled that for any reason, ad hoc or temporary employee continuing for a long period must be considered for regularization. She was fully eligible from all angle.

(ii) As the Respondents have constructed a new Base Hospital at Shalbagan, Tripura, there would be enough number of vacant posts of ANM against which her services can be regularized. Respondents' action in not regularizing her services is illegal, arbitrary and violative of Article 14 of the Constitution of India. Similarly situated official, namely, Smt. Suresh Devi, who was also paid out of Special Relief Fund, has been regularized ignoring her, which is ex-facie violative of Article 14 of the Constitution of India. Strong reliance has been placed on AIR 2008 SC 336, BCPP Mazdoor Sangh v. N.T.P.C., particularly para 29 to contend that the Government or its instrumentality cannot alter the conditions of service of its employees and any such alteration causing prejudice cannot be effected without affording opportunity of pre-decisional hearing to employees and such would amount to arbitrary and violative of Article 14. Learned Counsel also contended that the Respondents have violated their own rule/standard of procedure (hereinafter referred as 'SOP') devised and issued on 01.10.2007(Annexure-I). Our attention has been drawn to clause 4 of said SOP which provides that such instructions shall have no bearing on the pay scales of existing staff appointed out of private fund and shall continue to be governed by the existing instructions till their contract/service expires or they opt for this contract on their own. It was emphasized that said para 4 is a Saving Clause and the Respondents vide reply/ para 16 have stated that due to introduction of newly framed SOP, her services have been terminated. Her nature appointment was changed from temporary to contractual. It was

emphasized that such action was preposterous. Reliance was placed on 1990 Supplementary SCC 191, MMR Khan & Ors. Vs. Union of India & others. Rule 2(d) of the SRF Rules, 1998 was also relied upon to contend that person who have been paid from private funds of BSF forms part of the 'member' of the Force.

(iii) The Applicant has become over-age and the Respondents have refused to regularize her service. The Respondents' action is totally abject and in violation of the principles of natural justice. This should shock the conscience of the Tribunal and necessary directions be issued to the Respondents to regularize her service.

(iv) No notice has been issued or served prior to her termination/disengagement. This shows that the Respondents' action is illegal, unjust and arbitrary.

4. By filing written statement, the Respondents have pointed out that she was appointed temporarily out of Special Relief Fund. Special Relief Fund is a purely private fund, which is run with own resources of the Department and it has no connection with the Government service. The source of income was also detailed vide reply para 3. On merit, it was stated that her request for regularization as ANM was rejected vide communication dated 30th May, 2005 as only two non-combatized post of Aaya have been sanctioned, which have already been filled. She should apply for said post as and when the vacancies against said post is advertised. There is no vacancy of ANM at present. Her temporary contractual appointment order was issued for a period of one year from 5th April, 2007 to 4th April, 2008

vide communication dated 28/29th September, 2007, has ended automatically based on latest SOP. Furthermore, a request for continuation of temporary appointment cannot be considered as new SOP provides guidelines and source of appointment, as detailed vide para 6 therein. Even the authority to appoint such candidate, the period for which they can be appointed has also been detailed vide paras 7 and 8 therein. Applicant does not fall within the parameters prescribed therein, emphasized Ms. Usha Das, learned Addl. Standing Counsel appearing for the Respondents. Placing strong reliance on (2006) 4 SCC 1, Secretary, State of Karnataka v. Uma Devi, it was emphasized that she has no legal right of regularisation. The regular appointment can be made only in terms of recruitment rules and not otherwise. Furthermore, regularisation can be made only where appointment is irregular and not illegal and persons are qualified for regularization against sanctioned posts. Learned Counsel further emphasized that the Respondents have no requirement for Applicant's service, and therefore no direction can be issued by the Tribunal, as prayed for.

5. We have heard learned Counsel for the parties, perused the pleadings and other materials placed on record, besides judgments cited by both sides as noticed hereinabove.

6. The only question which falls for consideration in this case is whether the Applicant has any legal and vested right of regularization. On examination of facts, as noticed hereinabove, we observe that it is not in dispute that she was appointed temporarily on ad hoc basis,

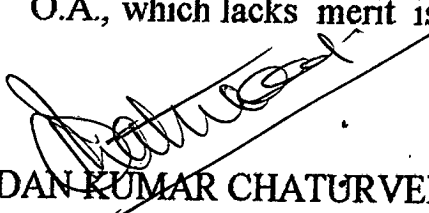
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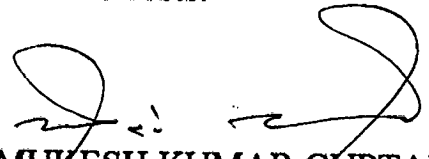
but later the nature of appointment has been changed to contractual vide order dated 13th June, 2006. A bare perusal of said order would reveal that she was appointed on a consolidated salary for a period of one year on the terms prescribed therein, which included that her services can be terminated without assigning any reasons before expiry of the terms of contractual period and the same would not confer any right on her to claim for regularization. Her service was further extended for a period of one year vide order dated 28/29th September, 2007 with effect from 05.04.2007 to 4.04.2008. Said terms and conditions had not been challenged immediately and rather the same were accepted without any demur. It is only on expiry of said contractual period, said orders came to be challenged by amending present O.A. and, that too, when she was disengaged. We may also note that the Respondents' specific case is that there exists no post of ANM against which she can be regularized. Two sanctioned posts in the said cadre have already been filled and thus there is no further scope for her continuing as well as regularization. It is well settled law that a Court can direct for regularization only when there exists a clear vacancy and not otherwise. Neither post exists nor there is a requirement to engage her. So how she could be engaged and continued? We may also observe that Applicant has no legal and vested right seeking regularization. Her appointment was temporary and later contractual. An employee has no right either continuing in service where there is no requirement. Furthermore, the Respondents have framed SOP for appointment out of BSF private fund, as

Annexure-I known as 'SOP FOR APPOINTMENT OUT OF BSF PRIVATE FUNDS AT FHQ/FIELD FORMATIONS ON CONTRACTUAL BASIS'. Said guidelines and instructions which are very comprehensive have not been challenged in present O.A. On examination of said policy, we note that even the period of contractual appointment has been prescribed i.e. maximum three years except in exceptional cases where approval of DG, BSF is mandatory. Furthermore, clause 4 of said guidelines, which is a Saving Clause, prescribes that said: "instructions shall have no bearing on pay scales of existing staff appointed out of private funds" As such said clause do not have any relation either with the terms and conditions of appointment or nature of service either temporary or contractual. We may also note that her appointment as contractual was changed much prior to formulation of said policy, which was issued on 01.10.2007. Furthermore, para 6 thereof clearly stipulates "Source of Appointment" and the order of priority for such appointment is also detailed therein. Applicant's case does not fall within the conditions and parameters prescribes therein. Examining the present case from this angle also we also observe that she did not satisfy the instructions and guidelines prescribed by the Respondents. Taking a cumulative view of the matter, we have no hesitation to conclude that she has no legal and vested right either for continuing in service, as temporary or on contractual basis as well as to seek regularization. The

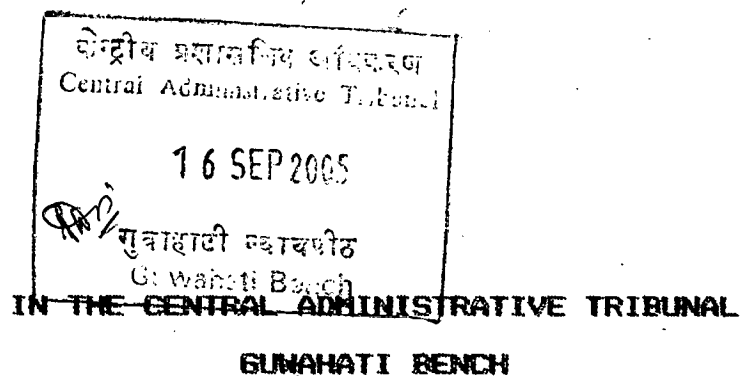
Respondents have committed no illegality warranting any judicial interference by this Tribunal.

7. O.A., which lacks merit is dismissed. No costs.


(MADAN KUMAR CHATURVEDI)
MEMBER(A)


(MUKESH KUMAR GUPTA)
MEMBER(J)

cm



249

Original Application No. /05

Miss H.L. Thumpi Anal

.....Applicant

-VS-

Union of India & Ors.

.....Respondents.

SYNOPSIS AND LAST OF DATES

- 7/06/97** : Applicant applies for appointment as Auxillary Nurse Midwife (for short 'ANM').
- 26/09/97** : Pursuant to interview held the applicant appointed as ANM and posted at Pallel, Manipur with the 55 Battalion BSF.
- July, 2000** : Applicant transferred to 37 Battalion, BSF.
- November. 2003** : Applicant transferred to Frontier, H.Q. BSF at Shalbagan, Tripura.
- 17/03/2005** : Representation made by the applicant to Respondent No. 3 praying for regularisation which was duly recommended by the competent authority.

H. L. Thumpi Anal

1/08/05

: Representation made by the applicant to the respondent No. 3 praying for regularisation of her service in view of availability of post of ANM at Base Hospital, Kadamtola.

20/7/99, 22/11/03 : Certificates issued by the competent authority appreciating the service of the applicant.
31/3/2005

*** X ***

Pallab Ghosh
Advocate
16.09.05.

H. L. Thumpi Aneel

Contd.....p/

16 SEP 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
(An application under Section 19 of the Central Administrative Tribunal Act, 1985.

Title of the Case : O.A. NO. 249 OF 2005

Miss H.L. Thumpi Anal ...Applicant.

-VERSUS-

Union of India & Ors..Respondents.

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
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2.	Verification	10
3.	Annexure - 1	11
4.	Annexure - 2	12
5.	Annexure - 3	13
6.	Annexure - 4	14
7.	Annexure - 5	15
8.	Annexure - 6	16
9.	Annexure - 7	17
10.	Annexure - 8	18 & 19
11.	Annexure - 9	20
12.	Annexure - 10	21
13.	Annexure - 11	22

For use in Tribunal's Office

Registration NO.	:
Date of Filing.	:

H.L. Thumpi Anal

Contd....p/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

ORIGINAL APPLICATION NO. 249 /2005

28
Filed by the
applicant through:
Pallab Bhattacharya
Advocate, 18.09.05.

Miss H.L. Thumpi Anal,
D/o Late Sh. Hulang Mono Anal,
Auxillary Nurse Midwife,
Frontier Hospital,
Border Security Force,
Shalbagan, Agartala.

...Applicant.

- - AND - -

1. Union of India,
Represented by the Secretary,
Ministry of Home Affairs,
New Delhi.

2. The Director General,
Border Security Force,
Block No.10, Lodhi Road,
New Delhi-110003.

3. The Inspector General,
Border Security Force,
Tripura, Cachar & Mizoram.

4. The Director (Medical),
Border Security Force,
Block No. 10, Lodhi Road,
New Delhi-110003.

H.L. Thumpi Anal

Contd.....p/

5. The Assistant Director (Medical),
Border Security Force,
Shalbagan, Agartala,
Block No. 10, Lodhi Road,
New Delhi-110003.

6. The Assistant Director (Welfare),
Frontier Headquarter,
Border Security Force,
Block No. 10, Lodhi Road,
New Delhi-110003.

.....Respondents.

1. DETAILS OF THE APPLICATION:-

This Original Application is not directed against any specific order but the applicant is aggrieved by the inaction on the part of the Respondents in regularising the services of the applicant despite rendering continuous service as Auxillary Nurse Midwife in the Border Security Force (for short BSSF) since 26/9/97 without a single day's break.

2. JURSDICTION OF THE TRIBUNAL:

The appellant declares that the subject matter on which she seeks redressal is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION.

H.L. Thumpi Aral

Contd.....p/

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(3)

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

4. FACTS OF THE CASE:

4.1. That the applicant states that pursuant to an application made by her on 7/6/97 and the consequent interview held the applicant was appointed as Auxillary Nurse Midwife (for short 'ANM') vide letter No.IG/ADM/338/97/1607-13 dated 26/9/97 by the Deputy Inspector General and Principal Staff Officer, Frontier Head Directors, Border Security Force (for short BSF) Shilong-6, Meghalaya. The applicant was posted at Pallel in the State of Manipur with the 55 Battalion BSF.

A copy of the aforesaid letter dated 26/9/97 is annexed herewith and marked as ANNEXURE-1.

4.2 That the applicant was transferred to 37 Battalion, BSF in July, 2000 then in Manipur but subsequently, the said Battalion having shifted to Teliamura in Tripura, the applicant had served with the said Battalion till November, 2003. In November, 2003, the applicant was transferred to Frontier Head Quarter at Shalbagan, Agartala and since then the applicant is serving there as Civilian staff.

4.3. That the applicant states that on 17/3/2005, the applicant made a representation to the Inspector General, BSF, Frontier Head Quarter, T.C. & M., Salbagan,

HrL. Thumpi Arul

Contd....p/

26

(4)

Agartala praying for regularisation of her service. The said representation dated 17/3/2005 has recommended by the competent authority.

A copy of the said representation dated 17/3/2005 is annexed herewith and marked as ANNEXURE-2.

4.4 That in this connection, it would be pertinent to mention herein that the applicant is qualified to hold the post in question. The applicant had joined service on 26/9/97 at the age of 27 years within the prescribed age limit for such appointment. The applicant after completion of Higher Secondary Examination from Manipur University has also undergone training as Auxillary Nurse Midwife under the Assam, Nurses Midwives and Health Visitors Council and has accordingly been issued a Certificate that the applicant is a qualified Auxillary Nurse Midwife.

Copies of the aforesaid Educational and Professional qualification certificates are annexed as ANNEXURE-3,4 & 5 respectively.

4.5 That the applicant states that she belongs to Schedule Tribe Community and is entitled to preferential treatment in respect of governmental appointment.

A copy of the Schedule Tribe Certificate of the applicant is annexed as ANNEXURE-6.

4.6 That the applicant states that in response to an earlier representation made by the applicant which was
H.L. Thumpi Arel

Contd....p/

29

(5)

duly forwarded by the competent authority the Section Officer of BSF, Frontier Head Quarter Shalbagan informed the Section Headquarter, BSF, Nagaland & Manipur vide letter dated 13/6/2003 that the case of the applicant had been considered for regularisation by the Respondent No.3 and the Respondent No.3 had intimated that only two non-combatised of post of AYA/ANM have been sanctioned one at Base Hospital, Jalandhar for AYA and the other at based Hospital, Kadamtala for ANM.

A copy of the aforesaid letter dated 13/6/2003 is annexed herewith and marked as ANNEXURE-7.

4.7 That the applicant states that the post of ANM at Base Hospital, Kadamtola had been held by the Suresh Devi who had since been transferred to Delhi and as such, the said post being available the applicant vide representation dated 1/8/2005 addressed to the Respondent No.2 had prayed for regularisation of her service. But the said representation dated 1/8/2005 had not been considered til date.

A copy of the aforesaid representation dated 1/8/2005 is annexed herewith and marked as ANNEXURE-8.

4.8 That the applicant states from the date of her appointment in the BSF, she has been rendering service with utmost devotion, sincerity and honesty. The services rendered by the applicant has been appreciated by successive Medical Officers of the BSF under whom, the applicant had served Vide certificate dated 20/7/99, 22/11/03 and 31/3/2005.

H.L. Thumpi Avel

Contd.....p/

28

(6)

Copies of the aforesaid Certifidate are annexed herewith and marked as ANNEXURE-9, 10 & 11 respectively.

4.9 That the applicant states that because of her continuous service in the BSF for the last eight years, she has become overaged for governmental appointment else where, whereas the BSF authorities not to speak of regularisation of her service is not even paying the salary of the applicant regularly. From the date of appointment of the applicant upto March, 1998 she had been paid a consolidated pay of Rs. 800/- only. From April 1998 to March, 1999 she had been paid a consolidated salary of Rs. 2000/-. Then again from April, 1999, the applicant had been paid a consolidated salary of Rs. 2050/- only upto May, 2005. From June, 2005, the applicant has been paid Rs. 3,000/- per month. Whereas, similarly situated regularly employed persons performing the same duties as the applicant are placed in the pay scale of Rs. 4000/- to 6000/-. That apart even the meagre salary paid to the applicant is also not paid regularly, for instance the salary for the month of July, 2005 has not been paid till date.

4.10 That the applicant states that now she had come to know from the reliable sources that there is a move on the part of the Respondents to discontinue her services. In that eventuality, the life of the applicant would be doomed, she being a poor tribal lady she would be reduced to penury and would have to live life like a destitute. It is in such heart rendering circumstances

H.L. Thompson

Contd....p/

(7)

that the applicant has been constrained to approach this Hon'ble Tribunal.

5. GROUNDS FOR RELIEF WITH LEGAL PREMISES.

5.1 For that, it was improper on the part of the Respondents to use the services of the applicant in an exploitative manner for the last 8 years and than contemplate to leave her in the lurch. It does not behove of a model employer like the 'state' to behave in such a manner.

5.2 For that it is unfair on the part of the respondents to refuse to regularise the service of the applicant in view of the fact that a post of ANM being available at Base Hospital, Kadamtola and the applicant having rendered 8 (eight years) of continuous service is entitled to get her appointment considered for regularisation. More particularly in view of the fact the applicant is thoroughly qualified to be appointed against the post in question. The applicant being qualified for such regular appointment since the date of her initial appointment on 26/9/97.

5.3 For that it is an established principle of law, that, if for any reason an adhoc or temporary employee is/are continued for a fairly long spell the competent authorities must consider the case of the concerned employee for regularisation provided the concerned employee is eligible and qualified according to the Rules and the service record is satisfactory. That being

H.L. Thumpi Amal

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(8)

so in the instant case it is unfair on the part of the respondents to refuse to regularise the service of the applicant.

5.4 For that the applicant states that apart from the post of ANM lying vacant at Kadamtola, Base Hospital the respondents had constructed a new Base Hospital at Shalbagan, Tripura which is going to be commissioned shortly. In that eventuality there would be enough number of vacant posts of ANM where the service of the applicant could be easily regularised. This Hon'ble Tribunal may take note of this relevant consideration while adjudicating upon the claim of the applicant for regularisation in view of the long length of service rendered by ^{the applicant in} harsh and in-hospitable conditions at a meagre salary.

6. DETAILS OF THE REMEDIES EXHAUSTED:-

The applicant had inter-alia filed the representation dated 17/3/2005 (Annexure 2) and 1/8/2005 (Annexure-5) before the Respondent authorities praying for regularization of her services, but the said representations had ^{not} been considered till date.

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

The applicant had previously instituted W.P.(C) No. 864/2001 before the Imphal Bench of the Hon'ble Gauhati High Court but had vide Order dated 21/9/2004 had

H.L. Thumpi Anal

Contd....p/

(9)

withdrawn the same as because an alternative remedy was available to the petitioner by way of approaching this Hon'ble Tribunal.

8. RELIEFS SOUGHT :-

For a direction to be issued upon the Respondents to regularise the service of the applicant w.e.f. the date of for initial appointment i.e. 26/9/97 with all consequential benefits.

9. INTERIM ORDER, IF ANY PRAYER FOR :-

Pending disposal of the application, the applicant respectfully prays that the Respondents may be directed not to discontinue the services of the applicant.

10. This application is filed through Advocate.

11. Particulars of Postal Order :-

IPD No. : 26 6 318274

Date of issue : 15/9/2005.

Amount : Rs. 50.00 (Rupees Fifty) only

Issuing Post Office :-Guwahati.

Payable at : Guwahati.

12. List of enclosures :

As stated in the index.

H.L. Thumpi Anal

Contd....p/

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(10)

VERIFICATION

I, Miss H.L. Thumpi Anal, D/o Late Sh. Hulang Mono Anal, aged about 35 years, working as Anxillary Nurse Midwife, Frontier Hospital, Border Security Force, Shalbagan, Tripura, Resident of Village - Berukhudam, P.O.-Sungu, District : Chandel, Manipur, do hereby verify that the contents of paragraphs 1,2,3,4.1, 4.2.,4.3.,4.4,4.5, 4.6,4.7, 4.8, 4.9, 4.10, 5.2., 5.4., 6,7, 10, 11 and 12 are true to my personal knowledge and paragraphs 5.1., 5.3., 8 and 9 believed to be true on legal advice and that I have not suppressed any material facts.

Date: 15/8/2005.

H.L. Thumpi Anal

Place: Guwahati.

Signature of the applicant.

Contd.....p/

Dated, the 26 Sept 1977

To

Miss H. L. Thangli Anai
D/o Late Sh. Hing Hono
Vill. Borukhaden
P.O. - Sungea
Dist. Chandel (Manipur)

Sub: -APPOINTMENT AS AID OUT OF SPECIAL RELIEF FUND

Ref: - Your application dated 7-6-77 for appointment as Mid-wife.

2. Competent authority is pleased to appoint you as AID in 55 Bn BSF (Medical) out of BSF Special Relief Fund.

3. You are hereby directed to report to Medical Officer 55 Bn BSF latest by 15th Oct 1977, failing which the offer is likely to be cancelled. The following terms and condition of the service are laid down for the post :-

- Pay scale - Rs. 900-25-1200/- (consolidated) out of SRF.
- Leave - 30 days earned leave and 12 days casual leave will be admissible per year.
- The service is purely temporary and can be terminated at any time at a short notice without assigning any reason.
- Living - You will have to make your own arrangements for living accommodation for the time being.
- You will be liable to render night duties/emergency duties in the Hospital.
- You will maintain strict discipline and comply local orders of the Force issued from time to time.

(Signature) 26-9

(N S RATHORE)
DY INSPECTOR GENERAL
PRINCIPAL STAFF OFFICER

Copy to :-

Sept 1977

- Director (Medical) - for favour of info please.
HQ DG BSF, New Delhi.
- AD (Med) - for info wrt their L/No. 24/147/97-Adm-I/
HQ DG BSF, New Delhi. BSF/7062 dtd 18th Sept 1977 please.
- SHQ BSF NH - for info wrt their L/No. DIG/accotts/110(D)/
97-92/6372-79 dtd 01st Jul 1977 psc.
- 55 Bn BSF - for info psc.

INTERNAL

- The AD (Med) - for info psc. A copy of L/No. 7062 dtd 18th Sept 1977 also enclosed.
- File.

Attested
By (Pallab Ghosh) *(Signature)*
Associate
16.9.15

1/11/2005

H. L. THUMPI ANAL

TO

The Inspector General
Border Security Force
Frontier H.Q. T, C&M
Salbagan, Agartala.

(Through Proper channel)

Sub: - PRAYER FOR REGULARISATION AS AUXILIARY NURSE MIDWIFE
(A.N.M.) OR ANY VACANCY OF GRADE III IN THE B.S.F

Sir,

It is submitted that H.L. THUMPI ANAL of MANIPUR has joined B.S.F. On 13 Oct 1997 as Auxiliary Nurse Midwife (A.N.M.) Out Of SPECIAL RELIEF Fund, to my appointment in 55, B.n. B.S.F. And 37 B.n. B.S.F. in MANIPUR. Now Presently I am working as (A.N.M.) at T.C.M. Ftr H.Q B.S.F. Salbagan, Agartala. It is now 8 years since I have approached higher H.Qrs of B.S.F. On Several occasions To regularise my service as A.N.M. Or any other grade- III post in the B.S.F. However so far no concrete action has been taken for regularisation my service.

In latest reply of F.H.Q. Delhi No:- 34/141/99- adm-1 /B.S.F./19087 of Dec, 2004. They ask for one year on contract basis.

Sir,

Your Worthiness will understand my problem because no special allowance is given to me nor does any quarter or H.R.A. Being an orphan having no other means I continue this service in B.S.F with great hope that my service will be regularised one day. But now one year contract basis is being offered.

I therefore requested you to regularise my job at your mercy for the act of your kindness I shall ever remain grateful to you.

Thanking you in anticipation.

Enclose: - a) Class X certificate / Age certificate
(HSLCE)

- b) Class XII certificate.
- c) A.N.M. Certificate.
- d) Scheduled tribe certificate.
- e) Service certificate in BSF.

Yours faithfully,

H. Thumpi Anal

(Miss H.L. THUMPI ANAL)
ANM, Ftr Hospital B.S.F.TC&M
Salbagan Agartala. (W) Tripura

Dated 17-3-2005.
The :-

Attested
P. L. S. S. S.
Adressate
16.08.05

este
20/08/05

She knows her
job very well.
I recommended
for regular post
in BSF.
17.3.05

G. No. 180018

Board of Secondary Education, Manipal

HIGH SCHOOL LEAVING CERTIFICATE EXAMINATION (OLD COURSE)

I Certify that Geelang Theangri Inal
son/daughter of Geelang Theangri Inal
Roll No. 14689 duly passed the High School Leaving
Certificate Examination (Old Course) 1987 of this Board from
Jugnu High School
in the Simple Pass Category.

His/Her date of birth is the 1st March
One thousand nine hundred and seventy

Impdal

The 6th August 1988

ASSISTANT DEPUTY SECRETARY

SECRETARY

EXHIBITURE-3

Litterbach
25/8/88
OPS/1/187

Accepted
P. A. Srinivasan
Addl Secy
16. 8. 88

Sl. No. 098

OFFICE OF THE PRINCIPAL

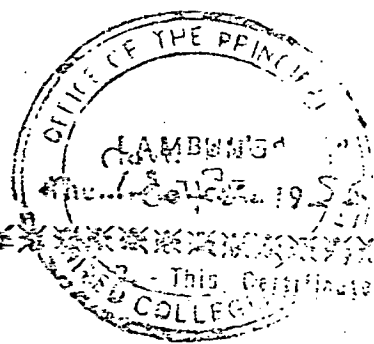
United College, Lambung

AFFILIATED TO THE MANIPUR COUNCIL OF HIGHER SECONDARY EDUCATION, MANIPUR

Provisional Certificate

THIS IS TO CERTIFY THAT

Shri/Kumari/Smt. Heelang Lalung of
s/o, d/o (A) Heelang Mani Heelang using Roll No. 20943
appeared at the XII Sc Examination in Science conducted by the
Council of Higher Secondary Education Manipur, held in the year 1996 and was declared
to have passed the said Examination and was placed in Second division as per
Council of Higher Secondary Education, Manipur Result Sheet supplied to the College.



PRINCIPAL 19/5/96

United College, Lambung

This Certificate is in lieu of Original Document which will be issued later by the Council of Higher Secondary Education, Manipur.

Attested
P. H. Shrivastava
Date 16.05.05
36

ASSAM NURSES', MIDWIVES' AND HEALTH VISITORS' COUNCIL

Auxiliary Nurse-Midwife Certificate

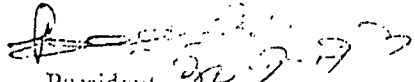
We, the members of the Assam Nurses', Midwives' and Health Visitors' Council hereby certify that H.L. Thumpi Anal. Medical having undergone ^{Directorate Manipur} 18 months training in Anatomy and Physiology, Hygiene and practical nursing, Midwifery and Obstetrical Nursing during which she conducted and witnessed the prescribed number of labour cases and having passed the prescribed examination, is qualified to practice as an Auxiliary Nurse-Midwife.

She obtained ~~Honours~~ at the examination held in.....

Dated at Gauhati, the 12th day of March in the year one thousand nine hundred and Ninety Three.

Signed on behalf of the Assam Nurses', Midwives' and Health Visitors' Council.

Seal


President,
Assam Nurses' Midwives' and Health
Visitors' Council.

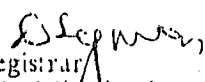
Registration number 4467/93

Part of the Register in which admitted.....F.....

Date of Registration 29.7.93

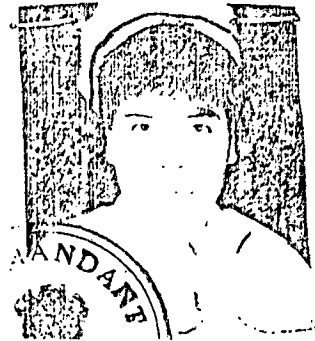
Dated Gauhati:

The 29.7.1993


Registrar,
Assam Nurses', Midwives' and Health
Visitors' Council.

Signature of the Auxiliary Nurse-Midwife.

AGD. (D.H.S.) No. 80/80 -7,000 10 2 80



Attested

28/8/93
Medical Officer
GOVT. DISPENSARY

Attested
P. Khosla
Addressed
16.8.95

FORM OF CERTIFICATE TO BE PRODUCED BY A CANDIDATE WHO
BELONGS TO SCHEDULED CASTES/TRIBE IN SUPPORT OF HIS/HER
CLAIM.

SCHEDULED CASTES/TRIBE CERTIFICATE.

This is to certify that Shri/Smt/Km. H.L. Thumai Anal
S/o, D/o, W/o. H.L. Mon.C. Anal of Berukhunda
village/town, within Chandel Sub-Division.
Chandel District, Manipur State, belongs to Anal
N.C. P. Caste/Tribe Community which is recognised as Scheduled
Caste/Tribe under :-

The Constitution of India (S.C./S.T.) order, 1950.
The Constitution of India (S.C.) Union Territories order, 1951.
(as amended by the SC/ST Lists (Modification) order, 1956.
The Bombay Re-organisation Act, 1966.
The Punjab Re-organisation Act, 1966.
The State of Himachal Pradesh Act, 1970.
The North Eastern Areas (Re-organisation) Act, 1971, and
The Scheduled Castes/Tribes order (Amendment) Act, 1971.

The Constitution (Jammu & Kashmir) S.C. order, 1956.
The Constitution (Andaman & Nicobar Is.) S.C. order, 1958.
as amended by the S.C./S.T. order (Amendment) Act, 1973.
The Constitution (Dadra & N. Haveli) S.C./S.T. order, 1962.
The Constitution (Pondicherry) S.C. order, 1964.
The Constitution (Uttar Pradesh) S.T. order, 1967.
The Constitution (Goa, Daman & Diu) S.C./S.T. order, 1968.
The Constitution (Nagaland) S.T. order, 1970.
The Constitution (Sikkim) S.C./S.T. order, 1978.
The Constitution (Jammu & Kashmir) S.C./S.T. 1980.
The Constitution (Scheduled Castes) order (Amendment) Act, 1990.
The Constitution (Scheduled Tribes) order (Amendment) Act, 1991.
The Constitution (ST) orders (Second Amendment) Act, 1994.

(2) Shri/Smt./Km. H.L. Thumai Anal and/or, his/her
family ordinarily reside (s) in Berukhunda
village/town, within Chandel Sub-Division.
Chandel District, Manipur State.

Place : Chandel

Date : 17-8-86

Signature : [Signature]

Designation : [Signature]

(With Seal of Officer)

Please delete the words which not applicable. Please quote specific-
Presidential order. Delete the paragraph which is not applicable.
The term ordinarily reside(s) used here will have the same meaning as in
Section 20 of the Representation of the people Act, 1950.
List of authorities empowered to issue Caste/Tribe certificates :-
District Magistrate/Addl. Dist. Magistrate/Collector/Dy. Deputy Commissioner/
Addl. Dy. Commissioner/Dy. Collector/1st Class Stipendiary Magistrate/Sub-Divisional
Magistrate/Taluka Magistrate/Executive Magistrate/Extra Asst. Commissioner (not-
below the rank of 1st Class Stipendiary Magistrate).
Chief Presidency Magistrate/Addl. Chief Presidency Magistrate/Presidency Magistrate
Revenue Officers not below the rank of Tahsildar.
Sub-Divisional Officers of the Candidate and/or his family normally resides.

):-K-:(

Attested

[Signature]
20/08/05
P. K. Li. Col
GSO2 (OPS) / [Stamp]

Attested
P. K. Sharma
Advocate
16.09.05.

C O P Y

ANNE KURE-7.

NO. IG/ADM/338/2003/2555
FRONTIER HEADQUARTERS,
BORDER SECURITY FORCE,
SHILLONG-06 (MIZHAPALAY)

-17-
39

Dated, the 13/14 June '03

Director Headquarter,
Border Security Force,
Nagaland & Manipur.

Sub:- PRAYER FOR REGULARISATION TO THE POST OF
ANM (MID WIFE) OR GRADE III POST IN BSF.

Reference your letter No. DIO/Asst/TA(37)/2002/
12695-96 dated 11 Sept' 2002.

I am directed to inform you that the case of Miss
A. L. Thumpi Anal, Midwife of 37 Bn BSF was forwarded
to you vide our letter No. IG/ADM/338/2002/7087 dated
03 Oct' 2002. HQ (ADM-I) vide their letter No. 34/147/99/
ADM-I/BSF/11391 dated 28/29 May 2003 intimated that case
for regularisation of above Mid Wife for appointment to any
available post of Mid wife/ANM or Grade-III post in Govt
Fund have been examined at their HQ (Dte) in consultation
with Medical Dte. Medical Dte has intimated that only two
Non-Commissioned post of ANM (one each in Base Hospital
Jalandhar and Base Hospital Kadirgama) have been sanctioned
for the BSF and these two post have already been filled up.
At present no vacancy of ANM/ANM is lying vacant in the
BSF.

2 All the concerned may be informed accordingly.

Sd/- 13 June '03
(H M ROY)
SECTION OFFICER
FTR HQ BSF SHG

Copy to :-

1. Commandant,
37 Bn BSF for info.
2. Circular file
3. File.

13 JUNE 03

No. Asst/37 Bn/2003/5624-25

25 June '03

To,

1. Miss Thumpi Anal
Mid Wife,
Unit MI Room,
37 BN B.S.F.

SMO, 37 Bn BSF

- Copy of FTR HQ BSF Shillong
L/No. IG/ADM/338/2003/2555
dt. 13/14 June '03 is enclosed
herewith for your information
please.

- for info please.



Attested

(Rakesh Mohan) DE/Asst.
FOR COMMANDANT
37 BN B.S.F.

Attested
P. Bhattacharya
Advt. rate
16.09.05

To
The Director General,
Border Security Force (BSF)
Government of India
Block no.-10, Lodhi Road,
New Delhi - 110003.

Sub. : Prayer for regularisation as Auxiliary Nurse Midwife (ANM) or in a vacancy of Grade-III in the B.S.F..

Sir,

Most respectfully and with an humility I beg to submit the following for your kind and generous consideration :

1. Sir, I was appointed as ANM under the SPF in 55 Bn. B.S.F. in October 1997 with my posting in Pallel in Manipur.
2. I was however, transferred to 37 Bn., then in Manipur, in July 2000. but subsequently the said 37 Bn. having shifted to Teliamura in Tripura I went to Tripura and served in that battalion till November 2003. In November 2003 I was transferred to Frontier H.Q. at Shalbagan, Agartala and since then I have been serving there as a civilian staff on temporary.
3. Sir, I belong to a poor tribal family and have been serving as a trained ANM continuously for last 8 years on a small monthly remuneration only on the expectation that I would be one day regularized in service and would be able to served my family financially. but till date my representations and prayers have not yielded any results
4. But still I am hopeful that you would take sympathy on me and make a provision for my regularization in service. In response to a representation it was disclosed by Frontier H.Q., B.S.F., Shillong by letter dated, 13-06-2003 addressed to Sector H. Q., B. S. F., Nagaland and Manipur that only two non combatised post of Aya one each in base hospital, Jalandhar and base hospital in Kadamtala have been sanctioned. But these posts have already been field up and as such there was no vacancy at that point of time.

Attested

MAJ P. L. DAI 27/08/05
GSO2 (OPS) / INT

Attested
P. P. DAI
Addl. Secy

16.09.05

5. Sir, may I mention that one she No. 94403625 Suresh Devi (ANM) was appointed against the vacancy in Base Hospital, Kadamtala who has been subsequently transferred to Delhi. Consequently the vacancy in Kadamtala remains available.

6. Sir, apart from this the new Base Hospital viz., Frontier Base Hospital, at Agartala is now complete and awaiting the formal inauguration. This Frontier Base Hospital at Shalbagan, Agartala naturally shall have vacancies for the post of ANM.

7. I would therefore most earnestly pray to your High Office and good self to be considerate and favour this poor tribal girl with a regular employment in the appropriate vacancy, as early as possible. Away from my house it is really difficult to maintain myself with the paltry some of remuneration I receive every month and that too under the legitimate expectation to get regularised against a regular post.

Date : 1 / 8 / 2005

Yours Faithfully

H.L. Thumpi Anal
(Miss. H.L. Thumpi Anal)
ANM, Frontier Hospital, B.S.F.,
T.C. & M
Shalbagan, Agartala.

All Enclosed Copy :

- a) Matriculation Certificate (Age proof).
- b) Class XIIth Certificate.
- c) ANM Certificate.
- d) Schedule Tribe Certificate.
- e) Service Certificate.

Accepted
20/05/05
GSO

AMM/KI/KI - 9
- 20-4

IN THE COURT OF THE JUDGE

This is certified that Miss M.L. Thumpi Anal
d/o late Shri H.L. Mero Anal of Boru Madan village
District Chandel, Manipur, attach to B.S.F. M.I. room
as a mid-wife since 20th April '98 in sincerity and
devotion to her duty.

20.7.99

Station :- Imphal

Dated :- 20.7.99

A. Borker
20/8/95
GSO (OPS) IN

(DR. S.P. BISWAS)
Chief Medical Officer, (SG)

SHO B.S.F. N/A.
DR. S.P. BISWAS
M.B.B.S. (D.C.O. (SG))
Chief Medical Officer
Selection Grade
for Security Forces

Attested
P. Borker
Advocate
16.09.05

- 21 -
13

ANNEXURE - 10

WHOM IT MAY CONCERN

Certified that, Miss H. L. Thumpi Anal D/O Late Mono Anal of Beru Khudam village, Chandel District, Manipur has been serving as Mid-wife. BSF, (Sector Hospital BSF Koirengei. 55 Bn BSF Pallel. 37 Bn BSF Pallel and Sector Hospital Khasiamangal, Teliamura) since her appointment from 13th Oct 1997. She is energetic, sincere and devotion worker and her duty.

Place : Khasiamangal, Teliamura
(N Tripura)

Dated, the 22 Nov 2003.

Handwritten:
GSO 2 (OPS) R.

Handwritten: 22/11/03
(Dr. Th. Khole Key)
Senior Medical Officer
Sector Hospital
BSF Sector Hospital
Border Security Force
TRA (N)

Handwritten:
Attested
P. Khunmish
Advocate
U. 09.15

TO WHOM IT MAY CONCERN

Certified that, Miss. H.L.Thumpi Anal D/O Late Mono Anal of Beru Khudan village, Chandel Distict, Manipur has been serving as ANM/ Mid wife in various BSF Hospitals since her appointment from 13th Oct 1997. She is serving in Frontier Hospital BSF, Tripura w.e.f 24.11.2003 till today. She is excellent energetic, sincere and devoted worker in her duty

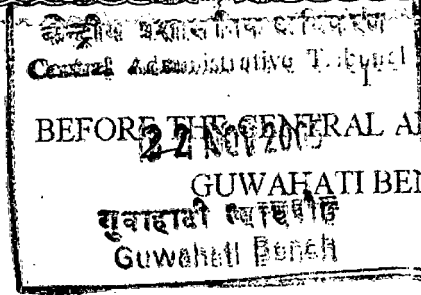
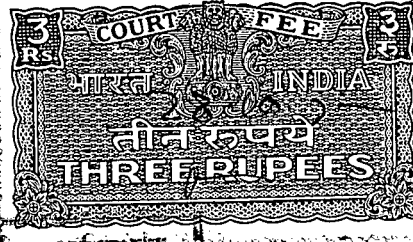
Place. Salbagan, Agartala

Dated, the 31 Mar 2005

[Handwritten signature]
[Handwritten date: 31/3/05]
 (OPS) / INT

[Handwritten signature] 31.3.05
 (Dr. S K. Dash)
 Commandant (Medical) Floor 10.
 Chief Medical Officer (SG) TC D on
 For HQ BSF, Tripura Agartala

Attested ..
[Handwritten signature]
 Addressed
 UG. 19.15



सुप्रीम कोर्ट

उप महासचिव / प्र. स्टा. अधिकारी
By: Inspector General/PS
क्या. श्री. सी. एन. क. सिंह
HQ TO G. A. STN

श्री. सु. बर
BSF

Filed by
The Respondents through
Shishu Das
Addl. P. S. C.

BEFORE THE GENERAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

गुवाहाटी बेंच
Guwahati Bench

OA NO.249/2005

MISS H.L. THUMPI ANAL

.....APPLICANT

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

1) That the respondents have received copy of the OA and have gone through the same. Same and except the statements, which are not specifically admitted herein below, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.

2) That before going through the various paragraphs of the AOA the respondents begs to give brief history of the case.

Miss H. L. Thumpi Anal. D/O Late H. L. Mono Anal, R/O Vill- Berukhuda, P.O. Sugunu, Distt- Chandel (Mnaipur) was appointed as Midwife in the pay scale of Rs. 800-25-1200/- (consolidated) out of BSF SRF on 13 Oct 1997 vide Ftr HQ BSF Shillong letter No. IG/Adm/338/97/2564-68 of 26.09.1997 as per following terms and conditions: -

- Pay scale Rs. 800-25-1200/- (Consolidated) out of BSF SRF
- Leave - 30 days earned leave and 12 days casual leave will be admissible per year.
- The service is purely temporary and can be terminated at any time on a short notice without assigning any reasons.
- Living- you will have to make your own arrangements for living accommodation for the time being.
- You will be liable to render night duties/emergency duties in the Hospital.
- You will maintain strictest discipline and comply local orders issued from time to time.

5/12/2000
 Dy. Inspector General/PSI
 पञ्जा. प्र. सी. एस. आ. क. मिनि
 HQ TC & M FIB
 श्री. सु. बल
 BSF 44

- 4) That with regard to the statement made in paragraph 2 of the OA, the respondents beg to state that since the applicant was temporarily appointed as ANM out of Special Relief Fund. Special Relief Fund is purely private fund, which is run with own resources of department and there is no connection with Government service. The applicant is not a civil servant. Hence the Hon'ble Tribunal has got no jurisdiction to adjudicate upon the matter.
- 5) That with regard to the statement made in paragraph 3 of the OA, the respondents beg to state that since the present OA is not maintainable in the Hon'ble Tribunal hence section 21 of the Administrative tribunal Act, 1985 is not applicable in case of the present applicant.
- 6) That with regard to the statement made in paragraph 4.2 of the OA, the respondents beg to state that since the applicant was appointed out of SRF as a temporary staff in Hospital, she was not entitled to any incidental charges on her transfer out of Govt. fund. The applicant serving in Ftr Hospital Salbagan out of SRF on temporary basis and not entitled to benefits of CCS (Pension) Rules and also not subject to BSF Act/Rules and any other Civil/BSF Rules. Thus, the applicant is not getting BSF facilities such as Govt. Quarter, HRA, LTC, Clothing & Eqpts from Govt. fund and pay and allowances from PAD BSF, New Delhi. However, the applicant is getting consolidated salary as applicable from SRF of FHQ (Adm Dte), BSF, New Delhi

A copy of the order is annexed herewith and marked as Annexure-B.

- 7) That with regard to the statement made in paragraph 4.3 of the OA, the respondents beg to state that since the service of the applicant was temporary in nature and some years also had passed without regularization and being apprehensive of her removal from service at any time with short notice, she applied for consideration by submitting an application dated 11.4.2000 for regularization of her service as an ANM in the BSF Organization to the IG BSF, FTR HQ Shillong through proper channel stating her experience and qualifications etc. The case of the applicant/representation was sent to FHQ (Adm Dte) for regularization/continuation of SRF

Staff. The copies of the following letters are annexed herewith for kind perusal of the Hon'ble Tribunal as Annexure: -

- C.1) Ftr HQ BSF TRA letter No. IGA/Adm/1/5/2004/26068 dated 6.10.2004.
- C.2) Ftr HQ BSF TRA letter No. IGA/Adm/1/5/2004/32679 dated 16.12.2004.
- C.3) FHQ (Adm Dte-I) BSF N-Delhi letter No.34/147/99-Adm-I/BSF/19087 dated 17/12/2004.
- C.4) Ftr HQ BSF TRA ION No.IGA/Adm/1/5/2004/9909 dated 30.4.2005.
- C.5) DO No. VIP-341/04/pers-III dated 4.4.05 of Shri Shivraj V Ptl, Hon'ble Home Minister of India to Shri Burajit Sinha, MLA Tripura.
- C.6) FHQ(Adm Dte) UO No. 34/238/2005-Adm/BSF/9426-27 dated 30.5.2005
- C.7) Ftr HQ BSF TRA ION NO.IGA/Adm/Misc/2005/15066 dated 18.6.2006.
- C.8) Ftr HQ BSF TRA letter No. IGA/Estt/137/2005/22112 dated 16.8.2005.
- C.9) FHQ (Adm Dte-I) BSF New Delhi Sig No. A-1650 dated 17.8.2005 regarding her extention upto 4.4.4.2006 as SRF Staff being VIP reference.

- 8) That with regard to the statement made in paragraph 4.4 of the OA, the respondents while denying the contentions made therein beg to state that the case of the applicant is also not qualified for regularization of her service as Midwife in the Border Security Force Organization, which is clearly explained in the appointment order No. IG/Adm/338/97/1607 dated 26.9.97 issued by IG BSF Shillong, which clearly states that the appointment of the petitioner is purely temporary in nature and she may be terminated at any time at a short notice without assigning any reason and is out of the Special Relief Fund of the said Organisation and hence the case of the applicant was considered by the Director General, BSF, Adm Dte, New Delhi and the prayer was rejected as per the provisions of the SRF.

A copy of the SRF Rules is annexed herewith and marked as Annexure-D.

It is pertinent to mention here that the recruitment in the BSF for various posts is conducted as per the laid down procedure and the recruitment rules of the relevant post. The applicant should have appeared for such recruitment if she qualified the criteria laid down for any particular post. Since the applicant has been appointed purely on temporary basis that too at the age about 28 years, she cannot claim for appointment on permanent basis without undergoing the recruitment process.

5012/2004
 Dy. Inspector General/PS
 क्या. डी. सी. एड. आ. क. डि.
 HQ TC B-M FIF
 श्री. सु. कल
 BSF

48

5/11/05
 श्री. सु. बल
 BSF
 HQ TC & M FIN
 कृष्णा. टी. सी. एच. एम. व. डिप्ट.
 Dy. Inspector General/FC
 एम. महानिदेशक / अ. सहा. बशि

- 9) That with regard to the state made in paragraph 4.5 of the OA, the respondents beg to submit that since there is no provision in BSF SRF Rules, no concession can be given to the ST candidates for her appointment in Govt. service.
- 10) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to offer no comment.
- 11) That with regard to the statement made in paragraph 4.7 of the OA, the respondents beg to submit that regarding application dated 1.8.2005 of the petitioner, her request has already been considered and rejected by FHQ (Med Dte) vide their letter No. 17/18/02-Med/BSF/14673 dated 20.9.2005.
- A copy of the letter-dated 20.9.2005 is annexed herewith and marked as Annexure-E.
- 12) That with regard to the statement made in paragraph 4.8. of the OA, the respondents beg to offer no comment.
- 13) That with regard to the statement made in paragraph 4.8 of the OA, the respondents beg to submit that there is no objection to BSF SRF if the applicant gets job in State/Central Govt. At no stage she was objected by SRF rules to bet the civil job in Ftr Hospital as SRF staff due to non-availability of job in State/Central Govt. Thus, question does not arise that the applicant is over aged due to employment as SRF staff. Time to time consolidated salary was being paid out of SRF according to its rules. So, her pay cannot be compared with the pay of employees governed by CCS (Pension) Rules. However, her consolidated salary for the month of July'2005 was paid soon on receipt from FHQ (Adm.Dte) on 6.9.2005.
- 14) That with regard to the statement made in paragraph 4.10 of the OA, the respondents beg to state that the services of the applicant can be terminated at any time if sufficient funds are not available in BSF, which is purely BSF private fund, and run with its own resources. Moreover, as per FHQ (Adm Dte) letter No. 20082-20381 dated 20.11.03, only the widows of BSF are to be considered for

appointment as ANM/AYA/SWPRS etc out of SRF. In this connection this Hon'ble Tribunal may be pleased to peruse the Annexure-D annexed herein above.

- 15) That with regard to the statement made in paragraph 5.1 and 5.2 of the OA, the respondents most humble beg to submit that since there is no provision of conversion of an employee appointed under SRF, the services of the applicant can not be regularized as Govt. Service.
- 16) That with regard to the statement made in paragraph 5.3 of the OA, the respondents most humble beg to submit that this principle of Law is applicable for employees paid of Govt. Budget and not from private fund employees.
- 17) That with regard to the statement made in paragraph 5.4 of the OA, the respondents beg to state that regarding the Base Hospital, Salbagan information regarding manpower/authorization has not been received till date as the said hospital is not yet functional.
- 18) That with regard to the statements made in paragraph 6 and 8 of the OA, the respondents beg to reiterate and reaffirmed the statement made in paragraph 11 of this Written Statement.
- 19) That with regard to the statement made in paragraph 7 of the OA, the respondents beg to state that the Writ Petition filed by the applicant before the Hon'ble Gauhati High Court, Agartala Bench was disposed of being not pressed vide judgment and order dated 5.11.2004 without taking any leave from the Hon'ble Court.
- 20) That with regard to the statement made in paragraph 9 of the OA, the respondents beg to reiterate and reaffirmed the statement made in paragraph 14 of this Written Statement.
- 21) That in view of the facts and circumstances narrated above the respondents beg to submit that the present OA is devoid of any merit and not liable for any relief as claim by the applicant hence the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

সত্যি
করা

অপ মহানির্দেশক / স. স্টা. অফিস.
By. Inspector General/PSI
কল্যা. অফিস. সী. স্টা. অফিস. অফিস.
HQ TC ১৩ ১৪ ১৫

সী. স্টা. অফিস.
অফিস.

9

- 7 -

VERIFICATION

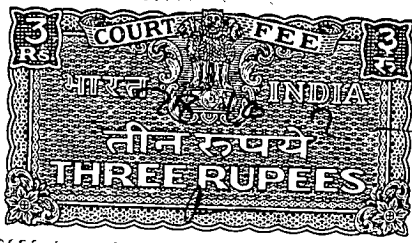
I Shri Subhash Ch Vald aged about 57 years at present working as DIG/PSO, HQ Tripura FTR BSF, Salbagan, Agartala, who is taking steps in this case, being duly authorized and competent to sign this verification, do hereby solemnly affirm and state that the statement made in paragraph 1, 21 are true to my knowledge and belief, those made in paragraph 2 to 20 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this 14th the day of Nov 2005 at _____ before the Oath Commissioner of Gauhati High Court at Agartala Bench, Agartala.

Subhash Ch Vald

DEPONENT

उप महानिरीक्षक / प्र. स्टा. बॉट
Dy. Inspector General/PSI
मुख्या. दरे. सो. एण्ड इन्. क. डि.
HQ TC & M FTR
डी. सु. दल
BSF



8 -

11/12/20

इय महानिदेशक / प्र. स्टा. अति.
By. Inspector General/PS
प्रका. डी. सी. ए. ए. क. डि.
HQ TC & M FTP
डी. सु. दल
BSF

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI**

CASE NO.O.A. 249/2005

IN THE MATTER OF :-

Miss H.L Thumpi Anal

-Applicant

Vs


The Union of India & Ors

-Respondents

AFFIDAVIT

I , Subash Ch, Vaid, S/O Late Shri B R Vaid presently working as DIG/PSO, HQ TRA FTR, BSF, Salbagan, Agartala, aged about 57 years, by caste - Hindu by profession - Govt. Service, do hereby solemnly affirm and on oath say as follows:-

1. That, I am the DIG/PSO, HQ TRA FTR BSF Salbagan, Agartala, fully conversant with the facts & circumstances of this case and have gone through the instant written statement filed by the respondents.
2. That, I am competent, empowered and authorised to swear this affidavit on behalf of all respondents and which I hereby do.


Commissioner of Affidavit
Gauhati High Court
Agartala Bench.


✓

- 9 -

That the statement made in the written statement are true to my knowledge and for which whereof I sign and swear this affidavit before the Oath Commissioner, Guwahati High Court at Agartala Bench, Agartala on this the 14 th day of November, 2005.

[Subhash Chandra Vaid]
DEPONENT
उप महानिरीक्षक / प्र. स्टा. बोध
Dy. Inspector General/PSI
पुष्पा. टी. सी. एफ. इम. कंठिया
HQ TC & M FTB
सी. सु. बल
BSF

**Deponent is known to me
and identified by me**


ADVOCATE Asstt. Solicitor General.
Govt. of India, Gauhati.
High Court, Agartala Bench.

14/11/05

Commissioner of Affidavit
Gauhati High Court
Agartala Bench.

Shri Subash Ch. Vard
S/o Lt. Shri B.R. Vard,
DIG, PSO, HQ TRA FTR
BSF Salbagan, Agartala

Sworn and affirmed before me on the 14th day

of Nov 2005 at 12:30 A.M. P.M. The

deponent is identified by Mr. P.K. Bhowmik, Adv.

... Advocate is personally known to me.

I certified that I read over and explained the contents to the deponent and that the deponent seemed perfectly to understand them.

14/11/05
Commissioner of Affidavits
Gauhati High Court
Agartala Bench

14/11/05
[SUDHAKSH CHANDER VAID]

उप महा निरीक्षक / प्र. स्टा. नॉड.
Dy. Inspector General/PSI
कल्या. टी. सी. एण्ड इम. फं. डिप.
HQ TC & M FTR
बी. सु. ल.
BSF

Identified by me.
14.11.05
Asstt. Secy. General.
Govt. Secy. Jt., Gauhati.
High Court, Agartala Bench.

10 -
Annexure - A

C O P Y

No.18/93/84-CMO/BSF/2575
Government of India
Ministry of Home Affairs
Directorate General, Border Security Force

East Block - 9, Level - 4,
R.K.Puram, New Delhi - 66.

To

Dated, the 5 Jun 1985..

1. IG BSF Jammu
2. IG BSF Jodhpur
3. IG BSF Srinagar
4. IG BSF Shillong
5. IG BSF Tripura
6. IG BSF Calcutta

Subject:- ESTABLISHMENT OF FRONTIER HOSPITALS

Kindly refer to our letter No.13/93/84-CMO/
BSF dated 17 Dec 1984.

2. We circulated a proposal vide our above quoted letter regarding improving and streamlining the facilities of medicare to Frontier HQrs by providing provision of 20 Bed at all MI Room of Frontier HQrs and additional medical investigation facilities.

All the IsG have unanimously accepted in principle the proposal mooted by this HQ. DG BSF has approved of making provision of 20 beds in the existing MI Rooms in following Frontier HQrs on a temporary basis:-

- (a) Jammu
- (b) Jodhpur
- (c) Srinagar
- (d) Shillong
- (e) Agartala, and
- (f) Calcutta.

3. The proposed 20-bedded hospital will have the following facilities:-

(1) OPD FACILITIES

- (a) Dental Care
- (b) medical specialist consultation.

Contd...2..

(2) INDOOR FACILITIES

- (a) Male
- (b) Female

(3) Radiographic facilities :- All routine X-Ray/
I.V.P. Cholecystography.

(4) ECG Facilities

(5) Pathological Investigation :- Routine Hematological/
routine Biochemical/
Serological widal/
VDRL, Urine, Stool &
Sputum.

(6) Maternity Centre-cum Labour Room - To deal with all normal
deliveries and ante and
post natal check up.

(7) School Health care

(8) Central sterilisation

(9) Physiotherapy

Bed Distribution

(a) Male beds	- 13
(b) Female beds	- 5
(c) Officers bed	- 2

20

Staff requirement

1. AD(Medical) - cum- Commandant of the hospital :-
He should be delegated with financial powers
regarding purchase of medicine/equipment/hospital
sundries on behalf of IG of the Frontier.
2. GDO Gr-I
3. LMO
4. GDO Gr-II of local Bn

Attachment

- (a) Nursing Asstt. - 11 (Who have undergone nursing
Asstt. Course. Out of these
two will have undergone
additional training in
Radiography & Pathology.
These NA will be utilised for
managing indoor ward. X-Ray
plant, Pathology, Injection
room and dressing room.

Contd...3..

Note :- Distribution Indoor - 3, X-Ray - 1,
Pathology - 2, Dispensary - 1,
Injection room-1, Dressing room-1,
Casualty - 1 and dentist/specialist-1.

- (b) 2 Compounder (One from local unit other from any Bn of Frontier).
- (c) 2 Sweeper (One of local unit other from Frontier).
- (d) 1 water carrier (Local unit)
- (e) 2 cook (1 local unit)
- (f) 1 UDC/LDC
- (g) NOO QM Store
- (h) 1 NOO - NK educated and trained in office procedure
- (i) 1 Const - Type knowing

From
Frontier.

Staff from SRF

- | | |
|----------------------|-----------------------------|
| Staff Nurse | - 1 |
| A N M | - 3 |
| Ayah | - 3 |
| Sweepers | - 2 |
| Part time specialist | - 2 (dentist & physician) |

A light vehicle and an ambulance will also be attached with each hospital to be provided within their own resources by the respective IG's.

The IsG of respective frontier may initiate action on the above lines within their existing resources. The additional requirements of funds may be worked out and projected to this HQ for further action.

Sd/- XX XX XX

5/6

(Dr.L.K.BAJERJEA)
CHIEF MEDICAL OFFICER

Copy to:-

- 1. IG BSF Punjab - for information only.
- 2. The Director
BSF Academy,
Tekanpur, Gwalior.
- 3. The DIG & Comdt,
BSF TC&S, Hazeribagh. for information.
- 4. The DIG & Comdt
CSWT BSF, Indore (M.P).

C O P Y

- 13 -

Annexure-B

C O P Y

DIRECTORATE GENERAL BORDER SECURITY FORCE
(ADM-I)

CHAIRPERSON BWA INTERVIEW APPLICATION

Please refer to your DO No. DG's Sectt/BSF/TN-Int-CP-Corrs/2005/435 Dated 9-5-2005.

In this context reply of point mentioned at (a) & (b) are as under:-

As regards, point No. (a) :-

The case regarding increase of pay and entitlement of leave in respect of para medical staff paid out of SRF in FTR Hospital BSF TC&M has been examined in detail, as per decision taken in the 30th Governing Body Meeting of SRF held on 29 Oct 04, employment out of all Pvt Funds may be given on contract basis for a period of one year instead of continuation of service, on consolidated salary at following rates w.e.f. 1st Jan 2005:-

- (a) Skilled - Rs.3,000/- (ANM & Radiographer)
- (b) Unskilled - Rs.2,700/- (Mid wife/Aya/Swpr & C/M)

Accordingly, salary of all Pvt fund employees paid out of Regtl funds have been revised and above mentioned rates and remitted regularly. A point regarding entitlement of CL/EL/ML/HPL of above staff was also discussed and Governing Body to discuss have not agreed to the proposal as now all the appointments of para medical staff paid out of SRF are being given on contract basis for a period of one year in consolidated salary out of SRF as mentioned above. Hence such employees have been permitted 20 days leave only in a calendar year.

As regards point No. (b) :-

It is submitted that the case regarding appointment of Miss H L Thumpi Anal Naga D/o late Sh Hulang Mono, Midwife of Ftr hospital BSF Tripura out of SRF to regularise her service as ANM (Auxillary Nurse and Midwife) or in any other Grade-III post in BSF has already been examined by MHA (Pers-III Desk) through this Dte and decided that only two non-combatised post of Aya (one each in BSF Base Hospital Jalandhar and BSF Base hospital Kadamtala) have been sanctioned for BSF and these posts have already been filled up. At present there is no vacancy of Aya/ANM.

However, employment of all para medical staff paid out of SRF in various BSF hospital/MI Rooms is being considered on contract basis for a period of one year. Hence her employment as midwife at Ftr hospital Tripura is being considered on consolidated salary out of SRF on contract basis for a period of one year vide MHA DO. No. VIP-341/04/Pers-III dated 4.4.2005 (Copy enclosed for ready reference).

Sd/- XX XX XX
30/5/05
(P K MISHRA)
DIG (ADM)

DG's Sectt

DO No. 34/238/2005-Adm-I/BSF/9426-27 dated 30 May 2005
1/6

Copy to:-

IG FTR HQ TC&M Salbagan - for information.

C O P Y

Annexure - C1

NO IGA/Adm/1/5/2004

26063

Headquarters
Tripura Frontier, BSF
Sailbagan, Agartala

Dated, the 06 Oct 2004

To

HO DG BSF
(Adm Directorate)
Block No 10, CGO Complex,
Lodhi Road, New Delhi

Subject:- APPLICATION FOR THE APPOINTMENT OF ANM OR
ANY VACANCY OF GRADE-III/IV IN THE FORCE

It is submitted that as per Adm Dte Letter No.34/318/2003-Adm -
IBSF/20082-20381 dated 20 Nov 2003, it has been decided that the post of Staff
Nurse /ANM/Aya and Sweeper are to be filled up from the widows of BSF only and
should be on the contract basis for one year as per the terms and conditions mentioned
in your letter under reference.

2. In this connection it is submitted that Miss H L Thumpi Anal, has submitted an
application vide which she has mentioned that she is serving in the F.H. Hospital,
Tripura since 13.10.1997 as ANM. It is further mentioned that she belongs to very
poor family from Manipur and having no other means for her livelihood. As such she
came to Agartala leaving her old aged mother. Hence she has requested to either allow
to continue the post of ANM or appoint her in any vacancy in Grade III/IV in the
hospital.

3. Keeping in view of the above, It is requested that her request may be
considered sympathetically. The application and other certificate are enclosed
herewith for perusal and necessary action please.

Encls : a/ Class X Certificate/Age Certificate
(HSLCE)
b/ Class XII Certificate
c/ ANM Certificate
d/ Schedule Tribe Certificate
e/ Service Certificate in BSF/
Civil Clinics

(SC VAD)
DIG/PSO
HQ TRAFTR BSF

01/10/04

05/10/04

Pl. cfr. action on
enc. instr. completed
05/10/04
Take action
Adm. Bm

15 -

Annexure - C2

93

NO IGA/Adm/P-5/2004 32679

Headquarters
Tripura Frontier BSEF
Sallagan, Agartala

Dated, the 16th Dec 2004.

To:

HO DG BSEF
(Adm Directorate I)
CGO Complex, Lodhi Road,
New Delhi

Subject : BOARD PROCEEDINGS : FILLING UP OF POST OF STAFF
NURSE/ANM/AYA AND SWEEPER (MTF OF SRF IN FRONTIER
HOSPITAL)

Kindly refer to your Letter NO IGA/Adm/P-5/2004-Adm-I BSEF 30087-20081 dated 20 Nov 2004.

2. I am directed to forward herewith a board proceedings regarding filling up post of SRF Name ANM/AYA Sweeper out of SRF in Fr Hospital Sallagan, Agartala duly approved by the IG BSEF Tripura Fr. For favour of info and further necessary action please.

3. It is further requested that services of following five SRF Staff appointed earlier may kindly be terminated as not found suitable for further retention

- Miss Thumpr Anal ANM (Civilian)
- Mrs Shyamini Das Gupta ANM (Civilian)
- Mrs Kabita Bhattacharjee, AYA (Civilian)
- Mrs Sikha Saha, AYA (Civilian)
- Mrs Ranjana Das, Swepr (Civilian)

4. Following widows are recommended for appointment on contract basis for one year in BSEF Hospital Tripura, Sallagan, Agartala.

- Mrs P S Reang, ANM (BSEF Widow) - Recommended for retention of one year
W/O Late Const Shibjoy Reang.
- Mrs Manu Devi, AYA (BSEF Widow) - Recommended for retention of one year
W/O Late JMR Kamachand Singh

Contd. P 2-

R.P. NSP-11
Para - 66.

- 16 -

(92)

- c) Mrs Meena Kumari, Sweeper - Recommended for retention of one year
W/O Late Const. Man Mohan Paul
- d) Smt Archana Bhowmik (BSF Widow) - Recommended for new appointment
W/O Late W/O Deepak Panigrahi
- e) Smt Seema Mahapatra (BSF Widow) - Recommended for new appointment
W/O Late W/O Tapan Majumdar
- f) Smt Geeta Roy (BSF Widow) - Recommended for new appointment
W/O Late HC Samir Chand Roy

Encls : As above

G 4/21
16/11/14

(S.C. VAID)
DIGPSC
HQ TRAFIR BSF

OIC
14/12/04.

AC (m/m)
L. 11/11/14

17

Annexure - C3

18

105

Government of India
Ministry of Home Affairs
Dte General Border Security Force
(Adm-1)

Kendriya Karyalaya Parisar
Block 10 Lodhi Road
New Delhi-110003

No 34/147/99-Adm-1/BSF/

11 Dec 2004

The Frontier HQrs
Border Security Force
Tripura, Salbagan

APPOINTMENT OF ANM OR ANY VACANCY OF GRADE-III/IV
IN BSF OUT OF GOVT FUND OR CONTINUOUS APPTT OF
MIDWIFE OUT OF SRF IN FTR HOSPITAL TRIPURA

1. Please refer to your letter No 1GA/Adm/1/5/2004/26066 dated 06 Oct 2004.

2. I have been directed to inform that the case of Miss H L Thumpi Anal Midwife out of SRF in BSF hospital for continuation of the post of Midwife or apptt in any vacancy in Grade-III/IV in BSF out of Govt fund has been examined. It has been desired that Ftr HQrs BSF Tripura is requested to constitute a proper board of officers justifying the need for the post applied for by Miss H L Thumpi Anal Naga for a period of one year on contract basis, after taking her willingness on prescribed proforma and forward the complete case to FHQ for consideration.

(R S Rathore)
Addl DIG (Welfare)

व्यक्तिगत / IG	
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28/12

593
29/12

Annexure - C4

123

कार्यालय महानिदेशक सीमा सुरक्षा बल त्रिपुरा, कच्छभर, एवं मिजोरम, सालबमान अगरतला
क्रमांक: भाजीए/एडम/1/5/2004/ ९१०९ दिनांक ३० अप्रैल ०५

आंतरिक कार्यालय नोट
(प्रशासन शाखा)

विषय: प्रार्थना पत्र को वापिस लौटाने संबंध

संदर्भ: आपके अन्तर कार्यालय नोट संख्या आइजीए/मेड/1640/2005/2768 दिनांक 24.03.2005,

सुपरागत विषयान्तर्गत लेख है जिस, शुम्भी एनल (एएनएम) के प्रार्थना पत्र पर कार्रवाई को गव

मुश्किल अधिकारी ने निम्न लिखित रिपोर्ट दिया कि -

"बुसे तब वो आ. आ. एसंचल होता है तो यह प्रार्थना पत्र बुसे पत्र कर दिया जाए"

गिरीश
अधीन

(जो सी पमानिक)
साल कमाण्डर (प्रशासक)
मीमान्त मुख्यालय त्रिपुरा

011

29/4

प्रेषित

अस्पताल फंडियर हेडक्वार्टर त्रिपुरा
सालबमान, अगरतला ।
फाइल ।

संख्या १२१
११

19- Annexure - CS (21) (C) 327

D.O.No.VIP-341/04/Pers-III



शिवराज पाटील

SHIVRAJ V. PATIL

गृह मंत्री, भारत
HOME MINISTER, INDIA

4th April, 2005
7/11

Dear Shri Sinha,

Please refer to your letter dated 1st November, 2004 regarding appointment of Miss H.L. Thumpi Anal Naga d/o Late Shri Hulang Mono, Midwife of Ftr Hospital BSF Tripura to regularise her services as ANM (Auxiliary Nurse & Midwife) in BSF.

I have had the matter looked into. Only two non-combatised post of Ayah (one each in BSF Base Hospital Jalandhar and BSF Base Hospital Kadamtala) have been sanctioned for BSF and these posts have already been filled up. At present there is no vacancy of Ayah/ANM. However, employment of all para-medical staff paid out of SRF (Special Relief Fund) in various BSF Hospital/MI rooms is being considered on contract basis for a period of one year. Hence, her employment as Midwife at Frontier Hospital BSF Tripura is being considered on consolidated salary out of SRF on contract basis for a period of one year.

With regards,



Yours sincerely,

SHIVRAJ V. PATIL

Shri Birajit Sinha,
M.L.A. Tripura,
Po- Chowmuhani,
Agartala.

- 20 -

127

However, employment of all persons employed out of SRI, in various BSF hospital/MH Rooms is being considered on contract basis for a period of one year. Hence her employment as medical staff in hospital Tripura is being considered on consolidated salary out of SRI on contract basis for a period of one year vide MHA Do.No.VIP-341-01 Pers III dated 11.05.2005 copy enclosed for ready reference.

DG S. Sectn
Do No 34.238.2005-Adm-I BSF

[Signature]
DIG (AD) BSF
dated 30 May 2005
[Signature]

Copy to -

IG FTR HQ TC&M Salbaem - for information

64

21 - Annexure - C6 -

128

DIRECTORATE GENERAL BORDER SECURITY FORCE
(ADM-I)

CHAIRPERSON BWWA INTERVIEW APPLICATION

Please refer to your UO NO DGI's Sectt/BSF/TN-I P-Corrs/2005/435
Dated 9.5.2005

In this context reply of point mentioned at (a) & (b) are as under:-

As regards, point No (a) -

The case regarding increase of pay and entitlement leave in respect of para medical staff paid out of SRF in TTR Hospital BSF TC&M has been examined in detail, as per decision taken in the 30th Governing Body Meeting of 29 Oct 04, employment out of all Pvt Funds may be given on contract basis for a period of one year instead of continuation of service, on consolidated basis at following rates:-
w.e.f 1st Jan 2005:-

(a) Skilled - Rs 3,000- (ANMI & Radiographer)

(b) Unskilled - Rs 2,700- (Mid wife/Aya-Swpt & C/M)

Accordingly, salary of all Pvt fund employees paid out of Regtl funds have been revised and above mentioned rates and remitted regularly. A point regarding entitlement of CDEI/ML & HPL of above staff was also discussed and Governing Body to discuss have not agreed to the proposal as now all the appointments of para medical staff paid out of SRF are being given on contract basis for a period of one year in consolidated salary out of SRF as mentioned above. Hence such employees have been permitted 20 days leave only in a calendar year.

As regards point No (b) -

It is submitted that the case regarding appointment of Miss H L Thumpi Anal, Sagar D o late Sh Hulang Mono Midwife of Ttr hospital BSF Timpura out of SRF to regularize her service as ANMI (Auxiliary Nurse and Midwife) or in any other Grade -III post in BSF has already been examined by MHA (Pers-III Desk) through this Dte and decided that only two non-combated post of Aya (one each in BSF Base Hospital Jalandhar and BSF Base hospital Kadantaka) have been sanctioned for BSF and these posts have already been filled up. At present there is no vacancy of Aya/ANMI.

22

Annexure - C7

76830

129

OFFICE OF THE INSPECTOR GENERAL BSF, SALBAGAN, AGARTALA, TRIPURA

NO IGA ADMINISC 2005 15066

Dated, the 18 June 2005.

20

INTER OFFICE NOTE
(ADMIN BRANCH)

Subject :- CHAIRPERSON BWWA INTERVIEW APPLICATION

A Photo copy of HQ (Adm-I) BSF CO NO 34 238 2005-Adm-IBSF 9426-27 dated 30 01 June 2005 on the subject encl above is sent herewith for your information and further necessary action please

Encly

As above

(G C PRAMANIK)
ASSTT COMMANDANT (ADMIN)

To

MT Room,
HQ Tripura Ftr BSF

23

C O P Y

DIRECTOR GENERAL BORDER SECURITY FORCE
(ADM-I)

CHAIRPERSON BWA INTERVIEW APPLICATION

Please refer to your UO No. DG's Sectt/BSF/TN-Int-CP-Corrs/2005/435 Dated 9-5-2005.

In this context reply of point mentioned at (a) & (b) are as under:-

As regards, point No.(a) :-

The case regarding increase of pay and entitlement of leave in respect of para medical staff paid out of SRF in FTR Hospital BSF TCM has been examined in detail, as per decision taken in the 30th Governing Body Meeting of SRF held on 29 Oct 04, employment out of all Pvt Funds may be given on contract basis for a period of one year instead of continuation of service, on consolidated salary at following rates w.e.f. 1st Jan 2005:-

- (a) Skilled - Rs.3,000/- (ANM & Radiographer)
- (b) Unskilled - Rs.2,700/- (Mid wife/Aya/Swpr & C/M)

Accordingly, salary of all Pvt fund employees paid out of Regtl funds have been revised and above mentioned rates and remitted regularly. A point regarding entitlement of CL/EL/ML/HPL of above staff was also discussed and Governing Body to discuss have not agreed to the proposal as now all the appointments of para medical staff paid out of SRF are being given on contract basis for a period of one year in consolidated salary out of SRF as mentioned above. Hence such employees have been permitted 20 days leave only in a calendar year.

As regards point No.(b) :-

It is submitted that the case regarding appointment of Miss H L Thumpi Anal Naga D/o late Sh Hulang Mono, Midwife of Ftr hospital BSF Tripura out of SRF to regularise her service as ANM(Auxillary Nurse and Midwife) or in any other Grade-III post in BSF has already been examined by MHA(Pers-III Desk) through this Dto and decided that only two non-combatised post of Aya (one each in BSF Base Hospital Jalandhar and BSF Base hospital Kadamtala) have been sanctioned for BSF and these posts have already been filled up. At present there is no vacancy of Aya/ANM.

However, employment of all para medical staff paid out of SRF in various BSF hospital/MI Rooms is being considered on contract basis for a period of one year. Hence her employment as midwife at Ftr hospital Tripura is being considered on consolidated salary out of SRF on contract basis for a period of one year vide MHA DO. No.VIP-341/04/Pers-III dated 4.4.2005 (Copy enclosed for ready reference).

Sd/- XX XX XX
30/5/05
(P K MISHRA)
DIG (ADM)

DG's Sectt

UO No.34/238/2005-ADM-I/BSF/9426-27 dated 30 May 2005

Copy to:-

IG FTR Hq TCM Salbagan - for information.

C O P Y

2h

Annexure - Cg

24y 85890

132

No. IG/Estt/137/2005/2.2.1.2
HQ Rs. Tripura FTRs BSF
Salbagan, Agartala,
Dist-Tripura West (TRA).

Dated, the 16 Aug., 2005.

To
HQ DG BSF
Medical Dir.
FTR, Agartala, Tripura.

SUB: REGULATION OF AUXILIARY NURSE MIDWIFE (ANM) OR
IN A VACANCY OF ANM IN THE BSF.

An application submitted by Miss H.L. Thumpi Anal, ANM, FTR Hospital
Tribeni, Agartala, requesting her as Auxiliary Nurse Midwife (ANM) or
in a vacancy of ANM in the BSF (which is self-explanatory in itself) is
forwarded herewith in duplicate alongwith its enclosures for your information
and favourable action please.

Encl: As above.

16/8/05

(S C VAID)
DIG/PSO

HQ TRIPURA FTR BSF

14/08/05

For info with your ION No. 3360 dated 05 Aug 2005

FTR Agartala

1200
14/08/05

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Annexure - 29

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FROM FHQ

TO FTR HQ TRIPURA

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UC NOA / 1650

FROM ADM - I . FILLING UP OF POST OF STAFF NURSE / ANN/AYA
AND SWEEPER OUT OF SRF IN FTR HOSPITAL . REF YOUR L/NO
TGA/ADM/1/5/2004/32679 DTD 16 DEC 2004 . DUE TO VISA
REFERENCE SERVICE OF MISS H L THUMPI ANAL NAGA D/O LATE
SHRI HULANG MUNO MIDWIFE OF FTR HOSPITAL TRIPURA OUT OF
SRF IS TO CONTINUE TILL 04 APRIL 2006 ON CONSOLIDATED SALARY
OUT OF SRF ON CONTRACT BASIS. FOR REMAINING CASES REQUEST
SEND FRESH PROPOSAL / BT

THI

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SDBY APV

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Annexure - D

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8

NO. 34/42/88-Adm-I/BSF
 Commandant of Police
 Ministry of Home Affairs
 Directorate of Border Security Force

Block No. 10, CGO Complex,
 Lodhi Road, New Delhi - 110003.

Dated July '88

14 JUL 1988

To

All Frontier HQs/Sector HQs
 All TFC Institutions including STCs
 C. Translators, Signal School/Signal
 Regiment, etc. to/for Bangalore
 A. S. S. S.

Sub:- SPECIAL RELIEF FUND.

Sir,

I am directed to inform you that BSF Benevolent Fund has been merged with BSF Special Relief Fund. The amalgamated fund will function in the name of SRF with effect from 01 Aug 88. Accordingly, a copy of revised BSF Special Relief Fund Rules 1988 approved by the Government is forwarded herewith for your information and guidance.

Yours faithfully,

(Signature)

(K. B. KANWAL)
 ASSISTANT COMMISSIONER (WELFARE)

Copy to:-

1. IS to DG
2. FA to Addl. DG
3. FA to IG (Ops)
4. FA to IG (Adm)
5. FA to IG (C. S.)
6. All DDs at BSF
7. 10 (Accounts) - two copies
8. CGO Finance

END

70
(7) (85)
(53)

- 27 -

THE BORDER SECURITY FORCE
SPECIAL RELIEF FUND RULES - 1988

1. TITLE : These Rules shall be called the "Border Security Force Special Relief Fund Rules" 1988 and shall come into force with effect from 1st August, 1988.

2. DEFINITIONS : In these rules unless the context otherwise requires:-

(a) "Fund" means the "Border Security Force Special Relief Fund."

(b) "Beneficiary" means a member of the Force, serving or retired or invalidated out of service and his dependents.

(c) "Dependents" means, widow, non-earning son till he attains the age of 21 years and non-earning unmarried daughter and parents of a member of the Force dependent on him. The term "Dependent" shall include minor brothers and sisters if parents are non-earning.

(d) "Member of the Force" means an officer, a Subordinate Officer, an enrolled person and a civilian employee of the force, including those employees who are paid from the Private Funds of the BSF and who are subscribers to the funds. In exceptional circumstances the executive committee may treat personnel of BSF Auxiliaries and Home Guards under Ops Command of BSF who subscribe to the funds, as members of the Force.

3. SOURCES OF INCOME:- The Fund shall be raised by:-

(a) Assets taken over from the BSF Special Relief Fund governed by the BSF Special Relief Fund Rules, June 1973.

(b) Grants received from National Defence Fund.

: 2 :

(c) Government grants, if such grants become necessary in future.

(d) Voluntary contributions from officers and all ranks of the BSF and members of the Force under the control of the BSF.

(e) Voluntary subscription and donations from persons other than those mentioned in rule 3. (d), which the Governing Body may agree to accept.

(f) Contributions from non-official sources which the Governing Body may accept or from any of the Force Funds.

(g) By taking over all assets of the BSF Benevolent Fund which has been wound up with effect from 31.7.1983.

4. OBJECTS OF THE FUND

(a) To provide financial assistance of Rs. 2,500-00 in lump-sum or of such amount as may be fixed by the Governing Body, in case of death while in service to the beneficiary, or as may be revised from time to time by the Governing Body.

(b) Rehabilitation of widows and orphans, schemes which may be in the nature of establishment and running of widow homes, providing suitable employment opportunities, sanctioning stipends for educational and vocational training, providing housing facilities and assistance in developing agriculture as a means of livelihood.

(c) To provide refundable advance to Unit Welfare Centre to enable expansion in their programme of providing work for the families.

29 -

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52

(d) To provide assistance to families of BSF personnel in education, vocational training, medical relief or any welfare measure which would benefit the women and children of the members of the BSF.

(e) To establish creches for children in the Units.

(f) Setting up of hospitals at selected place for the benefit of women and children and the members of the Force.

(g) To give financial assistance to needy force personnel in case of prolonged illness or serious disease or natural calamities.

(h) To give reasonable grants for performing obligatory social functions.

(j) To undertake any other welfare measure which the Governing Body approves.

5. RELIEF TO BE GIVEN:- All types of relief as mentioned in Rule 4 may be given to a beneficiary.

6. ADMINISTRATION OF THE FUND

(a) The Fund shall be managed by:-

- (i) Governing Body and an
- (ii) Executive Committee.

(b) The Governing Body shall consist of:-

- i) The Director General, Border Security Force, (Ex-Officio President).
- ii) The Addl DG
- iii) The Inspector General (Admn)
- iv) A representative of PH's office

Contd....P/4

30 -

: 4 :

- v) A representative from the MHA
 - vi) The Dy Director (Admn) BSF HQrs
 - vii) The Dy Director (Pers) BSF HQrs
 - viii) The Dy Director (Accts) BSF HQrs
 - ix) The Dy Director (Comm) BSF HQrs
 - x) The Chief Medical Officer BSF HQrs
 - xi) The Asstt Director (Welfare) BSF HQrs
(who will act as a Secretary of the Fund).
 - xii) One Jt. Asstt. Director from BSF HQrs nominated by the DG.
 - xiii) One Subedar nominated by the DG, out of the names recommended by the IG BSF for the purpose.
 - xiv) One Platoon Commander nominated by the DG as in clause (1).
 - xv) One member of the Ministerial Staff of the BSF HQrs to be nominated by the DG.
 - xvi) The Governing Body may invite one or more persons for any meeting.
- (c) The Executive Committee shall consist of:-
- i) The Dy Director (Admn) BSF HQrs
 - ii) The Chief Medical Officer, BSF HQrs
 - iii) The Asstt Director (Welfare) BSF HQrs
(Secretary of the Fund).
 - iv) The Asstt Director (Accounts), BSF HQrs.

7. The Governing Body shall decide all questions of policy including mode of investment of funds, the nature and quantum of relief to be given, the type of projects and scheme that the fund is to sponsor and any other matters that may not have been provided for.

8. Within the framework of the general policy laid down by the Governing Body, the Executive Committee will give relief in individual cases and control and supervise the progress of projects and schemes started by the Fund.

P/5

31 -

(51)

9. All money of the Fund shall be invested either in Postal Cash Certificates or other Government Securities or Fixed Deposits with the State Bank of India or in other Scheduled Banks, Public Sector Undertakings and any other investments which the Governing Body considers which would fetch higher interest and would benefit the Fund. Such amounts as may be required for current working expenses shall be placed in an account with the State Bank of India or in any other Scheduled Bank, preferably in an account which may earn an interest. The amount of interest accrued from time to time will ordinarily be utilised for granting relief to the BSW personnel and their families. If any amount is found surplus to requirements, it may be invested in such a way as to earn maximum interest as decided by the Governing Body.

10. RECORDS: The following books and records shall be maintained:-

- (a) Minutes of the Governing Body and Executive committee meeting.
- (b) Accounts of all assets and liabilities of the Fund including investments.
- (c) Account of all income and expenditure, and
- (d) Progress of all schemes and projects.

11. AUDIT:

- (a) All accounts shall be audited at least once a year by any agency appointed by the Governing Body and approved by the Comptroller and Auditor General.

- (b) The audit accounts including the balance sheets and progress reports on all projects and schemes approved by the Governing Body once a year by the Executive Committee.

shall be produced before the Governing Body

- (c) A copy of the audited accounts, a copy of the balance sheet and the annual report shall be sent to the Prime Minister's Office for information of the National Defence Fund, and to the

32 -
: 6 :

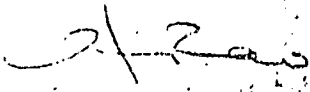
DISCRETIONARY NATURE OF RELIEF:

12. Grant of relief would be within the discretion of the Governing Body and these rules do not give any right to any beneficiary to claim relief as a matter of right.

INTERPRETATION:

13. If any dispute arises about the interpretations of these rules, the decision of the Director General would be final.

14. The above rules supersede the previous Special Relief Fund Rules, June, 1973 approved by the Ministry of Home Affairs in file No: 4/121/73-Estts/BSF.


(H. RAO)
INSPECTOR GENERAL (ADMN)

* THAMPI *

progress of projects and schemes.

contd. P/5

33

Annexure - D

No: 34/519/2003-III-I/BSF
Government of India
Ministry of Home Affairs
Genl. Border Security Force
Directorate

Block No: 10, Lodhi Road,
Kendriya Karyalaya Parishad,
New Delhi-110003

Dated : Nov' 2003

20

The Frontier Hqs
Border Security Force
R&G Jodhpur.

FILLING UP OF POST OF STAFF NURSE/AMH/AYA AND
SWEEPER OUT OF SRF IN FTR HOSPITAL JODHPUR

Please refer to your L/No: Adm-I/BSF/R&G/SRF/APP/03/629
dated 10th Oct' 2003 on the subject mentioned above.

2. I am directed to inform you that the case regarding filling up of post of Staff Nurse/AMH/Aya and Sweeper out on SRF in Frontier Hospital BSF R&G Jodhpur has been examined at this Hqs and desired by the Competent authority that these post to be filled up from the widows of BSF only and should be on contract basis for one year as per the following terms & conditions and they will be appointed only after getting approval from FHQ. If required fresh contract appointment will be given after one year after taking approval from FHQ:-

- i) The service of the apptt is not countable for regular service, Pensionary and financial benefits.
- ii) The service can be terminated, in case candidate is found unsuitable for the job or due to any other administrative reason likely paucity of fund giving one month notice.
- iii) HRA & free accommodation is not entitled.
- iv) On appointment, 8 days Casual Leave only is admissible per Calendar year.
- v) Candidate will be liable to abide by terms and conditions promulgated by the Special Relief Fund and concerned Ftr Hqs.
- vi) Candidate will be liable to render night duties/emergency duties in the concerned Hospitals.

(B S RANA)
ADDL DIG (WELFARE)

Copy to:-

1. All Ftr Hqs BSF
2. All SHqs BSF
3. All Trg. Instns.
4. All BSF Hqs.
5. Hqd Dtr R K Furam

It is requested that all BSF widows will be appointed out of SRF in the above terms & conditions.
For info please.

Policy
SRF

5668

19/11

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11/11/03

34-
Annexure - E

No. 17/18/02-Med/BSF/ 14673
Government of India
Ministry of Home Affairs
Directorate General Border Security Force
(Medical Directorate)

East Block - 9, Level - 4,
R K Puram, Sector - 1,
New Delhi - 110 066.

Dated, the ____ Sept' 2005


To,

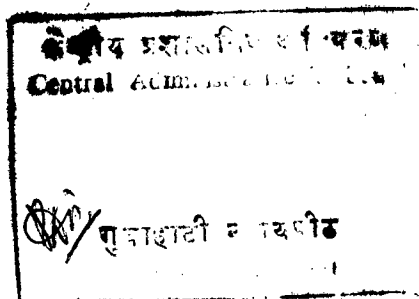
The HQrs Tripura Frontier
Border Security Force
Salbagan, Agartala
Tripura (West).

Subject: REGULARISATION AS AUXILIARY NURSE MIDWIFE
(ANM) OR IN A VACANCY OF GRADE-III IN THE BSF.

Please refer to your L/No. IGA/Estt/137/2005/22112 dated 16th Aug' 2005.

2. In this connection, I have been directed to write that there is no sanctioned post of ANM for any BSF Hospital by Govt as on date.
3. However, in view of functional requirement at various locations, ANMs are being appointed out of SRF and these posts are purely temporary having no other service benefits. As such the request of Miss H L Thumpi Anal for regularization as ANM against any Govt sanction is not possible.


(Dr S K Das)
Commandant (Medical)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 249/2005.

Miss H.K. Thumpi Anal ... APPLICANT

- Vs -

Union of India & others ... RESPONDENTS

- A N D -

IN THE MATTER OF :

A rejoinder to the Written Statement
filed by the Respondents.

1. That all the averments and submissions made in the Written Statement (hereinafter referred to as WS) are denied by the applicant save what has been specifically admitted herein and what appears from the records of the case.

2. That the applicant denies the correctness of the statements made in paragraph 3, 4 and 5 of the WS and respectfully states that just because she has been appointed against Special Relief Fund (for short SRF), she can not be denied the status of a regular Government servant. Rule 2(d) of the SRF Rules, 1998, as annexed by the Respondents as Annexure-D to their WS, defines the term "member of the Force". A member of the Force means an officer, a subordinate officer, an enrolled person and a civilian employee of the Force, including those

Contd...

employees who are paid from the private fund of the BSF and who subscribes to the fund. In exceptional circumstances, the Exexutive Committee may treat personnel of BSF auxiliaries and Home Guards under Ops command of BSF who susscribe to the funds as members of the Force. That apart, the heading 'source of income' clearly reveals that the said SRF receives grant from the National Defence Fund and also from the Government. Since the SRF generates income from the National Defence Fund and the Government grants, the applicant being appointed against fund meant for SRF cannot be denied the status of a regular Government servant. Since the applicant has been appointed as Auxilliary nurse midwife and has been employed to perform duties in BSF Hospitals and the existence of the said BSF Hospitals are incidental or are connected with the main purpose for which the BSF has been set-up, the premises as well as the entire paraphernalia of the said BSF Hospitals has been set-up from the fund from the Government of India and the applicant has been engaged in the service of the said Hospital continuously in an uninterrupted manner for several years. The entire running of the Hospitals including the working of the applicant is subject to the supervision and control of the BSF, the number and category of staff engaged in the Hospital is strictly controlled by the BSF. As such, the applicant can be said to be a BSF employee for all practical purpose.

Contd...

Therefore, she can not be denied the status of a Government servant for the purpose of exercise of jurisdiction by this Hon'ble Tribunal. So, the service rendered by the applicant can be safely said to be Government service and the applicant can also be said to be holding a 'civil post'.

3. That apart since the applicant is claiming regularisation of her service as a civilian employee of the BSF, this Hon'ble Tribunal has ample jurisdiction to entertain the Original Application in view of the fact that this Hon'ble Tribunal would derive jurisdiction not only when the dispute relates to a person already employed in service, but also when any dispute arises relating to the process of selection leading to appointment. Here in the instant case, the applicant seeking appointment by way of regularisation.

4. That the applicant denies the correctness of the statements made in paragraph 6 of the WS and begs to state that she has been denied pensionary and other benefits on the pretext of the appointment being made out of SRF, whereas for all practical purpose, she is a BSF employee within the meaning of the SRF Rules. As such, her services are being used in an exploitative manner by the BSF authorities by denying her quarter, House Rent Allowance, Leave Travel Concession, clothing and other benefits and by paying her a consolidated

Contd...

salary only.

5. That the applicant denies the correctness of the statements made in paragraphs 7 and 8 of the WS and respectively states that she had joined the service of BSF at the age of 27 years within the prescribed time limit for such Governmental appointment and she can not be faulted on that count.

6. That the applicant denies the correctness of the statements made in paragraph 9 of the WS and respectfully states that all Government circulars and Rules etc. as regards conferring of special benefits to the S.T. candidates are applicable in case of BSF civilian staff and she can not be denied such benefits on the pretext of being appointed under the BSF SRF Rules.

7. That the applicant denies the correctness of the statements made in paragraphs 10 and 11 of the WS and respectfully states that contrary to the earlier stand of the Respondents that the case of the applicant can not be considered for regularisation as because there are two noncompatised post of ~~AYB~~/ANM, one at Base Hospital, Jalandhar and other at Base Hospital, Kadam-tala for ANM, letter dated 20.9.05 (Annexure-E to the WS) has been issued in perfunctory manner as the specific plea of the applicant as regards vacancy of ANM which had occurred at Kadamtala on the transfer of one

Contd...

Shri Suresh Devi to Delhi has not been considered by the Respondents. This is ample evidence of the fact how a poor tribal lady from a remote village of a most backward part of our Country i.e. North Eastern Region is being sought to be denied appointment by resorting to usual Governmental red-tapism.

8. That the applicant denies the correctness of the statements made in paragraphs 12 and 13 of the WS and respectfully states that it does behave of a model employer like BSF which is a Central Government agency to treat the applicant in the manner as has happened in the instant case. Had the applicant obtained better employment elsewhere, she would have certainly left the BSF service rather than working in such miserable condition at a meagre salary. However by any stretch of imagination, it can not give credibility to the action of the BSF authorities in using the services of the applicant in an exploitative manner and denying her the minimum basic salary and allowances and instead paying her a meagre consolidated pay.

9. That the applicant denies the correctness of the statements made in paragraph 14 of the WS and respectfully states that the applicant is a full fledged BSF civilian employee within the meaning of the BSF and SRF Rules and as such, her services can not be terminated at the sweet will of the Respondents. The BSF

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authorities on the pretext of conferring benefits to its war-widows ought not to have conferred the status of a contractual employee to the applicant.

10. That the applicant denies the correctness of the statements made in paragraphs 15 and 16 of the WS and respectfully states that the applicant having rendered continuous service since 1997, her service deserves to be considered for regularisation as per the law laid down in the various decisions of the Apex Court and which has been so pleaded in paragraph 5.3 of the Original Application. That apart, the fact that the said law being not applicable in case of the applicant, she being allegedly paid from a private fund, is blatant mistruth made with an ulterior motive of misleading this Hon'ble Tribunal. This speaks volume about the conduct of the Respondents in seeking to discriminate a poor tribal lady of the North Eastern Part of our Country.

11. That the applicant denies the correctness of the statements made in paragraphs 17 and 18 of the WS and respectfully states that the applicant has come to know from reliable source that a Base Hospital at Salbargar is going to be commissioned shortly and in the event of which there would be no bar on the part of the Respondents in considering the case of the applicant for regularisation of her service as sufficient number of posts would be available then.

Contd...

12. That the applicant denies the correctness of the statements made in paragraph 19 of the WS and respectfully states that she had withdrawn the earlier Writ Petition filed before the Agartala Bench of the Hon'ble High Court on being assured by the Respondents that her case would be considered for regularisation, although the said assurance has not been given in black and white. In this connection, it would be pertinent to mention that the applicant being a poorly paid employee at the lowest strata of the BSF, is certainly not in a comfortable bargaining position; and on being pressurised she was compelled to withdraw the earlier Writ Petition. The fact however that her representations dated 17.3.05 and 1.8.05 had been considered by the Respondents was never communicated to the Applicant and it is only now after receipt of a copy of the WS filed by the Respondents that the applicant had come to know that her said representations had been disposed of by the Respondents. The fact that her these two representations dated 17.3.05 and 1.8.05 had been considered by the Respondents, but had not been communicated to the applicant, so the applicant was on the bonafide belief that her representations had not been considered. In this view of the matter, the applicant had approached this Hon'ble Tribunal by filing the instant Original Application being so aggrieved by the inaction on the part of the Respondents in non-disposal of the repre-

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sentations dated 17.3.05 and 1.8.05 and praying for issuance of a direction for regularising her service.

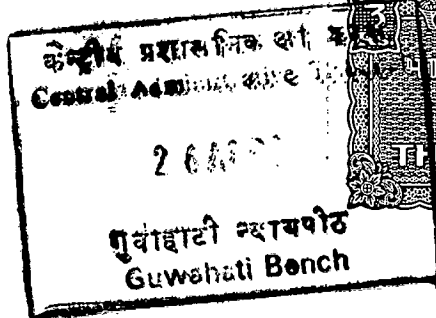
Under the facts and circumstances stated above, it is respectfully submitted that this Hon'ble Tribunal may be pleased to direct the Respondents to consider the case of the applicant for regularisation of her service in view of the fact that a post of ANM exists at Base Hospital, Kadamtala apart from the fact that other vacant post of ANM also exists at the Salbagan Base Hospital.

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

I, Miss H.K. Thumpi Anal, D/o Late Sh. Hulang Mono Anal, aged about 35 years, working as Auxilliary Nurse Midwise/ANM, resident of village Berukhudar, P.O. Sungu, District Sandal, Manipur do hereby verify that the contents of the paragraphs 1,2,3,4,6,7,8,9,10,11 and 12 (part) are true to my personal knowledge and those in paragraphs 5 and 12 (part) are believed to be true on legal advice and that I have not suppressed any material fact.

Date : 20 Jan 06
Place : Guwahati

H.L. Thumpi Anal
(Signature of Applicant)



43-
By Inspector General/PSO
पुण्या. टी. सी. एच. उम. क. विर
HQ TC & M FTB
को. सु. वर
BS

Filed by
the Respondents through
Asha Das
Addl. Secy
21.11.12

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

Case No. OA NO.249/2005

IN THE MATTER OF :-

MISS H L THUMPTI ANAL

...APPLICANT

-VERSUS-

The UNION OF INDIA & ORS

...RESPONDENTS

AND

IN THE MATTER OF :-

Reply to the rejoinder filed by the respondents

The above named respondents MOST RESPECTFULLY

beg to state against the rejoinder as follows:-

1) That the respondents have received a copy of rejoinder filed by the applicant and have gone through the same and have understood the contentions made thereof. Save and except the statements, which are not specifically admitted herein below rests may be treated as total denial. The statements, which are not borne on records,

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21/8/14

उप महानिरीक्षक / प्र. स्टा. भा. ७५
Dy. Inspector General/PS
कल्या. टी. सी. एण्ड एम. क. बिया
HQ TC & M FTB
सी. सु. बल
BSF

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are also denied and the applicant is put to the strictest proof thereof.

- 2) That with regard to the statement made in paragraph 1 of the rejoinder the respondents do not offer any comment.
- 3) Those with regard to the statement made in paragraph 2 of the rejoinder the respondents deny the correctness of the same and beg to submit as follows :-
 - (a) Rule 2(d) of SRF Rules, 1988 states that SRF fund will run with the subscription of an officer, Sub-ordinate officer, an enrolled person and a civilian employee of the force, who are paid from the Private Fund of this Department. But BSF has never taken any subscription from her being paid consolidated salary out of SRF Fund.
 - (b) SRF fund is run with the own resources of BSF and in case any fund is received from National Defence Fund will be included in SRF fund for welfare of jawans of the force

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[Signature]

उप महासचिव / प्र. स्टा. अधिकारी
Dy. Inspector General/PSU
पुलिस. डी. सी. एण्ड एम. फ. डिप्ट.
HQ TC & M FTB
सी. मु. बल
BSF

[Signature]

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who are guarding the borders of the Nation as mentioned in para 4 (a) to (j) of SRF fund Rules.

A Copy of the SRF Rules is annexed herewith and marked as Annexure -R.

- (c) As regards her claim to be treated as Govt. employee, it is submitted that there are 03 types of employees serving in BSF i.e one BSF servants paid out of Govt. fund, second one is civilian employees being paid out of Govt. fund and lastly private fund employees being paid out of concerned private fund. In this connection para-13 (interpretation) may be referred vide which it has been mentioned that if any dispute arises about the interpretation about the SRF Rules, the decision of the Director General, BSF would be final.
- 4) That with regard to the statement made in paragraph 3 of the rejoinder, the respondents while denying the contentions made therein beg

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उप महानिरीक्षक / प्र. स्टा. बॉ. ब.
By. Inspector General/PSI
पू. ब. टी. सी. एड. म. क. ब. ब.
HQ TC & M FTB
सी. सु. ब. ब.
BSF

to state that since the applicant has been paid out of private fund (Special Relief Fund) of BSF, the fund which is made from the contribution of each BSF personnel for welfare of the family of BSF personnel and the post which is holding by the applicant is purely a temporary one. The claim of the applicant for regularization is not at all tenable.

- 5) Those with regard to the statement made in paragraph 4 of the rejoinder, the respondents deny the correctness of the same. The respondents beg to state that consolidated pay and leave is being paid/given to the applicant as per SRF Rules.
- 6) That with regard to the statement made in paragraph 5 of the rejoinder, the respondents beg to state that as regards temporary appointment of the applicant at the age of 27 years, the competent authority considered the request of the applicant as per facts and circumstances of the individual case.

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27/8/14

उप महानिरीक्षक / प्र. स्वा. वि. वि.
Dy. Inspector General/PSL
दुब्या. टी. सी. एण्ड एम. कं ब्रिडर
HQ TC & M FTB
सी. सु. वल
BDS

: 5 :

- 7) That with regard to the statement made in paragraph 6 of the rejoinder, the respondents beg to state that there is no age limit for the persons desirous to serve in SRF, but there are certain age limitations for the persons want to get the Govt. service. Moreover, the person who wants to get the Govt. service has to face the recruitment screening/formalities whenever such advertisement is published by Govt. from time to time.
- 8) That with regard to the statement made in paragraph 7 of the rejoinder, the respondents beg to state that ANMs are being appointed out of SRF and these posts are purely temporary having no other service benefits. As such, request of the applicant is not possible for Govt. job.
- 9) That with regard to the statement made in paragraph 8 of the rejoinder, the respondents deny the correctness of the same. The respondents further beg to state that it is once again re-iterated that there is no objection to SRF

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व्य. महानिरीक्षक / प्र. स्टा. बॉ.
Dy. Inspector General/PSL
मुख्या. टी. सी. एण्ड. म. क. बिरा
HQ TC & M FTR
मो. सु. बल
BSF

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: 7 :

face the BSF recruitment process as and when such advertisement is published.

- 13) That with regard to the statement made in paragraph 12 of the rejoinder, the respondents beg to offer no comment.
- 14) That in view of the above facts and circumstances of the case the Hon'ble Tribunal may be pleased to dismiss the OA.

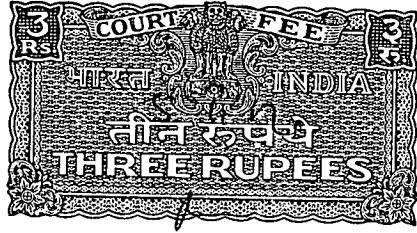
VERIFICATION

I, Shri B. S. KUSHWAH, Addl. DIG(Comn), HQ TRA FTR BSF, aged about 57 years at present working as DIG/PSO, HQ TRA FTR BSF, Salbagan and am well conversant with the facts and circumstances of the case for which I am taking steps in this case, being duly authorized and competent to sign this verification, do hereby solemnly affirm and state that the statement made in paragraph 1, 2, 14 are true to my knowledge and belief, those made in paragraph 3 to 13 being matter of records, are true to my information derived there from and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this 18 th day of April, 2006 at Agartala in Court premises.

Signature
18/4/06
DEPONENT

अप महानिरीक्षक / प्र. स्टा. बॉस
Dy. Inspector General/PSO
मुख्या. टी. सी. एण्ड इम. फं. स्थान
HQ TC & M FTB
सी. सु. बल
BSF



21/8/06
य. महानिरीक्षक / अ. लो. नो.
य. Inspector General/PSG
दुबई. डी. सी. एच. टी. व. फि
NO TC & M FTR
डी. डी. नं.
BSF

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

Case No. OA NO. 249/2005

IN THE MATTER OF :-

MISS H L THUMPI ANAL

...APPLICANT

-VERSUS-

The UNION OF INDIA & ORS

...RESPONDENTS

AFFIDAVIT

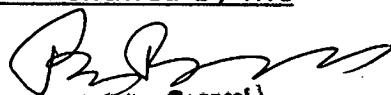
I , B S KUSHWAH, Addl. DIG(Comn), HQ TRA
FTR BSF, Salbagan, S/o Late Shri T. S. Kushwah aged
about 57 years, by caste - Hindu, by profession -
Govt. service, presently working as DIG/PSO, HQ TRA
FTR, BSF, Salbagan, Agartala, P.S Airport, West Tripura
do hereby solemnly affirmed on oath declare as
follows:-

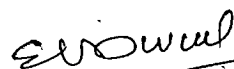
18/04/06
Commissioner of Affidavit
Gauhati High Court
Agartala Bench.

1. That, I am Addl. DIG(Comn.), HQ TRA FTR BSF Salbagan, Agartala, and am well conversant with the facts & circumstances of the case.
2. That, presently I am working as DIG/PSO, HQ TRA, Ftr, BSF, Salbagan, Agartala and I am competent, empowered and authorised to swear this affidavit for and on behalf of the all respondents in support of the reply filed by the respondents against the rejoinder.
3. That the statement made in the reply are true to my knowledge gathered from official records.

In acknowledgement whereof, I sign to this affidavit before the Oath Commissioner, Guwahati High Court at Agartala Bench, Agartala on this the 18 th day of April, 2006.

Deponent is known to me
and identified by me


Asstt. Solicitor General,
Govt. of India Gauhati,
High Court, Agartala Bench.
ADVOCATE


DEPONENT

18/4/06
७५ महानिरीक्षक / प्र. स्टा. बधि
Dy. Inspector General/PSO
पुलिस. टी. सी. एण्ड एम. क. लिमि
HQ TC & M FTP
सी. सु. बल
BSF

18/04/06
Commissioner of Affidavit
Gauhati High Court
Agartala Bench.

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SHRIB. S. KUSHAWAH,
S/O. LATE SHRI T.S. KUSHAWAH
ADDL. DIG (Comm),
HQ TRA FTR B&F, SALBAGAN,
AGARTALA, P.S. - AIRPORT,
DIST. - WEST TRIPURA.

personally affirmed before me this 18th
of April 199... 2006 4-58 A.M.P.M. The
declarant is identified by Mr. P.K. Biswas, Adv.
..... Ld Advocate is personally
known to me.
I certified that I read over and explained the
contents to the declarant and that the declarant
understood perfectly to understand them.

18/04/06
Commissioner of Affidavits
Gauhati High Court
Agartala Branch

2006
18/4/06
By Inspector General/PSL
कृष्णा. टी. सी. एण्ड. जे. क. सिंग
HQ TC & M FTR
सी. व. क.
B&F

Identified by me
18.04.06
Asstt. Solicitor General,
Govt. of India, Gauhati,
High Court, Agartala Branch.

Block No: 10, Lodhi Road,
Kendriya Karyalaya Parisar,
New Delhi-110003.

Dated : 04 March '97.


All Frontier HQrs/Sector HQrs
All Trg. Institutions including STCs
Commandants BSF Signal School/
Signal Regt/Arty Regt
Cenwosto/CSMT Tekanpur
All Ens BSF

Subject:- SPECIAL RELIEF FUND RULES

Sir,

I am directed to forward herewith a copy of
L/No: 34/42/88-Adm-I/BSF/1268-69 dated 14/2/97 regarding
amendment in BSF's Special Relief Fund Rules 1988 for your
information please.

Please acknowledge receipt.


(NARESH GAUR)
ASSTT DIRECTOR (WELFARE)

Encl : : As above

Copy to:-

1. PS to DG
2. PA to Addl.DG
3. PA to IG(Trg)
4. PA to IG(Pers)
5. PA to IG(Admn)
6. PA to IG(Comn)
7. PA to IG(G)
8. PA to IG(Ops)
9. PA to PA-Cum-CAO
10. PAs to DD(Admn)/DD(Pers)/DD(Med)/DIG(HQ)/DD(Trg)/DD(Comn)
11. PA to DD(Accounts) (2 copies)
12. PAD BSF (2 copies)
13. All Dte HQ DG BSF/25 Bn BSF/Camp Comdt MT Workshop/PRO BSF/
EDP Cell/RDS Cell/BSF STS and Med Dte FHQ.
14. Office copy.

- 54 - - 12 - (14) 92

THE BORDER SECURITY FORCE
SPECIAL RELIEF FUND RULES - 1988

1. TITLE : These Rules shall be called the ' Border Security Force Special Relief Fund Rules ' 1988 and shall come into force with effect from 1st August, 1988.

2. DEFINITIONS : In these rules unless the context otherwise requires:-

- (a) ' Fund ' means the ' Border Security Force Special Relief Fund '.
- (b) ' Beneficiary ' means a member of the Force, serving or retired or invalidated out of service and his dependents.
- (c) ' Dependents ' means, widow, non-earning son till he attains the age of 21 years and non-earning unmarried daughter and parents of a member of the Force dependent on him. The term ' Dependent ' shall include minor brothers and sisters if parents are non-earning.
- (d) ' Member of the Force ' means an officer, a Subordinate officer, an enrolled person and a civilian employee of the force, including those employees who are paid from the Private Funds of the BSF and who are subscribers to the funds.
In exceptional circumstances the executive Committee may treat personnel of BSF Auxillaries and Home Guards under Ops Command of BSF who subscribe to the funds, as members of the Force.

SOURCE OF INCOME :- The fund shall be raised by :-

- (a) Assets taken over from the BSF Special Relief Fund governed by the BSF Special Relief Fund Rules, June'1973.
- (b) Grants received from the National Defence Fund.

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- (c) Government grants, if such grants become necessary in future.
- (d) Voluntary contribution from officers and all ranks of the BSF and members of the Force under the control of the BSF.
- (e) Voluntary subscription and donations from persons other than those mentioned in rule 3(d), which the Governing Body may agree to accept.
- (f) Contributions from non-official sources which the Governing Body may accept or from any of the Force Funds.
- (g) By taking over all assets of the BSF Benevolent Fund which has been wound up with effect from 31.7.1988.

4. OBJECTS OF THE FUND

- (a) To provide financial assistance of Rs. 2,500-00 in lump-sum of such amount as may be fixed by the Governing Body, in case of death while in service to the beneficiary, or as may be revised from time to time by the Governing Body.
- (b) Rehabilitation of widows and orphans, schemes which may be in the nature of establishment and running of widow homes, providing suitable employment opportunities, sanctioning stipends for education and vocational training, providing housing facilities and assistance in developing agriculture as a means of livelihood.
- (c) To provide refundable advance to Unit welfare Centre to enable expansion in their programme of providing work for the families.

- (d) To provide assistance to families of BSF personnel in education, vocational training, medical relief or any welfare measure which would benefit the women and children of the members of the BSF.
- (e) To establish creches for children in the Units.
- (f) Setting up of hospitals at selected place for the benefit of women and children and the member of the Force.
- (g) To give financial assistance to needy force personnel in case of prolonged illness or serious disease or natural calamities.
- (h) To give reasonable grants for performing obligatory social functions.
- (j) To undertake any other welfare measure which the Governing Body approves.

5. RELIEF TO BE GIVEN :- All types of relief as mentioned in Rule 4 may be given to a beneficiary.

6. ADMINISTRATION OF THE FUND

(a) The Fund shall be managed by :-

- (i) Governing Body and an
- (ii) Executive Committee

(b) The Governing Body shall consist of :-

- i) The Director General, Border Security Force (Ex-Officio President).
- ii) The Addl DG
- iii) The Inspector General (Admn)

v) The Dy Director (Admn) BSF HQrs

- vi) The Dy Director (Pers) BSF HQrs
- vii) The Dy Director (Acctts) BSF HQrs
- viii) The Dy Director (Comn) BSF HQrs
- ix) The Chief Medical Officer BSF HQrs
- x) The Asstt Director(Welfare) BSF HQrs
(who will act as a Secretary of the Fund).
- xi) One Jt.Asstt. Director from BSF HQrs nominated
by the DG.
- xii) One Subedar nominated by the DG, out of the
names recommended by the IG BSF for the purpose.
- xiii) One Platoon Commander nominated by the DG
as in clause (1).
- xiv) One member of the Ministerial Staff of the BSF
HQrs to be nominated by the DG.
- xv) The Governing Body may invite one or more
persons for any meeting.
- (c) The Executive Committee shall consist of :-
 - i) The Dy Director(Admn) BSF HQrs
 - ii) The Chief Medical Officer, BSF HQrs
 - iii) The Asstt Director(Welfare) BSF HQrs
(Secretary of the Fund).
 - iv) The Asstt Director(Accounts), BSF HQrs.

7. The Governing Body shall decide all questions of policy including mode of investment of funds, the nature and quantum of relief to be given, the type of projects and scheme that the fund is to sponsor and any other matters that may not have been provided for.

8. Within the frame work of the general policy laid down by the Governing Body, the Executive Committee will give relief in individual cases and control and supervise the progress of projects and schemes started by the Fund.

9. All money of the Fund shall be invested either in Postal Cash Certificates or other Government Securities or Fixed Deposits with State Bank of India or in other Scheduled Banks, Public Sector Undertakings and any other investments which the Governing Body considers which would fetch higher interest and would benefit the fund. Such amounts as may be required for current working expenses shall be placed in an account with the State Bank of India or in any other Scheduled Bank, preferably in an account which may earn an interest. The amount of interest accrued from time to time will ordinarily be utilised for granting relief to the BSF personnel and their families. If any amount is found surplus to requirements, it may be invested in such a way as to earn maximum interest as decided by the Governing Body.

10. RECORDS : The following books and records shall be maintained :-

- (a) Minutes of the Governing Body and Executive Committee Meeting.
- (b) Accounts of all assets and liabilities of the Fund including investments.
- (c) Account of all income and expenditure, and
- (d) Progress of all schemes and projects.

11. AUDIT :

- (a) All accounts shall be audited at least once a year by any agency appointed by the Governing Body and approved by the Comptroller and Auditor General.
- (b) The audited accounts including the balance sheets and progress reports on all projects and schemes approved by the Governing Body shall be produced before the Governing Body once a year by the Executive Committee.

- (c) A copy of the audited accounts, a copy of the balance sheet and the annual report shall be sent to the Prime Minister's Office for information of the Committee of National Defence Fund, and to the MHA.

DISCRETIONARY NATURE OF RELIEF :

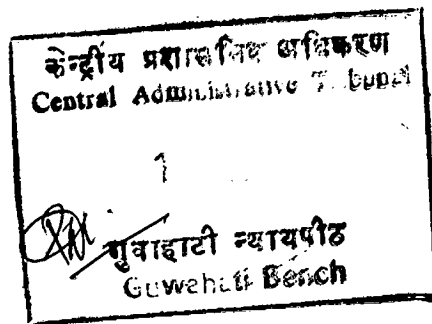
12. Grant of relief would be within the discretion of the Governing Body and these rules do not give any right to any beneficiary to claim relief as a matter of right.

INTERPRETATION :

13. If any dispute arises about the interpretations of these rules, the decision of the Director General would be final.

14. The above rules supersede the previous Special Relief Fund Rules, June, 1973 approved by the Ministry of Home Affairs in file No: 4/121/73-Estts/BSF.


(VIJAY SHANKER)
DIRECTOR GENERAL (ADMIN)



1102
Filed by:-
Pallab Ghosh
Advocate, 11.05.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH, GUWAHATI

In the matter of:

Original Application No.249/2005

Miss H.L. Thampi Anal
..... Applicant

-versus -

Union of India and Others
..... Respondents

AND

In the matter of:

An Additional Affidavit filed on
behalf of the applicant.

Additional Affidavit

I, Miss H.L. Thampi Anal, D/O Late Sh. Hulang Mono Anal aged about 36 years, presently working as Auxillary Nurse cum Midwife, resident of Berukhudam, P.O. Sungu, District - Chandel, Manipur do hereby solemnly affirm and state as follows:-

1. That I am the applicant in the instant O.A. and, as such, I am competent to file this affidavit and accordingly I swear the same. I am fully acquainted with the facts and circumstances

Contd.....

of the case.

2. That inspite of excercise due diligence, certain factual matters which have vitally being on the adjudication of issues raised in the instant O.A. has been left out. Therefore, this affidavit has been filed to bring on record the facts as has been stated below.

3. That I respectfully state that although I am performing the duties of a regular employee at B.S.F., I am being paid out of the Special Relief Fund (for short SRF) just to deny me the status of regular employee and to keep me out of the scope of ambit of a regular employee within the meaning of Rule 2 (d) of the SRF Rules, 1998. The respondents due to reason best known have not made any deductions from my salary by way of my contribution to the SRF.

4. That apart while my claim for being regularised in service was being considered by the respondents, they had come up with all sorts of technical pleas so as to deny the benefits of a regular Govt. servant. Whereas, in case of similar situated persons i.e. one Smt. Suresh Devi and the other Smt. Pangсила bearing Registration No.

Contd.....

951200289 who were similarly appointed like me and paid out of SRF, their services had been regularised. It is only me who has been singled out for unfair treatment while considering my case for regularisation in violation of Article 14 and 16 of the Constitution of India.

5. That as such, under the facts and circumstances stated above, it is respectfully submitted that it is a fit case wherein this Tribunal may be pleased to direct the respondents to consider my case for regularisation particularly in view of the facts that on the date of my appointment I full-filled all the eligibility norms in as much as I was within the prescribed age limit and have all the requisite qualifications as is required in case of regular appointment.

6. That the statements made in this affidavit and at paragraphs 1,2,3 and 4 are true to my knowledge, those made in paragraphs ...x... being matters of record of the case are true to my information derived therefrom which I verily believe to be true and the rest are my humble submissions before this Hon'ble Court.

Contd.....

- 4 -

And I sign this affidavit on this 11th day of
May...., 2006 at Guwahati.

H.L. Thumpi Anal

Identified by me

DEPONENT

Pallab Ghosh

Advocate

Sworn before me.
Charanendra Kumar Sarmah
Advocate
11/5/06

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

29 JUL 2005

गुवाहाटी न्यायपीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH GUWAHATI

OA NO. 249/2005

MISS H.L. THUMPI ANAL

APPLICANT

- VERSUS -

UNION OF INDIA & ORS

RESPONDENTS

IN THE MATTER OF

Reply to the Additional Affidavit filed the

OA No. 249/2005 by the applicant -

- 1) That the respondents have received copy of the Additional Affidavit filed in the above noted OA and have gone through the same and have understood the contentions made thereof. Save and except the statements, which are specifically admitted herein below, rest may be treated as total denial and the applicant is put to the strictest proof thereof.
- 2) That with regard to the statement made in paragraphs 1 and 2 of the Additional Affidavit the respondents beg to offer no comments.
- 3) That with regard to the statement made in paragraph 3 of the Additional Affidavit the respondents while denying the statement made therein beg to state that the applicant was appointed as Auxiliary Nurse, Midwife out of Special Relief Fund

डाय. प्रशासनिक / प्र. स्टा. नॉ. डि.
DY. Inspector General/PSO
कृष्णा. टी. सी. एण्ड. एम. फ. डि.
HQ TC & MFTB

मो. सु. बल

Filed by

The Respondents through

Usha Das
Addl. Secy
19/7/05

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27-Inspector General/PSX
HQ TC & M FTB
BSF
108

as Special case as per Special Relief Fund Rule 2 (d) 1988 not 1998 as mentioned by the applicant.

Rule 2(d) Special Relief fund will run with the subscription of an officer, Subordinate officer, an enrolled person and a civilian employee of the force, who are paid from the private fund of this department. But BSF has never taken any subscription from her being paid consolidated salary out of Special Relief Fund.

- 4) That with regard of the statement made in paragraph 4 and 5 of the OA the respondents beg to state that as regards her claim to be treated as Govt. employees, it is submitted that there are 03 type of employees serving in BSF i.e. one BSF personnel paid out of Govt. fund, second one is civilian employees being paid out of Govt. fund and lastly private fund employees being paid out of concerned private fund. In this connection Para 4 (interpretation) may be referred vide which it has been mentioned that if any disputed arises about the interpretation about the Special Relief Fund Rules, the decision of the Director General, BSF would be final.

An application dated 01.08.2005 submitted by the applicant regarding regularization as Auxiliary Nurse, Midwife was forwarded to FHQ Med Dte on 16.08.2005. On 28.09.2005 FHQ Med Dte had intimated that there is no sanctioned post of Auxiliary Nurse, Midwife for any BSF hospital by Govt. as on date. However in view of functional requirement at various local Auxiliary Nurse, Midwife are being appointed out of Special Relief Fund (in sort SRF) and this

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सुप. महानिदेशक / १/ स्टा. भा.
Dy. Inspector General/PSU
मुम्बई/टी. सी. एण्ड एम. क. सिटी
HQ TC & M FTR
सी. सु. बल
DSP

post are purely temporary having no other service benefits as such request of applicant for regularization as Auxiliary against any Govt. sanction is not possible.

- 5) That in view of the above facts and circumstances of the case the Hon'ble tribunal may be pleased to dismissed the Original Application.

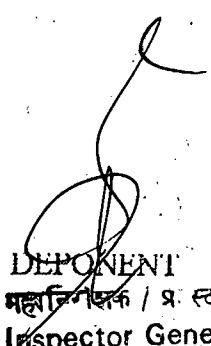
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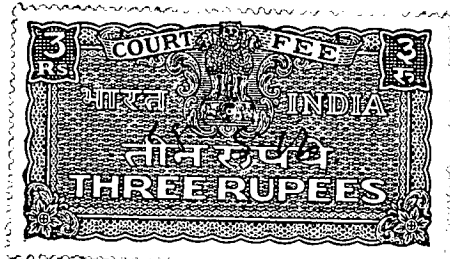
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VERIFICATION

I P J Sebastian, Deputy Inspector General, aged about 55 years at present working as Principal Staff Officer, HQ Tripura Frontier BSF Salbagan am well conversant with the fact and circumstances of the case and taking steps in this case, being duly authorized and competent to sign this verification, of this reply, do hereby solemnly affirm and state that the statement made in paragraphs 1, 3 and 4 are true to my knowledge and belief, those made in paragraph 2 being matter of records, are true to my information derived there from and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this 2 th day of June' 2006 at Agartala.


• DEPONENT
उप महा निरीक्षक / प्र. स्टा. ब्रांच
Dy. Inspector General/PSI
मुख्या. टी. सी. एण्ड एम. फ. मित्र
HQ TC & M FTP
सी. सु. बल
BSF



जय महानिगम / प्र. स्वा. नग.
Dr. Inspector General/PSQ
 मुख्य / डॉ. सी. एण्ड एस. क. बिहार
HQ TC & M FTB
 सी. सु. बल
PSQ

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

Case No. O.A. No. 249/2005

IN THE MATTER OF :-

MISS H L THUMPI ANAL

APPLICANT

VERSUS

The UNION OF INDIA & ORS

RESPONDENTS

AFFIDAVIT

I, P J Sebastian, DIG/PSO, HQ Tripura FTR BSF, Salbagan, S/o Late Shri P M Joseph aged about 55 years, by caste-Christen, by profession-Govt. service, presently working as DIG/PSO, HQ TRA FTR, BSF, Salbagan, Agartala, P S Airport, West Tripura do hereby solemnly affirmed on oath declare as follows:-

1. That I, am DIG/PSO, HQ TRA FTR BSF Salbagan, Agartala and am well conversant with the facts & circumstances of the case.

12/07/06
Commissioner of Affidavit
Gauhati High Court
Agartala Bench.

112

b

2. That, presently I am working as DIG/PSO, HQ TRA, FTR BSF, Salbagan, Agartala and I am competent, empowered and authorized to swear this affidavit for and on behalf of the all respondents in support of the reply filed by the respondents against the rejoinder.

3. That the statement made in the reply are true to my knowledge gathered from official records.

In acknowledgement where of, I sign to this affidavit before the oath Commissioner, Guwahati High Court at Agartala Bench, Agartala on this the 12 th day of July, 2006

Deponent is known to me
and identified by me

Syed Mustajin Ali

Central Government
GAUHATI HIGH COURT,
AGARTALA BENCH

DEPONENT
১৭ মাস্টারজি / প. স্টা. মাও
Dy. Inspector General/PSC
মুখ্য/দে. সী. এন্ড ইম. ক'মিশন
HQ TC & M FTB
সী. গু. বস
BSF

Beng 12/07/06
Commissioner of Affidavit
Gauhati High Court
Agartala Bench.

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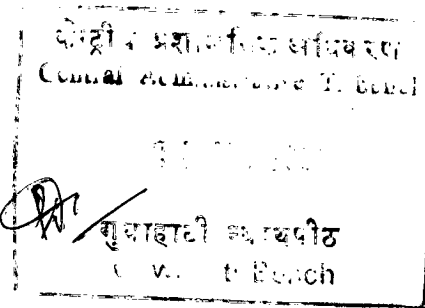
Mr. P. J. SEBASTIAN,
S/o Lt. Shri P.M. Joseph,
DIG/PSO, HQ Tarpura,
FTR BSF, Salbagam,
Agartala.

12th July 1992 at 12:48 A.M/P.M. The
declarant is identified by Mr. S.M. Ali, Adv.
known to me.
I certified that I read over and explained the
contents to the declarant and that the declarant
stated perfectly to understand them.

Beng 12/07/06
Commissioner of Affidavits
Gauhati High Court
Agartala Bench

(P. J. SEBASTIAN)
12/07/06
उप महानिरीक्षक / प्र. स्टा. बहि.
Dy. Inspector General/PS
पुलिस. टी. सी. एण्ड एम. क. लि.
HQ TC & M FT
सी. यु. नर
BSF

Syed Muntazir Ali
12-07-06
Central Government
GAUHATI HIGH COURT,
AGARTALA BENCH



Filed by:-
Pallab Ghosh
Advocate, 10.8.06.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH, GUWAHATI

In the matter of:

Original Application No.249/2005

Miss H.L. Thumpi Anal

.... Applicant

-versus -

Union of India and Others

.... Respondents

-AND-

In the matter of:

An Additional Affidavit filed on behalf of the applicant highlighting the fact that during the pendency of the instant O.A. the conditions of service of the applicant has been changed to the detriment of the applicant.

Additional Affidavit

I, Miss H.L. Thumpi Anal, D/O Late Sh. Hulang Mono Anal aged about 37 years, presently working as Auxiliary Nurse cum Midwife in the Border Security Force, Salbagan, Agartala, Tripura (West) District, Tripura and a resident of Berukhudar, P.O. Sugnu, District - Chandel, Manipur do hereby solemnly affirm and state

Contd.....

as follows:-

1. That I am the applicant in the instant O.A. and, as such, I am competent to file this affidavit and accordingly I swear the same. I am fully acquainted with the facts and circumstances of the case.

2. That I have filed the instant O.A. as Applicant claiming regularisation of my service as Auxiliary Nurse-cum-Mid-wife as I have been serving on continuous basis since 26.9.97. The said O.A. is pending disposal of this Hon'ble Tribunal.

3. That this Additional Affidavit is being filed to bring on record of the fact that although I was appointed vide order dated 26.9.97 as Auxiliary Nurse-cum-Mid-wife and I am being paid out of special relief fund and even though the said appointment was purely temporary, no time limit has been fixed as regard my continuation in service in the said post. Now since I have filed the instant O.A. claiming regularisation, the respondents just in order to deny my just and legitimate claim had changed my conditions of service to my detriment in as much as the Additional Deputy Inspector General/P.S.O., Frontier Head Quarter, Border Security Force, Tripura vide order No. IGA/ADM/01/05/2006/6481-84 dated 13.6.06 had intimated

Contd.....

me that my appointment has been made contractual with effect from the period 5.4.06 to 4.4.07 i.e. for a period of one year.

A copy of the aforesaid order dated 13.6.06 is annexed hereto and marked as Annexure-12.

4. That I respectfully state that the malafide intention of the respondents in order to deny my just and legitimate claim is quite apparent from issuance of the aforesaid order dated 13.6.06 as because after rendering long 9 years of service there is no reason on the part of the respondent authorities to make my service contractual for a period of one year i.e. with effect from 5.4.06 where as there is no such earlier order which states that my service shall continue upto 4.4.06.

5. That as such it is quite apparent that the malafide intention of the respondents is writ large from issuance of the aforesaid order dated 13.6.06 and I am being singled out for unfair treatment by the respondents. It is quite obvious that respondents does not have the intention to continue my service beyond 4.4.07.

6. That as such, under the facts and circumstances stated above, it is respectfully submitted that it is

Contd.....

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a fit case wherein this Tribunal may be pleased to direct the respondents to consider my case for regularisation particularly in view of the fact that on the date of appointment I had full-filled all the eligibility norms in as much as I was within the prescribed age limit and possessed all the requisite qualifications as is required in case of regular appointment.

6. That the statements made in this affidavit and at paragraphs 1,2,4 & 5 are true to my knowledge, those made in paragraphs 3 being matters of record of the case are true to my information derived therefrom which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this ^{9th} day of August, 2006 at Guwahati.

H.L. Thampi Anal

Identified by me

DEPONENT

Ranash Bhowmik

Advocate

Signed before me :-

Burhanuddin Ahmed
ADVOCATE 9.8.06

ANNEXURE-12

12

OFFICE OF THE INSPECTOR GENERAL BORDER SECURITY FORCE, SALBAGAN,
AGARTALA, TRIPURA (WEST) DISTRICT, TRIPURA STATE, PIN 799 012

NO IGA/ADM/01/05/2006/ 16481-84

Dated, the 13 June, 2006.

/// ORDER ///

Miss H L Thumpi Anal Naga D/o Late Hulang Mono, Vill- Barakhudam, Dist- Chandel, Manipur is hereby appointed as Midwife in the Frontier Hospital Salbagan, Agartala w.e.f. 05.04.2006 to 04.04.2007 on consolidated Salary of Rs. 4,500/- PM out of SKF on purely temporary contract basis for a period of one year on the following terms & conditions:-

- (i) Service can be terminated without assigning any reasons before expiry of terms of contractual period due to any administrative reasons or likely paucity of fund or if her performance is not found suitable for the job by giving one month notice.
- (ii) The appointment does not confer any right to her to claim for regular service or to count for regular service or pensionery and financial benefit.
- (iii) HRA or residential accommodation will not be admissible.
- (iv) On Appointment, 8 days Leave only is admissible per Calendar year.
- (v) She will be liable to abide by terms and conditions promulgated by the Special Relief Fund and concerned Ftr HQs Tripura.
- (vi) She will be liable to render night duties/emergency duties in the concerned Hospitals.

Authority :- Ftr HQ Adm Dte-I Sig No. A/1650 dated 26.05.2006

P. K. Wahal
12/6/06

(P K WAHAL)
ADIG/PSO
FTR HQ BSF TRIPURA

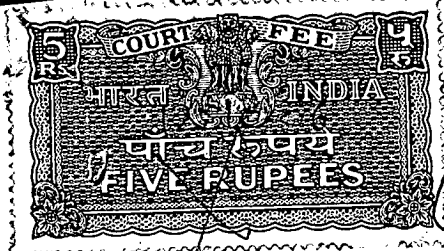
Distribution :-

01. Ftr HQ (Adm-I)
02. Miss H L Thumpi Anal
Midwife
Ftr Hospital Salbagan, Agartala.
03. Ftr Hospital Salbagan Agartala.
04. Law Branch, Ftr HQ TRA

For info & w.r.t. your Sig No. A/1650
dtd 26.05.06 request release her pay
accordingly.

For info & necessary action please.

For info



केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

22 DEC

गुवाहाटी न्यायपत्रिका
Guwahati Bench

उप. प्रधानाध्यापक, प्र. स्. वि. भुवनेश्वर

मुल्या. टी. सी. एण्ड इम. कं. लिमि.
HQ TC & M FTR

陳

●

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R=bb
Asst. Soft for General
Ment. of India, Gaurhat.
High Court, Agartala Bar

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI**

OA NO.249/2005

MISS H L THUMPI ANAL

..... **APPLICANT**

Filed by
the Respondents
through
Alpha Docs
Hedderly C
11/1/08

-VERSUS-

UNION OF INDIA & ORS

..... RESPONDENTS

IN THE MATTER OF

Reply to the additional Affidavit filed
by the Applicant

- 1) That the respondents have received a copy of the Additional Affidavit filed by the applicant and have understood the contention made thereof. Save and except the statements, which are not specifically admitted herein below rests, may be total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That with regard to the statement made in paragraph 1 of the Additional Affidavit, the respondents do not offer any comment.
- 3) That with regard to the statements made in paragraph 2 of the Additional Affidavit, the respondents beg to submit that the applicant has been appointed temporarily out of Special Relief Fund, which is run with the own resources of BSF Personnel. No aid/funds are being provided by

2
P. N. V. Sahal
21/11/06
यु. प्रो. गणेश शर्मा / य. प्रो. गणेश
Dy. Inspector General/PSI
कृष्णा. डी. सी. एण्ड. जे. क. सि.
HQ TC & M FTP
जी. डी. सा.
BSF

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Central/State Govts. The Special Relief fund is purely a private fund generated from the contributions made by all ranks of the Force and does not fall under the ambit of definition of 'State' Under Article 12 of the Constitution of India. Therefore, this present Original Application so filed in its present form is not maintainable and Hon'ble CAT has no jurisdiction to entertain this Application.

- 4) That with regard to the statement made in paragraph 3 of the Additional Affidavit, the respondents beg to submit that the appointment order was issued since her consolidated pay has been increased by worthy DG BSF form existing Rs.3,000/- to Rs.4,500/- per month. Time to time requirement is being assessed by a Board of Officers by taking into account the financial constraints of the Special Relief Fund. There is no partiality among the temporarily appointed staffs paid out of Special Relief Fund. Moreover, the Special Relief Fund is fully under the jurisdiction of the DG BSF.

A copy of the DG BSF Letter dated 20.11.2003 is Annexed herewith and marked as Annexure-R-1

- 5) That with regard to the statement made in paragraph 4 of the Additional Affidavit, the respondents beg to submit that the respondents have already made submission in this regard before the Hon'ble Tribunal wherein it has been submitted that the service of the applicant is purely temporary and can be terminated at any point of time on short notice without assigning any reason.

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Received
2/11/06
श्री. सु. बर
HQ TC & M FTP
कृष्णा. डी. सी. एण्ड. म. क. लि.
Jy. Inspector General/PS
श्री. सु. बर

- 6) That with regard to the statement made in paragraph 5 of the Additional Affidavit, the respondents beg to submit that it is once again stated that her services can be terminated at any time if Special Relief Fund position is worse since SRF is fully under the jurisdiction of DG BSF.
- 7) That with regard to the statement made in paragraph 6 of the Additional Affidavit, the respondents beg to submit that once again it is stated that the applicant was temporarily appointed out of SRF and hence, she never underwent any screening/recruitment formalities which are required for Govt. job.
- 8) That with regard to statement made in paragraph 7 of the Additional Affidavit, the respondents beg to offer no comment.
- 9) That in view of the submission made by the respondents in this reply as well as in the Written Statement and other affidavits filed before the Hon'ble Tribunal, the Hon'ble Tribunal may be pleased to dismiss the OA with cost. It is further submitted that under the laws laid down by the Hon'ble Supreme Court in Uma Devi's case relating to temporary appointment, the applicant is not entitled to any relief as prayed for in the instant Original Application. Hence the Hon'ble Tribunal may be pleased to dismiss the OA.



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2/11/06
By. Inspector General P.
कृपा. डी. सी. एड. त्रि. व. फौ.
HQ TC & M FTF
डी. डी. वर
BSF

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI
Case No. O.A. No.249/2005**

IN THE MATTER OF:-

MISS H L THUMPI ANAL

APPLICANT

VERSUS

The UNION OF INDIA & ORS

RESPONDENTS

AFFIDAVIT

I, Shri P K Wahal, ADIG, HQ Tripura FTR BSF, Salbagan, S/O Shri S K Wahal aged about 52 years, by caste Hindu by profession- Govt service, presently working as Principal Staff Officer, HQ TRA FTR, BSF, Salbagan, Agartala, PS Airport, West Tripura do hereby solemnly affirmed on oath declare as follows :-


1. That I, am PSO, HQ TRA FTR BSF Salbagan, Agartala and am well conversant with the facts & circumstances of the case.
2. That, presently I am working as PSO, HQ TRA, FTR BSF, Salbagan, Agartala and I am competent, empowered and authorized to swear this affidavit for and on behalf of the all respondents in support of the reply filed by the respondents against the Additional Affidavit.
3. That the statement made in Paragraph 2,5,6 & 8 in the reply are true to my knowledge gathered from official records and those made in

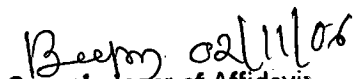
Beepm 02/11/06
Commissioner of Affidavit
Gauhati High Court
Agartala Bench.

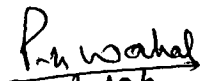
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- 5 -
paragraph in paragraph 3,4 & 7 being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

In acknowledgement where of, I sign to this Affidavit before the oath Commissioner, Guwahati High Court at Agartala Bench, Agartala on this the 02 nd day of Nov., 2006.

Deponent is known to me
And identified by me


Asstt. Solicitor General
Govt. of India, Gauhati,
High Court Agartala Bench


Commissioner of Affidavits
Gauhati High Court
Agartala Bench.


21/11/06
DEPONENT
জয় মহাপ্রসাদক / প্র. স্টা. বা.
Jy. Inspector General/PS
পুলিশ. ডি. সী. এন্ড ইম. ক'ফিস
HQ TC & M FTB
সী. সু. বঙ্গ
BSF

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Shri P. K. Wahal,
S/o Shri S. K. Wahal,
ADIG, HQ Tripura, FTR, BSR,
Saulbagan.

personally affirmed before me this 2nd day
of Nov. 1992 at 12.55 A.M/P.M. The
declarant is identified by Shri P. K. Bishara, Adv.
..... Ld. Advocate is personally
known to me.
I certified that I read over and explained the
contents to the declarant and that the declarant
understood perfectly to understand them.

Being 02/11/06
Commissioner of Affidavits
Gauhati High Court
Assam Bench

P. K. Wahal
2/11/06
उप महासूचनाधिक / प्र. स्टा. बॉ. वि.
Dy. Inspector General/PSO
मुख्या. टी. सी. एण्ड. एम. फं. विवर
HQ TC & MFTB
डी. यु. वल
BSR

Identified by me.
[Signature]
Asstt. Solicitor General
Govt. of India, Gauhati
High Court, Assam Bench

NO. 34/310/2003-ADM-I/BSF
Government of India
Ministry of Home Affairs
Genl. Border Security Force
Directorate

Block No: 10, Lodhi Road,
Kandriya Karyalaya Parisar,
New Delhi-110003

Dated : Nov' 2003

The Frontier HQs
Border Security Force
R&G Jodhpur.

Subject:- FILLING UP OF POST OF STAFF NURSE/ANM/AYA AND
SWEEPER OUT OF SRF IN FTR HOSPITAL JODHPUR.

Please refer to your L/No: ADM-I/BSF/R&G/SRF/App/03/629
dated 10th Oct' 2003 on the subject mentioned above.

2. I am directed to inform you that the case regarding
filling up of post of Staff Nurse/ANM/Aya and Sweeper out of
SRF in Frontier Hospital BSF R&G Jodhpur has been examined at
this HQs and desired by the Competent authority that these post
to be filled up from the widows of BSF only and should be on
contract basis for one year as per the following terms & conditions
and they will be appointed only after getting approval from PHQ.
If required fresh contract appointment will be given after one
year after taking approval from PHQ:-

- i) The service of the apptt is not countable for regular
service, Pensionary and financial benefits.
- ii) The service can be terminated, in case candidate
is found unsuitable for the job or due to any other
administrative reason likely paucity of fund giving
one month notice.
- iii) HRA & free accommodation is not entitled.
- iv) On appointment, 8 days Casual Leave only is admissible
per Calendar year.
- v) Candidate will be liable to abide by terms and
conditions promulgated by the Special Relief Fund
and concerned Ftr HQs.
- vi) Candidate will be liable to render night duties/
emergency duties in the concerned Hospital.

(Sd/-)
B S RANA)
ADOL DIG (WELFARE)

Copy :-

1. All Ftr HQs BSF
2. All SHQs BSF
3. All Trg. Jodhpur
4. All BSF Bas
5. Hed Dte R K Barua

It is requested that all BSF
widows will be appointed
out of SRF in the above
terms & conditions.

For info please.



1

F. Laddly

[Signature]

उप महाधिवक्ता शुक प्र. लाल अडि
Dy. Inspector General/PSO
ड० विजय कुमार सी. सु. नड
HQ. Tripura FTR. BSP

through

128

[Signature]
S. L. S. S.

29.04.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A No. 249 OF 2005

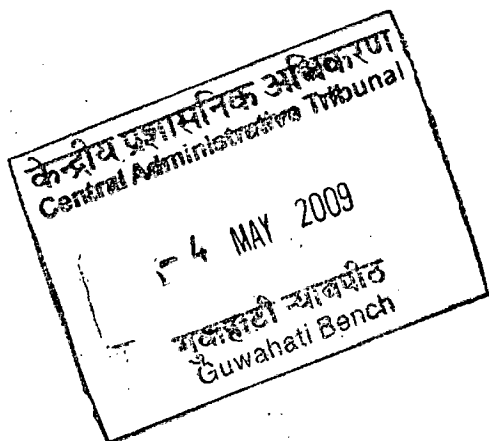
Miss H .L. Thumpi Anal

..... Applicant

-Versus-

Union of India & Ors

..... Respondents



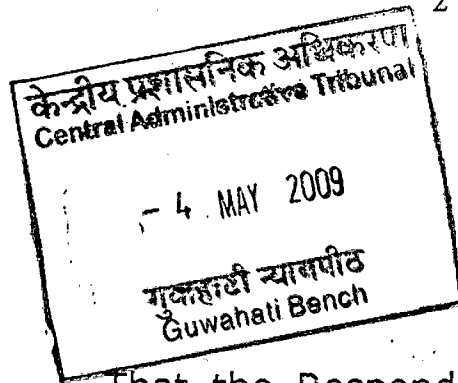
The written statement on behalf of the Respondents
above named -

WRITTEN STATEMENT OF THE RESPONDENTS MOST
RESPECTIFULLY SHEWETH :

1. That a copy of the Original Application has been served upon the Respondents. The Respondents after going through the same have understood the content thereof.

Contd...P/-2

[Signature]
21/02/09
Commissioner of Affidavit
Gauhati High Court
Ajartala Bench.



उप महाप्रबन्धक / प्र. र. व. अ. वि.
Dy. Inspector General/PSO
कु. त्रिपुरा फ़ोर्टर सी. सु. बल
HQ. Tripura FTR. BSF

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2. That the Respondents beg to state that the statements which are not specifically admitted by the answering respondents are deemed to be denied by them.

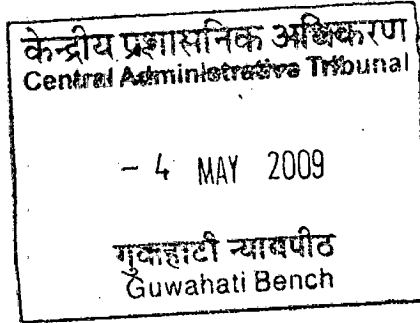
3. That with regard to statements made in para 1, the respondents beg to state that Miss H L Thumpi Anal, D/O Late Hulang Mono, Vill Berukhudam, P.O Sungnu, Distt- Chandel (Manipur) was temporarily appointed out of Special Relief Fund (in short SRF) with effect from 26.9.1997 as per offer appointment issued vide FTR HQ BSF Shillong (Meghalaya). Special Relief Fund is a purely private fund which is run with own resources of the department and there is no connection with Govt. service.

The source of income to Special Relief fund is as under :

- a) Assets taken over from the BSF Special Relief Fund governed by BSF Special Relief Fund Rules, 1973.
- b) Grants received from the National Defence Fund.

Contd...P/-3

Commissioner of Affidavits
Gauhati High Court
Agartala Bench.



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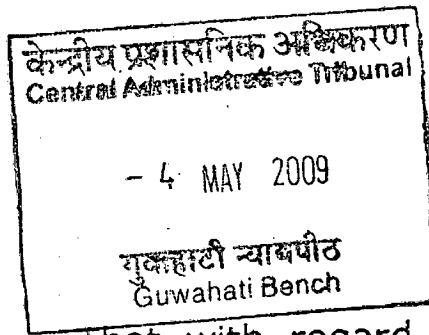
उप महा निरीक्षक / प्र. र. व. कर्मि,
Dy. Inspector General/PSO
डु. विपुला फ्र. दियर सी. सु. ब्रह्म
HQ. Tripura F.I.C. BSF

- c) Government grants, if such grants become necessary in future.
- d) Voluntary contribution from officers and all ranks of the BSF and members of the Force under the control of the BSF.
- e) Voluntary subscription and donations from persons other than those mentioned in Rule 3(d), which the Governing Body may agree to accept.
- f) Contributions from non official sources which the Governing Body may accept or from any of the Force Funds.
- g) By taking over all assets of the BSF Benevolent Fund which has been wound up with effect from 31.7.1988.

A copy of the SOP is annexed herewith as **Annexure-'A'**.

Contd...P/-4

21/02/09
Commissioner of Affidavit
Gauhati High Court
Agartala Bench.



[Signature]

उप महाधिवक्ता / प्र. र. टी. अधि.
Dy. Inspector General/PSO
डु. त्रिपुरा फ़टियर सी. सु. ब. ड.
HQ. Tripura FIC BSF

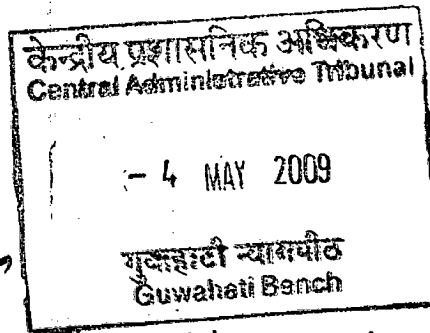
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4. That with regard to the statement made in paragraphs 2 & 3 of the original application the Respondents beg to offer no comment.
5. That with regard to the statement made in paragraph 4.1 of the original application the Respondents beg to state that the applicant was interviewed as required for temporary appointment under SRF which is a BSF private fund run with subscriptions of the jawans.
6. That with regard to the statement made in paragraph 4.2 of the original application the Respondents beg to state that she joined at Ftr HQ BSF Salbagan on 24 Nov 2003 as per movement order No. Estt/37 Bn/BSF/2003/1744-49 dated 22 Nov 2003 for which she was not entitled to any transfer grant which are entitled to Govt. employees only.

Copies of the movement order and joining report are annexed herewith as Annexure- 'B' and 'C' respectively.

Contd...P/-5

[Signature]
21/02/09
Commissioner of Affidavits
Gauhati High Court
Agartala Bench



130

डाय. महामहोदय प्र. स्टा. अधि.
Dy. Inspector General/PSO
मु. त्रिपुरा फ़. दि. व. सी. उ. ब. ल.
HQ. Tripu

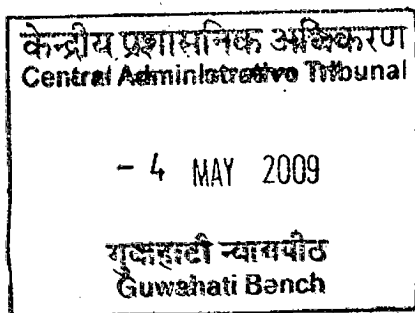
7. That with regard to the contents of paragraph 4.3 are denied that her request for regularization as ANM out of Govt. fund was rejected as conveyed vide FHQ (Adm Dte-I) Letter No. 34/238/2005-Sfm-I/BSF/9426-27 dated 30 May 2005 being the reason that only two non combitised post of aya (one each in BSF Base Hospital Jalandhar and BSF Base Hospital Kadamtala) have been sanctioned for BSF and these posts have already been filled up.

Copy of the letter is annexed herewith as **Annexure-'D'**

8. That with regard to the statement made in paragraph 4.4 of the original application, the Respondents beg to state that the application was temporarily appointed out of SRF which does not provide any pensionary benefits. She should apply for the post of ANM out of Govt. Fund as and when vacancy occurs against the advertisement published for such post.

Contd...P/-6

21/02/09
Commissioner of Affidavits
Gauhati High Court
Aiyatala Bench.



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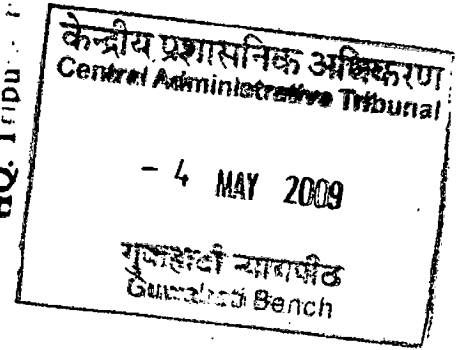
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अप. महासचिव / प्र. र. व. अ. वि.
Dy. Inspector General/PSO
ड. त्रिपुरा फ़टिचर सी. सु. ब. ड.
HQ. Tripura F & BSF

9. That with regard to the statement made in paragraph 4.5 of the original application, the Respondents beg to state that the applicant needs to apply separately for the post of ANM out of Govt fund as and when advertisement is published.

10. That with regard to the statement made in paragraph 4.5 of the original application, the Respondents beg to state that FHQ (ADM DTE-I) BSF New Delhi UO No. 34/238/2005-Adm-I/BSF/9426-27 dated 30 May 2005 (Annexure-'D') intimated that the case regarding appointment of Miss H.L.Thumpi Anal , D/O late Sh. Hulang Mono, Midwife of Ftr hospital BSF Tripura out of SRF to regularize her service as ANM (Auxiliary Nurse Midwife) or in any other Grade-III post in BSF has already been examined by MHA (Pers-III Desk) through FHQ (Adm Dte-I) BSF, New Delhi and decided that only two non combatised post of Aya (one each)in BSF Base Hospital Jalandhar and Base hospital Kadamtala) have been sanctioned for BSF these posts have already been filled up and no vacancy of Aya/ANM exist in the Force.

7
 Dy. Inspector General/PSO
 HQ. Tripura
 Dy. Inspector General/PSO
 HQ. Tripura



11. That with regard to the statement made in paragraph 4.7 of the original application the Respondents beg to state that the application of the petitioner dated 1.8.05 and dated 17.3.05 forwarded to FHQ (Medical Dte) BSF New Delhi and decision received from competent authority on the matter has been conveyed to the petitioner.

Copy of the application dtd 24.10.05 is annexed herewith as **Annexure-'E'**

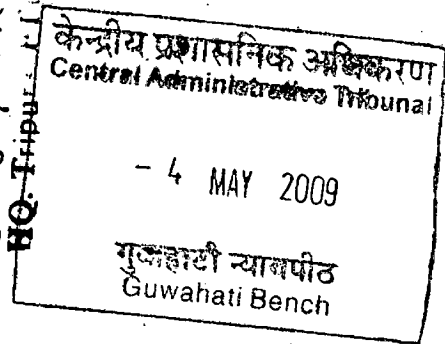
12. That with regard to the statement made in paragraph 4.8 of the original application the Respondents beg to offer no comment.

13. That with regard to the statement made in paragraph 4.9 of the original application the Respondents beg to state that consolidated pay as revised under SRF was paid from time to time. It is false that her consolidated pay for the month of July, 2005 not received by her till date.

21/09
 Commissioner of (Hd) Gauhati High Court
 Agartala Bench

Contd...P/-8

8
 Dy. Inspector General/PSO
 हु. विपुला फ. दिवर सी. सु. बठ
 HQ. Tripura P. J. K. BSF



Consolidated pay for the month of July, 2005 was advanced to ASIA/Pharmacist C.P Sagar under Pay cheque No. 2953 dated 24th Aug, 2005 and the advance has been adjusted on 06th Sep, 2005.

Copy of the acquainted roll is annexed herewith as **Annexure-'F'**.

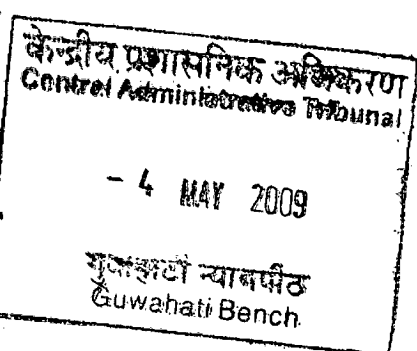
14. That the contents of para 4.10 are denied that her temporary contractual appointment issued for a period of one year from 5th april, 2007 to 4th April, 2008 vide FTR HQ BSF TRA order No. IGA/ADM/01/05/2007/28756-58 dated 28/29 Sept, 2007 has been ended itself.

Copy of the letter is annexed herewith as **Annexure-'G'**.

Copy of undertaking to this effect submitted by the applicant is annexed herewith as **Annexure-'H'**.

15. That the contents of para 4.11 are denied that her temporary contractual appointment automatically

उप महासचिव/प्र. रदा. अवि.
Dy. Inspector General/PSO
छ. त्रिपुरा फ़. टि. य. सी. सु. ब. ठ
HQ Tripura F.I.R. BSF



ended on 4th April, 2008 based on latest SOP issued by
DIG (Admn) HQ DG BSF New delhi letter dated 1st
Oct, 2007.

Copy of the letter is annexed herewith as

Annexure-I

16. That with regard to the statement made in paragraph 5.1 of the original application, the Respondents beg to state that due to introduction of newly framed SOP at FHQ, the contractual appointment has been ended.

17. That with regard to the statement made in paragraph 5.2, 5.3 & 5.5 of the original application the Respondents beg to state that DIG (Admn) HQ DG BSF New Delhi vide UO No. 34/238/2005-Adm-I/BSF/9426-27 dated 30 May 2005 (Annexure-D) intimated that the case regarding appointment of applicant as ANM or in any other Grade III post in BSF has already been examined by MHA (Pers-III Desk) and decided that only two non combatised post of Aya (one each in BSF base hospital Jalandhar and BSF base hospital Kadamtala has been

21/09

18. That with regard to the statement made in paragraph 5.4 of the original application the Respondents beg to state that the applicant may apply as and when vacancy occurs and advertisement is published.

20. That with regard to the statement made in paragraph 7 of the original application, the Respondents beg to offer no comment.

21/02/09
Commissioner of Affidavit
Gauhati High Court
Agartala Bench.

Contd...P/-11

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
- 4 MAY 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

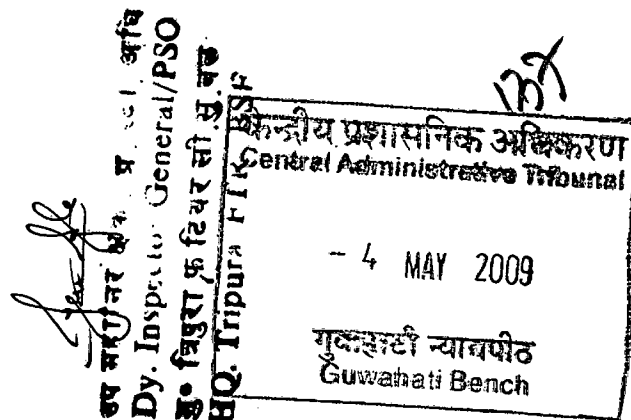
Copy of the letter is annexed herewith as

22. That with regard to the statement made in paragraph 9 of the original application, the Respondents beg to state that the Special Relief fund is purely run with own resources of BSF and it is not liable to CCS (Pension) Rules. The Special Relief fund Rules, 1988 have also been approved by the Government of India. Hence, her request for continuation of temporary appointment can not be considered since fresh widow/wards of BSF candidates are given the opportunity as per revised policy of Special Relief Fund.

The respondents further beg to state that one person namely Narayan Singh has filed WP(C) No. 1288

Contd...P/-12

**Commissioner of Affidavits
Gauhati High Court
Agartala Bench.**



of 1994 in the High Court of Madhya Pradesh challenging his termination and for issue of writ of Mandamus and/or Certiorari and/or any other writ suitable. The writ petition was dismissed on the ground that the school administrative board was a private body without getting grant/aid from the State or Central Government. The writ petition was also challenged on the ground that school administrative board was not an authority under article 12 of the Constitution of India and accordingly, the writ petition was rejected. In view of the fact laid down by the Respondents the original application may be dismissed.

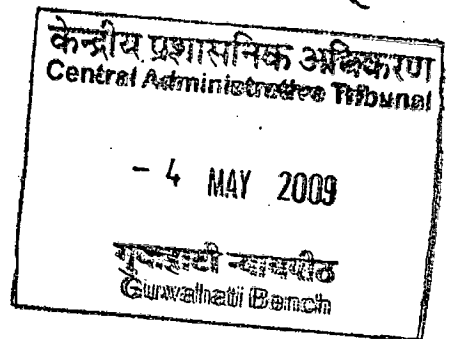
23. That with regard to the statement made in paragraph 10,11 & 12 of the original application the Respondents beg to offer no comment.

18/02/09
Commissioner of Affidavit
Gauhati High Court
Ajantala Bench.



- 13 -

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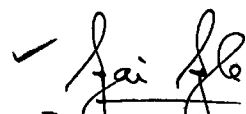


VERIFICATION

I, Sanjai Singh S/O Late R P Singh, Age 57 years, Deputy Inspector General, posted as DIG/PSO, BSF, Frontier HQ Salbagan, Agartala (Tripura) by Religion Hindu, a citizen of India and has been authorized by the Respondent to verify the statement on their behalf.

I, do hereby verify that the statement made in paras 1, 2, 4, 5, 8, 9, 10, 12, ^{16-20, 22, 23} are true to my knowledge and those made in paras 3, 6, 7, 11, 13, 14, 15, 21 being matter of record are true to my information derived there from which I believe to be true and the rests are my humble submission before this Hon'ble Tribunal and I have not suppressed any material facts. In acknowledgment whereof I sign verification to this affidavit on behalf of the respondent before the Oath Commissioner of the Hon'ble Gauhati High Court, Agartala Bench, Agartala on this the 21st day of Feb. 2009.


In acknowledgement whereof I sign and swear this Affidavit before the Oath Commissioner, Gauhati High Court, Agartala Bench, Agartala on 21st Feb' 2009.

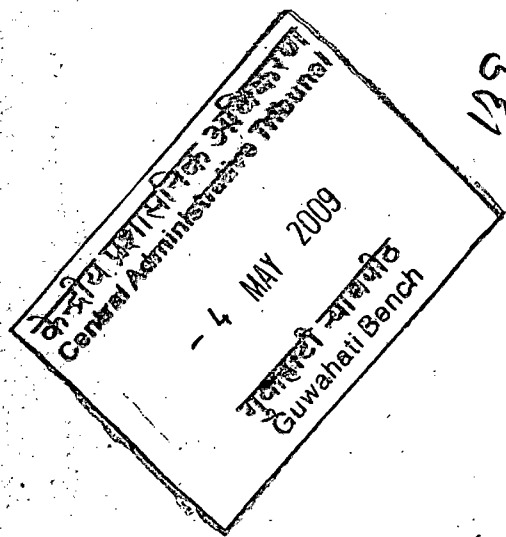

Deponent

उप निरीक्षक / डी. पी. एस. अवि.
Dy. Inspector General/PSO
गु. विदुवा क. टि. यर सी. डी. बड
HQ. Tribu

The deponent is known to me
And identified by me

Solemnly affirmed before me on this the 21 day of Feb' 2009.


A. 21/09
Commissioner of Affidavits
Gauhati High Court
Agartala Bench.



Sanjay Singh, aged 57 years, s/o Late R.P. Singh,
Deputy Inspector General, posted as DI 61/PSO, BSF,
Frontier HQ Salbagan, Agartala (Tripura)

solemnly affirmed before me this 21st
of Feb 2009 at 12.40 A.M/P.M.
The declarant is identified by Sr. P.K. Biswas, Advocate.
The Advocate is personally

known to me.

I certified that I read over and explained the
contents to the declarant and that the declarant
seemed perfective to understand them.

21/02/09
Commissioner of Affidavits
Gauhati High Court
Agartala Bench

স্বাক্ষরিত
21.02.09
উপ মহানিরীক্ষক / প্রিন্সিপাল, অধি.
Dy. Inspector General/PSO
হুঃ ত্রিপুরা ফ্রন্টিয়ার সী. হু. বহু
HQ. Tripura F.R.K. BSF

The deponent is known to me
and identified by me

21-2-2009
(P. K. BISWAS)
Asst. Solicitor General
Govt. of India, Gauhati
High Court, Agartala Bench.

Annexure - A

File BSF Adm. Ltr No 9/27-1/97-Adm-I/BSF
11467-11517 dt 15 Nov 1997

**BORDER SECURITY FORCE
SPECIAL RELIEF FUND RULES - 1988**

केन्द्रीय न्यायिक आयोग
Central Administrative Tribunal

- 4 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

1. Title : These Rules shall be called the 'Border Security Force Special Relief Fund Rules, 1988' and shall come into force with effect from 1st August, 1988.

2. Definitions : In these rules unless the context otherwise requires:-

- a) 'Fund' means the 'Border Security Force, Special Relief Fund'.
- b) 'Beneficiary' means a member of the Force, serving or retired or invalidated out of service and his dependents.
- c) 'Dependents' means, widow, non-earning son till he attains the age of 21 years and non-earning unmarried daughter and parents of a member of the Force dependent on him. The term 'Dependent' shall include minor brother and sister if parents are non-earning.
- d) 'Member of the Force' means an officer, a Subordinate Officer, an enrolled person and a civilian employee of the force, including those employees who are paid from the Private Funds of the BSF and who are subscribers to the funds.

In exceptional circumstances the executive committee may treat personnel of BSF Auxiliaries and Home Guards under Ops Command of BSF who subscribe to the funds, as members of the Force.

3. SOURCES OF INCOME : The fund shall be raised by :-

- a) Assets taken over from the BSF Special Relief Fund governed by the BSF Special Relief Fund Rules, June 1973.
- b) Grant received from the National Defence Fund.
- c) Government grants, if such grants become necessary in future.
- d) Voluntary contribution from officers and all ranks of the BSF and members of the Force under the control of the BSF.
- e) Voluntary subscription and donations from persons other than those mentioned in rule 3 (d) which the Governing Body may agree to accept.
- f) Contribution from non-official sources which the Governing Body may accept or from any of the Force funds.
- g) By taking over all assets of the BSF Benevolent Fund which has been wound up with effect from 31.07.1988.

4. OBJECTS OF THE FUND

- a) To provide financial assistance of Rs. 2,500/- in lump-sum or such amount as may be fixed by the Governing Body, in case of death while in service to the beneficiary, or as may be revised from time to time by the Governing Body.
- b) Rehabilitation of widows and orphans, schemes which may be in the nature of establishment and running of widow homes, providing suitable employment opportunities, sanctioning stipends for educational and vocational training, providing housing facilities and assistance in developing agriculture as means of livelihood.
- c) To provide refundable advance to Unit Welfare Centre to enable expansion in their programme of providing work for the families.
- d) To provide assistance to families of BSF personnel in education, vocational training, medical relief or any welfare measure which would benefit the women and children of the members of the BSF.
- e) To establish creches for children in the Units.
- f) Setting up of hospitals at selected place for the benefit of women and children and the members of the Force.

certified to be
true copy
D. K. Karm
Advocate

- g) To give financial assistance to needy force personnel in case of prolonged illness, serious disease or natural calamities.
- h) To give reasonable grants for performing obligatory social functions.
- i) To undertake any other welfare measure which the Governing Body approved.

5. RELIEF TO BE GIVEN : All types of relief as mentioned in the above may be given to a beneficiary.

6. ADMINISTRATION OF THE FUND

- a) The fund shall be managed by :-
 - i) Governing Body and an
 - ii) Executive Committee.
- b) The Governing Body shall consist of:-
 - i) The Director General, Border Security Force (Ex-Officio President)
 - ii) The Addl DG
 - iii) The Inspector General (Admn)
 - iv) FA, BSF
 - v) A representative from the MHA
 - vi) The Dy Director (Admn) BSF HQrs
 - vii) The Dy Director (Pers) BSF HQrs
 - viii) The Dy Director (Accts) BSF HQrs
 - ix) The Dy Director (Comm) BSF HQrs
 - x) The Chief Medical Officer BSF HQrs
 - xi) The Asstt Director (Welfare) BSF HQrs (who will act as a Secretary of the Fund)
 - xii) One Joint Asstt Director from BSF HQrs nominated by the DG.
 - xiii) One Subedar nominated by the DG out of the names recommended by the IG BSF for the purpose.
 - xiv) One Platoon Commander nominated by the DG as in clause (1).
 - xv) One member of the Ministerial Staff of the BSF HQrs to be nominated by the DG.
 - xvi) The Governing Body may invite one or more persons for any meeting.
- c) The Executive Committee shall consist of :-
 - i) The Dy Director (Admn) BSF HQrs.
 - ii) The Chief Medical Officer, BSF HQrs.
 - iii) The Asstt Director (Welfare) BSF HQrs. (Secretary of the Fund)
 - iv) The Asstt Director (Accounts), BSF HQrs.

7. The Governing Body shall decide all questions of policy including mode of investment of funds, the nature and quantum of relief to be given, the type of projects and scheme that the fund is to sponsor and any other matters that may not have been provided for.

8. Within the frame work of the general policy laid down by the Governing Body, the Executive Committee will give relief in individual cases and control and supervise the progress of projects and schemes started by the Fund.

9. All money of Fund shall be invested either in Postal Cash Certificates or other Government Securities or Fixed Deposits with State Bank of India or in other Schedules Bank, Public Sector undertakings and any other investments which the Governing Body considers which would fetch higher interest and would benefit the fund. Such amounts as may be required for current working expenses shall be placed in an account with the State Bank of India or in any other Scheduled Bank, preferably in an account which may earn an interest. The amount of interest accrued from time to time will ordinarily be utilised in giving relief to the BSF personnel and their families. If any amount is found surplus to requirements, it may be invested in such a way as to earn maximum interest as decided by the Governing Body.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 4 MAY 2009

गुवाहाटी न्यायापीठ
Guwahati Bench

RECORDS

430

The following books and records shall be maintained:-

- a) Minutes of the Governing Body and Executive Committee meeting.
- b) Accounts of all assets and liabilities of the Fund including investment.
- c) Accounts of all income and expenditure, and
- d) progress of all schemes and projects.

11. AUDIT

a) All accounts shall be audited at least once a year by any agency appointed by the Governing Body and approved by the Comptroller and Auditor General.

b) The audited accounts including the balance sheets and progress reports on all projects and schemes approved by the Governing Body shall be produced before the Governing Body once a year by the Executive Committee.

c) A copy of the audited accounts, a copy of the balance sheet and the annual report shall be sent to the Prime Minister's Office for information of the Committee of National Defence Fund, and to the MHA.

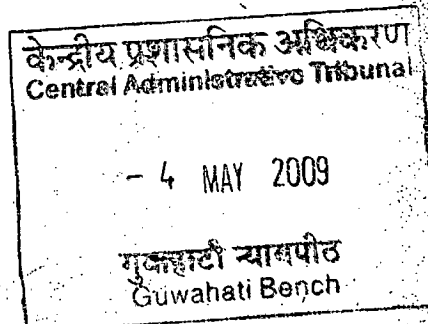
12. DISCRETIONARY NATURE OF RELIEF

Grant of relief would be within the discretion of the Governing Body and these rules do not give any right to any beneficiary to claim relief as a matter of right.

INTERPETATION

13. If any, dispute arises about the interpretations of these rules, the decision of the Director General would be final.

14. The above rules supercede the previous Special Relief Fund Rules, June, 1973 approved by the Ministry of Home Affairs in file No. 4/121/73-Ests/BSF.



(26)

ANNEXURE - C

To

The Inspector General
Frontier HQ
Border Security Force
Salbagan Agartala
(Through proper Channel)

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
- 4 MAY 2009
गुवाहाटी न्यायपीठ Guwahati Bench

Sub - Joining report of mid-wife.

Sir, As per order FHO (ADM DTE) SIG NO. A/
1650 DTD 11/11/2003. On permanent posting.
I, am here to join my duty at frontier
Hospital B.S.F Salbagan.

Hence forth I requested you to do
the necessary action please.

End - movement
order.

Yours faithfully

24/11/03
(H. Thampi ADVAL)

MID-WIFE / A.N.M

certified to be true
copy
D. Koun
Advocate

ANNEXURE-D

728

DIRECTORATE GENERAL BORDER SECURITY FORCE
(ADMT-I)

CHAIRPERSON BIWA INTERVIEW APPLICATION

Please refer to your HO.NO.DG's Sectt/BSF/TN-Int-CP-Corrs/20

Dated 9.5.2005.

In this context reply of point mentioned at (a) & (b) are as under:-

As regards, point No.(a):-

The case regarding increase of pay and entitlement of leave in respect of para medical staff paid out of SRF in FTR Hospital BSF TC&M has been examined in Detail, as per decision taken in the 30th Governing Body Meeting of SRF held on 29 Oct 04. employment out of all Pvt Funds may be given on contract basis for a period of one year instead of continuation of service, on consolidated salary at following rates w.e.f 1st Jan 2005:-

- (a) Skilled - Rs.3,000/- (ANM & Radiographer)
- (b) Unskilled - Rs.2,700/- (Mid wife/Aya/Swpr & C/M)

Accordingly, salary of all Pvt fund employees paid out of Regtl funds have been revised and above mentioned rates and remitted regularly. A point regarding entitlement of CL/EL/ML & HPL of above staff was also discussed and Governing Body to discuss have not agreed to the proposal as now all the appointments of para medical staff paid out of SRF are being given on contract basis for a period of one year in consolidated salary out of SRF as mentioned above. Hence such employees have been permitted 20 days leave only in a calendar year.

As regards point No.(b):-

It is submitted that the case regarding appointment of Miss H L Thumpi Anal Naga D/o late Sh Hulang Mono, Midwife of Ftr hospital BSF Tripura out of SRF to regularize her service as ANM(Auxillary Nurse and Midwife) or in any other Grade -III post in BSF has already been examined by MHA (Pers-III Desk) through this Dte and decided that only two non-combatised post of Aya (one each in BSF Base Hospital Jalandhar and BSF Base hospital Kadamtala) have been sanctioned for BSF and these posts have already been filled up. At present there is no vacancy of Aya/ANM.

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Guwahati Bench

certified to be true
copy D. Kaur
Advocate

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However, employment of all para medical staff paid out of SRF in various BSF hospital AH Room, is being considered on contract basis for a period of one year. Hence her employment as midwife in FTR Hospital Tuptara is being considered on consolidated salary out of SRF on contract basis for a period of one year vide MHA Do.No.VIP-44 04 Pers-III dated 4-1-2005 (Copy enclosed for ready reference)

DG'S Sectt

Uo.No.34/238/2005-Adm-I/BSF

dated 30 May 2005

Copy to:-

IG FTR HQ TC&M Salbagan

- for information.

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
- 4 MAY 2009
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Annexure-E

ANNEXURE E

INTERNAL OFFICE NOTE
(ESTT BRANCH)

No. IGA/Estt/137/2005/2955 Dated, the 18 Oct., 2005.

Sub: REGULARISATION OR AS AUXILIARY NURSE
(MIDWIFE) OR IN A VACANCY OF GRADE-III
IN BSF.

जननी शान्ति आयोग
Central Administrative Tribunal

Please ref your ION No. 3360 dtd 05-08-2005.

- 4 MAY 2009

2. Application in r/o Miss IIL Thumpi Anal, ANM received vide your ION under reference was forwarded to FHO (Med Dte) by this office. In this regard, FHO (Med Dte) has intimated that, there is no sanctioned post of ANM for any BSF Hospital, by Govt as on date. However, in view of functional requirement at various locations, ANMs are being appointed out of SRF and these posts are purely temporarily having no other service benefits. As such, request of above ANM for regularisation as ANM against any Govt sanction is not possible.

3. You are requested to inform said lady midwife accordingly.

(MS BALACHANDRAN)
OFFG AC (MIN)

18 Oct., 2005.

To:-

FTR HOSPITAL, SALBAGAN,

Info individual
BY
21/10

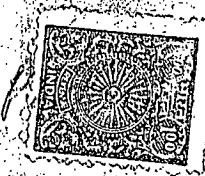
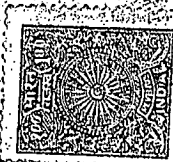



Received a photostat copy
At 24/10/05

certified to
copy D. Kour
Advocate

PAYMENT OF SALARY /HONORARIUM TO SRF STAFF FOR THE MONTH OF
JULY 2005 OUT OF WELFARE FUND : HQ TC&M FTR BSF

A ROLL

PC NO : 2953
 Dated : 24-8-05

S/No.	Rank & Name	Amount	Signature	Remarks
01.	Smt P S Reang, ANM <i>Padmajee Reang</i>	3000/-	 <i>Padmajee Reang</i>	
02.	Smt S Das Gupta, ANM <i>Smt S Das Gupta</i>	3000/-	 <i>Smt S Das Gupta</i>	
03.	Miss Thumpi Anal ANM <i>Thumpi Anal</i>	3000/-	 <i>Thumpi Anal</i>	
04.	Smt Kabita Bhattacharjee AYA <i>Kabita Bhattacharjee</i>	2700/-	 <i>Kabita Bhattacharjee</i>	
05.	Smt Manju Devi, AYA <i>Manju Devi</i>	2700/-	 <i>Manju Devi</i>	

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आदेश पर सविनय अभिनन्दन
 Drawing of District Court Officer

Commandt (Recd)

certified to be
 true copy

D. K. Karm
 Advocate

(2)

06. Smt Sikha Saha, AYA

2700/-



Saha

Sikha Saha

07. Smt Meena Kumari, Swpr

2700/-



Kumari

Meena Kumari

08. Smt Ranjana Das, Swpr

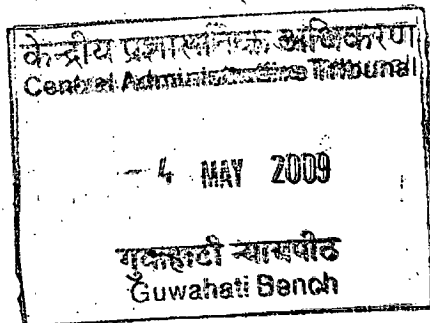
2700/-



Das

Ranjana Das

TOTAL RS.22,500/-



Certificate

Certified that Rs: 22,500/- only received from Admin branch for disbursement of Salary/Concession to SRF Staff for the M/o July 2005 and Rs: 22,500/- has been distributed to the actual payee by me.

Shree
6/9/05

01180011 ASI/Ph.
CP. Shree.
74 Bn B&F.

VOID AND CANCELLED

COUNTER SIGNATURE

Shree
6/9/05

Command (M.C.)

Shree
6/9/05

CHIEF OF THE DISTRICT
Guwahati

- 4 MAY 2008

ANNEXURE - 6

गुवाहाटी बेंच
Guwahati BenchOFFICE OF THE INSPECTOR GENERAL BORDER SECURITY FORCE SALBAGAN :
AGARTALA : WEST TRIPURA DISTRICT : TRIPURA - 799012

NO IGA/ADM/01/05/2007/ 28756 - 58

Dated, the 20 Sept' 2007.

III O R D E R III

Miss H L Thumpi Anal D/O Late Hulang Mono, Vill. Barakhudam Distt. Chandel, Manipur is hereby appointed as ANM in the Frontier Hospital Salbagan, Agartala w.e.f. 05.04.2007 to 04.04.2008 on consolidated salary of Rs. 4,500/- PM out of SRF on purely temporary contract basis for a period of one year on following terms and conditions :-

- (a) Service can be terminated without assigning any reasons before expiry of terms of contractual period due to any administrative reasons or likely paucity of fund or if her performance is not found suitable for the job by giving one month notice.
- (b) The appointment does not confer any right on her to claim for regular service or to count for regular service or pensionary and financial benefit.
- (g) HRA or residential accommodation will not be admissible.
- (h) On appointment, only 20 days leave is admissible per Calendar year.
- (i) She will be liable to abide by terms and conditions promulgated by the Special Relief Fund and Ftr HQ BSF Tripura.
- (j) She will be liable to render night duties/emergency duties in the Frontier Hospital, Salbagan.

Authority :- FHQ (Adm Dte-I) L/No. 34/55/2007-Adm-I/BSF/21293-96 dated 09th Aug 2007

(MANOJ PAINULI)
DY COMMANDANT (ADM)
FOR INSPECTOR GENERAL
HQ TRIPURA FTR BSF

Sept 2007.

Distribution :-

- | | | |
|-----|------------------------------|---|
| 01. | FHQ (Adm-I) BSF
New Delhi | • Copy of undertaking/Joining report is enclosed. |
| 02. | Miss H L Thumpi Anal,
ANM | • For info, please |
| 03. | Ftr Hospital BSF
Salbagan | • For info & necessary action, please. |
| 04. | File. | |

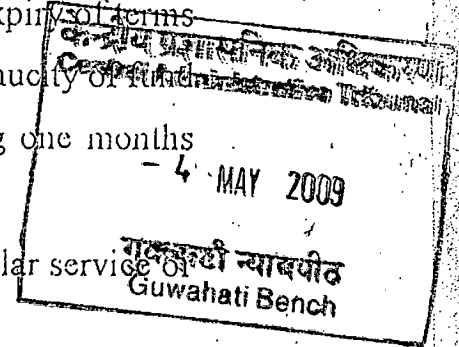
certified to be true
copy
D. Kour
Advocate

UNDERTAKING

ANNEXURE - A

hereby accept the appointment as
in Ftr Hospital Salbagan, Agartala (Tripura) on a consolidated salary of
(Rupees four thousand five hundred) only per month out of SRF on purely
temporary contract basis for one year w.e.f. 5.4.07 to 4.4.08 on the following terms
condition that :-

- Service can be terminated without assigning any reasons before expiry of terms of contractual period due to any administrative reasons or likely paucity of funds or if my performance is not found suitable for the job by giving one months notice.
- The appointment does not confer any right to me to claim for regular service or to count for regular service or pensionary and financial benefits.
- HRA or residential accommodation will not be admissible.
- Only 20 days leave will be admissible to me during the year of my employment.
- I shall be liable to abide by terms and condition promulgated by the SRF and Ftr HQ BSF Tripura.
- I shall be liable to render night/emergency duties in the hospital.



Salbagan
e. 21/7/07

Signature [Signature]

Name Miss. H. L. Thompson Adv

COUNTERSIGNATURE

[Signature]

certified to be true
copy
D. KOWR
Advocate

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ANNEXURE-I

**SOP FOR APPOINTMENT OUT OF BSF PRIVATE FUNDS AT
HQ/FIELD FORMATIONS ON CONTRACTUAL BASIS**

1. AIM

The aim of the SOP is to lay down comprehensive and clear cut instructions/guide lines for appointment of contractual staff out of BSF private funds on functional requirement basis.

2. COMMENCEMENT

These instructions shall come into Force from the date of issue.

3. MAINTENANCE

Every post remaining unfilled and every vacancy that may arise hereafter shall be filled in accordance with the instructions as contained in this SOP and the procedure as may be prescribed by the Governing Body of the Relevant Pvt Fund from time to time.

4. SAVINGS

These instructions shall have no bearing on the pay scales of existing staff appointed out of private funds and shall continue to be governed by the existing instructions till their contract/Service expires or they opt for this contract on their own.

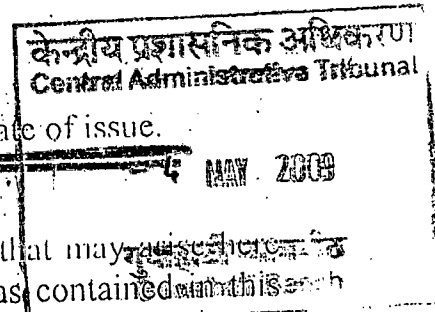
5. DETAILS OF POSTS

The details of posts earmarked for appointment out of Pvt funds as on date are enclosed as per Appx-'A' attached to this SOP. The posts shown earmarked are subject to increase/decrease, depending on the work load and availability of the concerned private funds to be decided by the Governing Body of the respective private fund.

6. SOURCE OF APPOINTMENT

All the posts shall be filled in from amongst the widows and wards of the deceased BSF personnel died while in service/ boarded out on medical grounds due to injury/disease sustained while performing bonafide Govt duty subject to fulfilling suitability conditions and also keeping in mind the financial position of such candidates in the event of loss of bread earner of the family. The order of priority for such appointments shall be as under:-

- Widows/wards of deceased members of the force died due to natural death/disease while in service.
- Wives and wards of BSF personnel boarded out on medical grounds due to injury/disease sustained while on bonafide Govt duty.
- Widows/wards of deceased members of the force killed during operations against extremists /miscreants smugglers,



certified to be true
D. Kour
Advocate

- 4 MAY 2009

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border

dacoits/trans border criminals and on other border skirmishes.

d) Widows /wards of deceased member of the force killed during war.

Note: The wives/widows and wards of members of the Force who joined BSF on or after 1.1.04 be given first priority in all above mentioned categories.

In case of a widow or ward of deceased BSF personnel not fulfilling the eligibility criteria in terms of age, qualification and experience, the same may be relaxed by the DG BSF in exceptional cases by recording the reasons in writing. In case of not finding any eligible person as mentioned above the post shall remain vacant till the availability of eligible candidate.

AUTHORITY TO APPOINT

The selection of candidates shall be made by a duly constituted Board of Officers to be detailed by the appointing authority comprising of one Commandant/Second- in- Command as Presiding Officer and two Dy Comdts/ Asstt Comdts and one Hd Clk/Accountant as members and appointment shall be made only after approval of the Inspector General of the concerned Ftr/Trg Institutions in case payment towards consolidated emoluments is to be met out of pvt funds of the Unit /Sector/Ftr HQ/Trg Institution. However, approval of IG (Adm) FHQ shall be mandatory for all such appointments for which payment is to be made out of private funds of the Force maintained at FHQ. The selection will be made by the Board of officers strictly as per the procedure prescribed by the appointing authority.

8. All appointments shall be made on contractual basis for a period of one year at a time and can be extended on written request of the individual by the appointing authority for a further period of two years on yearly basis depending upon the functional requirement of the post, availability of funds, performance and discipline of the candidate. In order to accommodate/provide employment chances to maximum needy widows/wards of deceased BSF personnel and to keep the waiting period in check, no extension beyond total service of three years as stipulated above shall be granted except in exceptional cases for which the approval of the DG BSF shall be obtained in writing.

An executive committee comprising of one DC and one AC and one SO (Ministerial Staff) shall be constituted by the appointing authority for scrutinizing the specific grounds of the applicants for extending the period of service for one more year and on recommendation of the executive committee the appointment may be extended by one more year under orders of the DG BSF.

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The contract would not be extended on remarriage of widows and also in the case of marriage of employed daughter of the deceased. In the case of appointment of son/daughter of the deceased, an undertaking shall be taken from him/her that he/she will support his/her widowed mother and other dependent members of the family. In case of any complaint from the mother/dependent of the appointee, regarding non supporting the family, his/her services shall be terminated before the expiry of the term of contract. Draft appointment order is enclosed as Appx 'C'.

9. **REMUNERATION**

All the pvt fund employees shall be paid consolidated emoluments as noted against each post subject to review by the Governing Body of the respective pvt fund from time to time: -

PARA MEDICAL STAFF:-

- | | | |
|---------------------------------------|---|----------------------|
| (a) <u>Staff Nurse</u> | - | Rs. 4500/- per month |
| (b) <u>ANM</u> | - | Rs 4500/- per month |
| (c) <u>Aya/Sweeper/ Crèche Mother</u> | - | Rs 4500/- per month |

OTHER STAFF:-

- | | | |
|---------------------------------|---|----------------------|
| (a) <u>Clerk</u> | - | Rs. 4500/- per month |
| (b) <u>Pre Nursery Teacher-</u> | - | Rs. 4500/- per month |
| (c) <u>PCO Opr/Sales Man-</u> | - | Rs. 4500/- per month |

10. **EDUCATIONAL QUALIFICATION**

PARA MEDICAL STAFF

- | | | |
|--------------------|---|---|
| <u>Staff Nurse</u> | - | (i) 10+2 or equivalent |
| | | (ii) Three years diploma in general Nursing Programme |
| | | (iii) Registered as Nurse and Midwife with Central/State Nursing council. |
| | | (iv) Weightage be given for working experience |
| <u>ANM</u> | - | (i) 10 th or equivalent |
| | | (v) Training in auxiliary nursing/midwife or multipurpose health worker Female (Trg). |
| | | (vi) Weightage be given for working experience |
| <u>Aya</u> | - | (i) 8 th Class pass |
| | | Trained or with working |

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experience as 'DAI' in a hospital. However, competent authority can consider to relax the qualification in rare compassionate cases. Also recommendation of Dir (Med) will be required for such appointment out of SRF in BSF Hospitals/ MI Rooms.

Crèche Mother -

- (i) 5th class pass
- (ii) Weightage for working experience

Sweeper

- (i) 5th class pass
- (ii) Weightage for working experience

OTHER STAFF

Clerk

- (i) Educational Qualification - 10+2 or equivalent
- (ii) Typing speed -30 WPM in English or 25 WPM in Hindi
- (iii) Shall possess basic knowledge of Computer operation.

PCO Opr/Salesman-

- (i) Matriculate or equivalent
- (ii) Weightage for past experience.

Pre nursery Teacher-

- (i) 10+2 or equivalent with nursery teacher Training
- (ii) Weightage for past experience.

11 AGE LIMIT

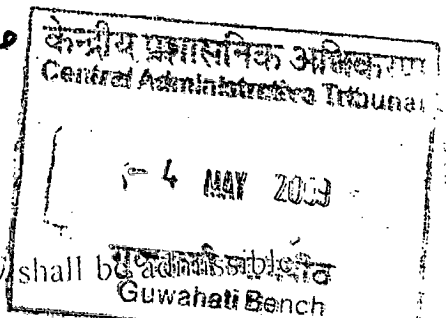
The minimum age limit for such appointments shall be 18 years and maximum age limit shall be 45 years. Besides, the candidate shall be physically fit and mentally sound for such appointments and should be free from any kind of contagious disease and other ailments for which the candidate shall have to undergo medical test from BSF MI Room/Hospital.

12 CHARACTER AND ANTECEDENTS

The appointment shall be subject to verification of his/her character and Antecedents.

13 LEAVE

The employee appointed out of the pvt funds shall be entitled for 20 days annual leave and 8 days Casual Leave in a year. Besides they may also avail Sundays and Gazetted holidays. No other leave shall be entitled and any absence from duty including sickness shall be regularized by competent authority out of 20 days leave and remaining absence period over and above 20 days shall be treated as leave without pay. The employee shall have to obtain prior sanction from the competent authority under whom the appointee is serving, before proceeding on Leave failing which the period of such



absence shall be treated as leave without pay and no pay shall be admissible for such absence from duty.

If a person overstays leave granted to him without due authority a registered letter to be sent to him/her asking him/her to join duty forthwith. If he/she joins duty within the stipulated date, the period of absence may be regularized by the competent authority by granting leave due/ leave without pay. However, when no leave is due, individual will only be entertained on production of valid reasons for such absence with supporting documents and in case of any illness, medical certificate from Govt Hospital shall only be entertained. If the individual continues to be absent without leave, the concerned authority shall send a show cause notice through registered post at his/her all known addresses including the last known address. Thirty days time from the date of receipt of Show Cause Notice may be given to individual to submit his/her explanation and defence in writing. If no response is received from the individual within stipulated time or if his/her explanation and defence is found devoid of merit by the competent authority, he/she may be removed by appointing authority from service after due application of mind and recording the reasons in writing.

14. UNAVAILED LEAVE

Unavailed leave shall not be carried forward or credited to any leave account and also no leave salary for the unutilized leave shall be paid. //

15. AUTHORITY TO RELAX ELIGIBILITY CRITERIA

Notwithstanding with any of above clause, DG BSF will be the final authority to relax any of the eligibility criteria.

16. GENERAL

- (i) The contractual appointment can be terminated simply at any time by the appointing authority by giving one-month notice or one month's salary without assigning any reason.
- (ii) The employee can also resign if required by giving one month's notice or depositing one month's salary.
- (iii) Services are liable to be transferred to any where in India in BSF establishments.
- (iv) The appointee shall not be entitled to any benefits like provident fund, pension, gratuity, medical attendance etc.
- (v) The appointee/NOK of appointee shall not be entitled to any claim/compensation due to any injury/death of the appointee during his/her stay/performance of duty during the period of contract.
- (vi) He/she will not be entitled to any TA for joining the appointment.
- (vii) Any case of moral turpitude or serious misconduct, the services of the pvt fund employees may be terminated after conducting an enquiry with immediate effect by the appointing authority.
- (viii) Medical facilities to the extent medicines and services available in local BSF MI Room/BSF hospital may be availed from BSF MI

- Room and no reimbursement of expenses will be applicable. They may not be referred to civilian hospitals for treatment.
- (ix) These terms and conditions will not be applicable to employees of BSF schools/Polytechnic being run from Central Education Fund as they are governed by separate guidelines based on BSF Education code.
- (x) An agreement containing terms and conditions of appointment on contract basis shall be required to be signed by the appointee and DIG/ADIG/Comdt of the concerned Dte/IIQ/unit on behalf of the appointing authority. Specimen of agreement is attached as Appx- 'B'.
- (xi) The normal working hours shall be from 0930 hrs to 1800 hrs including half an hour lunch break or as decided by the appointing authority from time to time. However, services of the appointee shall be called for whenever any situation arises.
- (xii) The appointee be allowed to avail gazetted Holidays and RH as admissible to the members of the force and the same can be prefixed/suffixed with their leave.

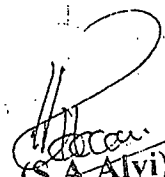
No. _____

Dated, the _____ 2007

- 4 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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Central Administrative Tribunal


(S A Alvi) 01.10.07
Dy Inspector General (Adm)

No. 34/318/2003-ADM-I/BSF
Government of India
Ministry of Home Affairs
Genl. Border Security Force
Directorate

20082-2081

ANNEXURE J

Block No: 10, Lodhi Road,
Kendriya Karyalaya Parisar,
New Delhi-110003

Dated :

Nov-2003

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 4 MAY 2009

The Frontier HQrs
Border Security Force
R&G Jodhpur.

FILLING UP OF POST OF STAFF NURSE/ANM/AYA AND SWEEPER OUT OF SRF IN FTR HOSPITAL JODHPUR. Guwahati Bench

Please refer to your L/No: Adm-I/BSF/R&G/SRF/App/03/629 dated 10th Oct'2003 on the subject mentioned above.

2. I am directed to inform you that the case regarding filling up of post of Staff Nurse/ANM/Aya and Sweeper out of SRF in Frontier Hospital BSF R&G Jodhpur has been examined at this HQrs and desired by the Competent authority that these post to be filled up from the widows of BSF only and should be on contract basis for one year as per the following terms & conditions and they will be appointed only after getting approval from FHQ. If required fresh contract appointment will be given after one year after taking approval from FHQ:-

- i) The service of the apptt is not countable for regular service, Pensionary and financial benefits.
- ii) The service can be terminated, in case candidate is found unsuitable for the job or due to any other administrative reason likely paucity of fund giving one month notice.
- iii) HRA & free accommodation is not entitled.
- iv) On appointment, 8 days Casual Leave only is admissible per Calendar year.
- v) Candidate will be liable to abide by terms and conditions promulgated by the Special Relief Fund and concerned Ftr HQrs.
- vi) Candidate will be liable to render night duties/emergency duties in the concerned Hospitals.

(M)
B S RANA)
ADDL DIG (WELFARE)

Copy to:-

1. All Ftr HQrs BSF
2. All SHQrs BSF
3. All Trg. Instns
4. All BSF Bas
5. Med Dte: R K Puroh

It is requested that all BSF widows will be appointed out of SRF in the above terms & conditions.

For info please.

certified to be true
copy
D. K. Omer
Advocate