

50/100  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No..... 117/05

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*By 2/11/07*  
SECTION OFFICER (Judl.)

FORM NO. 4

( SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No.

112/05

Misc. Petition No.

Contempt petition No.

Review Application No.

Applicants.

Prison Chakrabarty

Respondents.

U.O.I. 90N

Advocates for the Applicant.

K. Bhattacharjee, P.K. Sharma  
M. M. C. Ahmed,

Advocates of the Respondents.

Addl. C. G. S. C.

Notes of the Registry	Dated	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide A.P. /D.D. No. 205.112/05 Dated 15.5.05</p> <p>26.5.05 Dy. Registrar P.D.</p> <p>Steps not taken</p> <p>P.D.</p> <p>Received order dtd 26/5/05 M.V.P. (P.D.) (Amendment)</p>	26.5.2005	<p><b>Present:</b> The Hon'ble Mr. K. V. Prahladan, Administrative Member.</p> <p>Heard Mr. K. Bhattacharjee, learned coun- sel for the applicant. Mr. M. U. Ahmed, learned Addl. C. G. S. C. is present for the respondents.</p> <p>Issue notice to show cause as to why this application shall not be admitted. List on 27.6.2005 for admission. In the meanwhile respondents shall produce Special Service (Para-Veterinary) Staff Recruitment Rules, 1989 and the Special Service Bureau (Para- Veterinary) Staff) Amendments Rules, 1990.</p> <p>Status quo as on today regarding trans- fer of the applicant issued vide orders dated 17.2.2005 and 5.4.2005 shall be maintained till the next date.</p>

K. V. Prahladan  
Member

bb

22/5/2005

Replies filed by  
the applicant.

P.D.

27.6.2005

Mr. M.U. Ahmed, learned Addl.

C.G.S.C. for the respondents submits that he has not received any instructions from the respondents so far. Post on 25.7.2005. Status quo order will continue till the next date.

*2 Jaay*  
Vice-Chairman

Steps taken  
on 6/6/05

Notice & order  
Sent to D/section  
for issuing to  
resp. Nos. Icts 6  
by regd. A/I D post  
for  
6/6/05.

D/No-876 to 881

DT= 6/6/05

① Service report are  
still awaited

*3/6*  
27.6.05

Notice duly served

on resp. No-5

26.8.05.

*K. Bhattacharjee*  
Member

Vice-Chairman

Mr. K. Bhattacharjee learned counsel for the applicant is present. Mr. M.U. Ahmed learned Addl. C.G.S.C. seeks further adjournment to file written statement.

Post the matter on 29.9.05. Status quo as on to-day shall be maintained till the next date.

*2 Jaay*  
Vice-Chairman

Notice duly served on  
resp. No-2

lm

*26/7/05*  
Notice  
Order of 26/8/05  
issuing to both  
parties.

No. Wts has been the  
25.8.05

26/8/05

29.9.05

No written statement  
has been filed.

28.9.05

Post on 6.10.05 for  
Admission.

By order

5.10.05

No W/S has been  
filed.

28

No W/S has been  
filed.

28.11.05

22.11.05  
W/S filed by  
Repdt. No. 1 to 6.

BB

mb

BB  
Member

29.11.05  
Vice-Chairman

9.11.2005

Mr. K. Bhattacharjee, learned counsel  
for the applicant and Mr. M. U. Ahmed  
learned Addl. C.G.S.C. for the respondents  
are present. The Standing counsel  
submits that the respondents are filing  
the written statement today itself.

Post the case before the next  
Division Bench along with O.A. 269/05.

29.11.05  
Vice-Chairman

bb

20.12.2005

Mr. M. K. Mazumdar, learned counsel  
for the applicant is present. Mr. M. U.  
Ahmed, learned Addl. C.G.S.C. for the  
respondents submits that written state-  
ment has already been filed.

Post on 23.1.2006 alongwith O.A.  
269/2005. Interim order dated 26.5.05  
will continue till the next date.

29.12.05  
Vice-Chairman

mb

22.12.05  
(Mr. M. U. Ahmed)  
Addl. C.G.S.C.

22.12.05  
Rejoined filed by  
the Applicant.

BB

22-11-2005

Replies submitted  
by the Appellant.

23.1.2006 Post the matter before the  
next available Division Bench along  
with the connected case since there  
is an order in O.A.116/2005.

Interim order will continue  
till the next date.

Please comply with  
dated 23-1-06.

VS

24-1-06

bb

9.3.06

Mr K.Bhattacharya, learned counsel  
for the applicant submits that he would like  
to complete the pleadings and some time is  
sought. Time allowed.

Post on 4.4.06 for order.

Vice-Chairman(J)

Vice-Chairman(J)

pg

4.4.06.

Post the matter before the  
next available Division Bench.

Vice-Chairman

24  
8.3.06

8.3.06

Additional Ws  
submitted by the  
Respondent Nos. 1 to 6.

1m

10.8.2006

Mr.K.Bhattacharjee, learned counsel  
is represented and adjournment is sought  
on his behalf. Post after a month.

Member (A)

Vice-Chairman

bb

12.3.07.

Post the matter on 13.3.07

A

Member

Vice-Chairman

Case is ready for hearing.

31.3.06

The Case is ready  
for hearing.

1m

22  
9.8.06

O.A. 117/2005

(5)

13.3.2007 Heard Mr.K.Bhattacharjee, learned counsel for the Applicant and Mr.M.U.Ahmed, learned Addl. C. G. S. C. for the Respondents. Hearing concluded.

Order is reserved.

(D)

Member (A)

Vice-Chairman

/bb/

21.3.07. Judgment delivered in open Court. Kept in separate sheets. Application is dismissed. No costs.

(D)

Member

Vice-Chairman

lm

28/3/07

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.116/05, 117/05, 174/05, 269/05,

275/05 & 31/06.

Date of Order: This the 21st day of March, 2007.

HON'BLE MR. K.V.SACHIDANANDAN, VICE-CHAIRMAN

HON'BLE MR.TARSEM LAL, ADMINISTRATIVE MEMBER

Sri Premtosh Dutta, (O.A.116/2005)

Son of Late T.K.Dutta

S.F.A (V) Office of the AO/SSB/Bongaigaon  
Shastri Road, Ward No.10  
P.O. North Bongaigaon,  
Dist. Bongaigaon.

Sri Bimal Chakraborty (O.A.117/2005)

Son of Late D. Chakraborty

S.F.A(V) Office of the AO/SSB/Bongaigaon, Shastri Road,  
Ward No.10, P.O.North Bongaigaon, Dist.Bongaigaon.

Sri Ankaji Sherpa (O.A.174/2005)

Son of late P.D.Lama

S.F.A (V) Office of C.O., S.S.B

Bangajang Camp Jang

Dist. Tawang, Arunachal Pradesh.

Sri Haridas Sarkar (O.A.269/2005)

O/O the Area Organiser, SSB

Bongaigaon

Sri R.K.Saha (O.A. 269/2005)

O/O Area Organiser, SSB

Falakata

Sri Ram Kishore Barman (O.A.275/2005)

O/O the Area Organiser, SSB \*S/O Late A.S.Barman

Falakata Vill:Sriram Para, P.O.Srirampara

P.S.& Dist.Jalpaiguri.

Sri Himangshu Kumar Roy Podder (O.A.31/2006)

S/o Late Khagendra Nath Roy Podder

Vill Dol Govinda, P.O.Citaldala

Dist. Coochbehar

Sri Pradip Basak, (O.A.31/2006)

S/o Late Kali Kumar Basak

Vill. Madhyapar (Near Girls School Road)

P.O: Dhupguri, Dist. Jalpaiguri

....Applicants

By Advocate Mr K. Bhattacharjee

- Versus -

1. Union of India,  
represented by the Director General,  
Sashastra Seemabali, East Block-V  
R.K.Puram, New Delhi-110066.
2. Ministry of Home Affairs,  
Represented by Secretary to the  
Govt. of India, New Delhi.
3. Director General,  
Sashastra Seemabali, East Block-V,  
R.K.Puram, New Delhi-110066.
4. Assistant Director,  
O/O Director General,  
Sashastra Seemabali, East Block-V  
R.K.Puram, New Delhi-110066.
5. Inspector General,  
FTR, HQR. S.S.B, MHA, Guwahati.
6. Area Organiser (H.Q)  
FTR, HQRSSB, Guwahati.
7. Area Organiser, SSB,  
Bongaigaon, Assam.
8. Area Organiser, SSB,  
Falakata, West Bengal
9. Sr. Veterinary Officer,  
S.S.B, East Block-V,  
R.K.Puram, New Delhi-110066. .... Respondents

By Sri G.Baishya, Sr.C.G.S.C, in O.A.Nos.275/2005 & 31/2006.

M.U.Ahmed, Addl.C.G.S.C in O.A.116/05, 117/05 & 174/05.  
Miss U. Das, Addl.C.G.S.C in O.A.269/2005.

#### ORDER

##### TARSEM LAL, MEMBER (A)

Since common questions of law and facts are involved, all the six cases are being disposed of by this common order with the consent of the parties.

2. This case is regarding transfer/postings of Senior Field Assistant (Veterinary) for posting at Pup Rearing Centre Gorakhpur vide order dated 5.10.2005.

3. The applicants have stated that they joined in the post of Constable on different dates under the Command of Director General, SSB. Subsequently they were appointed afresh as Senior Field Assistant (Veterinary) under SSB (Para Veterinary Staff) Recruitment Rules 1989 which is a civil post in the pay scale of Rs. 975-25-1150-EB-30-1600/- . The duties of the applicants under the said rule are to look after the treatment of sick animal, documentation of Veterinary Hospital Dispensary and have to undergo BASIC CONDENSED COURSE known as Veterinary Assistant Course.

4. The Chief Veterinary Officer in order to select some candidates for the post of Dog Handler issued a circular among the workers who are willing to join the new post and in that connection the applicants declined to join the post of Dog Handler which is a post for combative personnel.

5. The Director General, SSB has approved the postings of Veterinary staff alongwith posts with immediate effect in public interest. The officials were directed to be relieved immediately so as to report to Pup Rearing Centre, Gorakhpur on or before 24<sup>th</sup> October, 2005. The incumbents approached the Guwahati Bench of the Tribunal vide O.A.No. 117/2005 to mitigate their

grievances by challenging the order dated 5.10.2005. By order dated 26.5.2005 the Tribunal maintained the status quo. The relevant portion of the order is quoted below :

"Status quo as on today regarding transfer of the applicant issued vide orders dated 17.2.2005 and 5.4.2005 shall be maintained till the next date."

6. In the present applications the applicants have prayed for the following reliefs :

(i) This Hon'ble Tribunal may be pleased to call for the records pertaining to transfer of the applicants in the post of Senior Field Assistant (Veterinary) to a combat post and consequently to direct the respondents not to release the applicants along with the post and also to declare that the order dated 5.10.2005 is illegal and void.

7. The respondents have filed a detailed written statement denying the contention of the applicants. It has been stated that applicants were initially appointed as Constable(GD) and were subsequently appointed afresh as Senior Field Assistant (Veterinary) in the scale of Rs.975-25-1150-EB-30-1660/- in pursuance of Para Veterinary Recruitment Rule circulated vide Cabinet Secretariat Notification No.12018/30/88-DO.I dated 31.3.1989. Their services were utilized for treatment of sick animal and documentation of Veterinary hospital/dispensary works.

After the administrative control of the Organisation has been shifted from Cabinet Secretariat to Ministry of Home Affairs w.e.f. 15.1.2001, the role of the

organisation has been changed and it has now been assigned with the mandate to guard the Indo Nepal Border and Indo Bhutan Border and therefore SSB as on date has become a Border Guarding Force. With the change in role of the organisation from Stay Behind Role to that of a Border Guarding Force, the old area of operations, have been closed and new offices/Battalions have been opened all along with Indo-Nepal and Indo-Bhutan Border.

8. For better performance of the duties, the Govt. of India has sanctioned Dog Squad to SSB to carry out operational duties in the border areas. As the Organisation has independent veterinary staff, it is primarily, the veterinary staff only who will raise and maintain the Pups and Dogs in changed circumstances. The Veterinary Cadre is the most suited and trained staff to look after the health, breeding, training, handling and maintenance of the dogs.

9. After having been trained in rearing and breeding of pups to the veterinary cadre personnel they are fully competent to perform their newly assigned duties. The rearing and breeding of pups is the primary job of the Para-Vety Staff: Moreover, during the service career every individual has to undergo certain departmental courses for improvement of efficiency and making them professionally equipped to meet the needs

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and objectives of the Organisation as the Force has competent and independent Veterinary Staff.

10. Accordingly SFAs(V) were withdrawn and attached temporarily with the newly created Pup Rearing Centre at Gorakhpur. The applicant have been transferred along with Post as SFA(V) in public interest and nowhere it has been mentioned in the order dated 5.10.05 that the applicants have been posted as Dog Handlers. Nowhere it has been mentioned whether the Dog Handling is a part of the duty of veterinary cadre, which can only be performed by the trained existing Para Veterinary cadre. The applicants had been transferred in public interest to fulfill and discharge operational commitments urgently required at the border. Neither the nomenclature nor the cadre of the applicants has been changed. This is a mere apprehension on the part of the applicants. The rearing and breeding of pups is primary job of the Vety/Para-Vety Cadre/Staff. Moreover, during the service career every individual has to undergo certain departmental courses for improvement of efficiency and making them professionally equipped to meet the needs and objectives of the Organisation. They have been transferred in the same capacity in public interest along with the post. It is not correct that the applicants have been transferred from the post of SFA(V) to a combatant post but they have been

transferred along with post in public interest and after transfer also they will be governed by the same rules.

11. We have heard Mr K. Bhattacharjee, learned counsel for the applicants in all the O.A. and Mr G.Baishya, learned Sr. C.G.S.C, Mr M.U.Ahmed, learned Addl.C.G.S.C and Miss U. Das, learned Addl.C.G.S.C for the respondents in the respective O.As. and perused the documents.

12. Mr K.Bhattacharjee, learned counsel for the applicants submitted that the applicants are governed under Chapter IV clause 30 of the Indian Veterinary Council Act 1984 and their service conditions cannot be changed under an administrative order. They were originally recruited as Senior Field Assistant (Vety) which is a separate cadre and cannot be deployed as Dog Handler which is a combatant post. The learned counsel made us to traverse through various documents to establish that Senior Field Assistant (Vety) is a separate cadre. He repeatedly emphasized that separate cadre is not synonymous with a separate service but a particular group of officials in a department. He further pleaded that the applicants are not willing to join the services of Dog Handlers and they have not given their willingness for the same. Therefore, they may either be allowed to continue to perform their



present duties till they are retired or may be declared surplus in the service.

13. The learned counsel for the respondents on the other hand persuasively argued that the applicants are not governed under the "Indian Veterinary Council Act 1984." They were not qualified to be registered under the Council Act. In fact the doctors who are practicing are governed under the above statutory Act. The Sr. Field Assistant (Vety) had joined as Constables and on technical resignation from the post were appointed as Sr. Field Assistant (Vety) under the SSB (Para Veterinary Staff) Recruitment Rules 1989. Since the applicants had not obtained their veterinary qualification from any of the institutions of India as included in the first schedule (clause 15 of the Act), they are not governed by the Indian Veterinary Council Act 1984. The learned counsel further pleaded that in view of the above position, it was misnomer to say that Senior Field Assistant (Vety) are governed under the Statutory Rules. The counsel further pleaded that the decisions cited by the applicant's counsel are not squarely applicable in these cases, since their cadre has not been changed in any way but only additional duty was entrusted upon them. Therefore, the O.A may be dismissed with cost.

14. The learned counsel further pleaded that Sr. Field Assistant (Vety) are not a separate cadre and continue to be governed under the SSB (Para Veterinary Staff) Recruitment Rules 1989. They have been deployed for taking care of animals and are being sent on training for a period of six months. He emphasized that it was entirely within the domain of the employer to deploy officials any jobs for which they are more suitable according to their qualifications, experience and expertise. Their job, pay scales are not being changed.

15. We have given our due consideration to the arguments, pleadings, evidence and materials placed on record in these cases. Admittedly the applicants were appointed as Constable under the Director General, SSB and thereafter appointed as Senior Field Assistant(Vety) (SFA(V) for short) and posted at different stations under the respective Area Organisers. The applicants served as Constables for 6 years and according to them they were appointed afresh as SFA(V) which is a civil post in the pay scale of Rs.975-1600/-. The applicants have been appointed afresh as SFA(V) in pursuance of the Para Veterinary Recruitment Rules circulated by Cabinet Secretariat Notification dated 31.3.89. Their services were utilized for treatment of sick animal and documentation of Veterinary hospital/dispensary works. The

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administrative control of the Organisation has been shifted from Cabinet Secretariat to Ministry of Home Affairs with effect from 15.1.01, the role of the organisation has been changed and it has now been assigned with the mandate to guard the Indo Nepal Border and Indo Bhutan Border and therefore SSB as on date has become a Border Guarding Force. With the change of role of the organisation from 'Stay Behind Role' to that of a Border Guarding Force, the old area of operations have been closed and new offices/Battalions have been opened all along with Indo Nepal and Indo Bhutan Border. For better performance of the duties, the Government of India has sanctioned Dog Squad to SSB to carry out operational duties in the border areas. As the Organisation has independent veterinary staff, it is primarily, the veterinary staff only who will raise and maintain the pups and Dogs as primarily, in changed circumstances, the Veterinary Cadre is the most suited and trained staff to look after the health, breeding, training, handling and maintenance of the dogs. Willingness for the training was called for and the said notification is re-produced below :

"All SAOs are informed to obtain willingness of SFA(Vety) under their respective area for undergoing Dog handlers Course, at the earliest, so as to intimate their names for further detailment from Frontier

Headquarter, Guwahati. The matter may be treated urgent."

The qualifications of the applicants were Matriculate and they have served as Constable and they were appointed as SFA(Vety) which is a civil post as per Veterinary Staff Recruitment Rules and the duty assigned to them was the treatment of sick animal and documentation of Veterinary hospital/dispensary works and they had to undergo 6 months Basis Condense Course known as Veterinary Assistants Course. The applicant are not Graduate or diploma holder in Veterinary Science, therefore it will be necessary to evaluate whether the SFA (V) are covered by the Indian Veterinary Council Act 1984. In the preamble of the Act it is stated that 'An Act to regulate veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers of the veterinary practitioners and for matters connected therewith. Whereas it is expedient to make provision for the regulation of veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers to persons qualified to engage in veterinary practice for the whole of India for matters connected therewith or ancillary thereto. As per definition of

the Act a person who registered to get enrolled as a Member of the Council. Register means a register maintained under this Act. Registered Veterinary Practitioner means a person whose name is for the time being duly registered in a register. Veterinary institution means any University or other institution within or without India which grants degrees, diplomas or licences in veterinary science and animal husbandry.

Chapter IV of the Privileges of Registered Veterinary Practitioners shows as under :-

"Subject to the conditions and restrictions laid down in the Act, every person whose name is for the time being borne on the Indian Veterinary practitioners register shall be entitled according to his qualifications to practise as a veterinary practitioner and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments and other appliances or any fees to which he may be entitled.

- Right of persons who are enrolled on the Indian veterinary practitioners register - No person, other than a registered veterinary practitioner, shall -  
 (a) hold office as veterinary physician or surgeon or any other like office (by whatever name called) in Government or in any institution maintained by a local or other authority;  
 (b) practise veterinary medicine in any State."

On going through Schedule 2 of the Act 6 months Condense Course underwent by the applicants do not qualify them to become a veterinary practitioner as defined in the Act nor they have any right to register

themselves in the Indian Veterinary Council. At best they may be permitted as veterinary technician since they are not Graduate or diploma holders. Therefore, on the close scrutiny of the said Act we are of the view that SFA(V) as that of applicants are not covered under the Indian Veterinary Council Act 1984. They have actually been appointed under the SSB Para Veterinary Staff Recruitment Rules 1989, which is a civil post. They have not also been appointed as Dog Handler but they are being sent for training at Pup rearing centre, Gorakhpur for better performance of their duties. Therefore, the contention of the applicants that they are governed under the Indian Veterinary Council Act 1984 will not hold good and the question remains is whether their service conditions can be changed under administrative orders or not. From the above discussions we are of the view that the applicants are not governed by any statutory provision and they are not entitled to get any statutory protection as claimed by them.

17. The learned counsel for the applicants has relied on the following decisions :

- (i) Netai Pada Chakraborty & Anr. vs. U.I.O. & Ors., reported in 2005(1)SLJ (CAT)191,
- (ii) Jaboolal Choudhury vs. State of Arunachal Pradesh & Ors, reported in (2004)1 GLR 393

(iii) Dilip Kumar Ghosh & Ors. vs. Chairman & Ors, reported in AIR 2005 SC 3485

(iv) K.P.Sudhakaran & Anr. vs. State of Kerala & Ors. reported in AIR 2006 SC 2138, and canvas for the position that where Statutory Rules govern the field, prior executive instruction cease to apply, circular cannot override the rules occupying the field and administrative instructions cannot be allowed to operate particularly when it is in contradiction to the statutory Recruitment Rules.

16. We are in respectful agreement with the propositions canvas by the applicants but to say that these are not squarely applicable in these cases. In those cases the applicants are not under protection of any statutory rules therefore, the ratio will not fit in these cases. What we find from the above is that since the cadre of the applicants have not been changed in any way but the only additional duty was entrusted to them and the SFA(V) is not a separate cadre and covered by SSB Para Veterinary Staff Recruitment Rules. They have been sent for training for six months. We are of the view that this is entirely within the domain of the administration according to their qualification, experience and expertise. Their job, pay scales have not been changed.

17. The learned counsel for the respondents also pleaded that this case has already been adjudicated by Hon'ble High Court, Allahabad and the Hon'ble Court has decided as under

"....The sum and substance of the order issued on 26.12.2005 is a direction to the petitioner to undergo dog-handling course, commencing with effect from 2.1.2006. Through the impugned order, the rank, post or scale of the petitioners is not going to be changed. The petitioners, who are members of Sashastra Seema Bal, have been directed to undergo specialized training in handling of dogs. Merely sending on training cannot be said to be change of cadre or reduction in rank. This action may not adversely affect the service conditions of the petitioners. Accordingly, no legal right of the petitioners has been infringed by the impugned order. No interference is required."

The Writ petition is dismissed."

18. It is well settled law that judicial interference is limited to testing whether the administrative action has been fair and free from the taint of unreasonableness and has substantially complied with the norms or procedure set for it by rules of public administration. The above view has been taken by the Hon'ble Supreme Court in **Fertilizer Corporation, Kamgar Union vs. Union of India, (1981) 1 SCC 568.**

19. The Hon'ble Supreme Court has further held in case of **Tata Cellular vs. Union of India, (1994) 6 SCC 651**, that the duty of the court is to confine itself to the question of legality. Its concern should be :

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1. Whether a decision making authority exceeded its powers?
2. Committed an error of law,
3. committed a breach of the rules of natural justice,
4. reached a decision which no reasonable tribunal would have reached or,
5. abused its power."

The Supreme Court has again held in a case of **Union of India vs. Flight Cadet Ashish Rai, (2006) 2 SCC 364** as under :

"There should be judicial restraint while making judicial review in administrative matters. Where irrelevant aspects have been ignored and the administrative decisions have nexus with the facts on record, there is no scope for interference. The duty of the court is (a) to confine itself to the question of legality; (b) to decide whether the decision making authority exceeded its powers; (c) committed an error of law; (d) committed breach of the rules of natural justice; and (e) reached a decision which no reasonable tribunal would have reached; or (f) abused its powers. Administrative action is subject to control by judicial review...":

Hon'ble Supreme Court has further held in **V.Ramana vs. A.P. SRTC, (2005) 7 SCC 338** that 'the common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards.'

20. From the above it appears that the Senior Field Assistant (Vety) are not governed under Indian

Veterinary Council Act 1984. They have actually been appointed under the SSB (Para Veterinary Staff) Recruitment Rules 1989 which is a civil post. They have also not been appointed as Dog Handler but they are being sent for training on Pup Rearing Centre at Gorakhpur for better performance of their duties. Therefore, administrative authorities have taken action with bonafide intention in the interest of the State.

21. In view of the discussions made above and the settled law position all the Original Applications are dismissed.

The interim orders dated 26.5.2005 passed by this Tribunal under which the orders dated 17.2.2005 and 5.4.2005 were stayed will stand vacated.

In the conspectus facts and circumstances there will be no order as to costs.

Sd/ VICE CHAIRMAN  
Sd/ MEMBER (A)

2.6.2005

गुवाहाटी बैच बैठक  
Guwahati Bench

DIST. : BONGAIGAON

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 117 /05

Bimal Chakraborty

....APPLICANT

-VERSUS-

Union of India

....RESPONDENT.

DATE AND SYNOPSIS OF THE CASE IN THIS

APPLICATION :

DATES

SYNOPSIS OF THE CASE

06-02-1988 : Joint as a Constable in G.C. Falakata Dist. Jalpaiguri under the Director General of Security S.S.B./North Bengal and Sikkim Division.

07-04-1992 : Accepted of technical resignation of the applicant by the authority. Thereafter he was selected for the post of senior field Assistant (Veterinary)

(2)

18-06-1992 : The respondent vide order dated 18/6/1992 appointed the applicant to the post of senior field assistant veterinary (which is a civil post) and posted at Naxalbari.

03-09-2004 : Memorandum dated 3-9-2004 calling for selection of Dog Handler (DH) from the strength of SFA (Vet.)

17-02-2005 : Order dated 17-02-2005 issued by assistant Director General S.S.B. New Delhi where by D.G. S.S.B. being the head of the department is pleased to reallocated eight post each of SFA (Vet.) for first BN. Didihat at 2nd Bn. Garokhpur along with incumbent with immediate effect in public interest.

25-02-2005 : Representation filed by the applicant highlighting his grievances against reallocating of his post as Dog Handler.

07-03-2005 : Against the impugned order dtd.17-02-2005 the applicant preferred O.A. No.64/05. The Hon'ble Central Administrative Tribunal, Guwahati Bench, directed the Respondents to dispose off the representation dtd.25-02-2005 without deciding the merit of the case.

(3)

05-04-2005 : An order was passed by the authority whereby the representation of the applicant was disposed of as per the order of the Hon'ble Tribunal dtd.07-03-2005, while disposing the representation the core question as to whether the Dog Handler is a Civil post or whether it is Combat post has not been answered by the authority.

PRAYER : Direction for setting aside the impugned order dated 17/2/2005 and 5-4-05 issued by Assistant Director General S.S.B. New Delhi and Chief Veterinary Officer (SG) Force Hqrs., S.S.B. New Delhi, respectively and/or to direct not to reallocate the post of the Applicant from S.F.A. (V) Civil Post to Dog Handler (Combat Post) and/or not to transfer the applicant from the present post of S.A.F.(V), Bongaigaon area to armed Force in the post of Dog Handler.

X  
✓

DIST. : BONGAIGAON

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI

(An application Under Section-19 of the  
Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 112 /05

Bimal Chakraborty

....APPLICANT

-VERSUS-

The Union of India and Ors

....RESPONDENT.

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Filed by :-

Parbat Baru Bamer  
(Advocate)

DIST. : BONGAIGAON

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 117 /05

(An application Under Section-19 of the  
Administrative Tribunal Act, 1985)

(For use of Tribunal Office)

Signature :

Date :

Original Application No. \_\_\_\_\_ of 2005

I. PARTICULARS OF THE APPLICANT :

Bimal Chakraborty

Son of Late D. Chakraborty

S.F.A. (V) Office of the AO/SSB/Bongaigaon

Shastri Road, Ward No.-10

P.O. : North Bongaigaon

Dist. : Bongaigaon

II. PARTICULARS OF THE RESPONDENTS :

1) Union of India,

Represented by the Director General

Sashastra Seemabali, East Block V.

R.K. Puram, New Delhi-110066.

Contd....12

*Bimal Chakraborty*

(2)

- 2). Minister of Home Affairs,  
Represented by Secretary to the  
Govt. of India, New Delhi.
- 3) Director General,  
Sashastra Seemabai, East Block-V  
R.K. Puram, New Delhi-110066.
- 4) Assistant Director,  
O/O Director General,  
Sashastra Seemabai, East Block-V  
R.K. Puram, New Delhi-110066.
- 5) Area Organiser S.S.B.  
Bongaigaon, Assam.
- 6) Area Organiser (HQ)  
FTR HORSSB, Gauhati.

III. PARTICULARS OF THE ORDER (S) AGAINST WHICH  
APPLICATION MADE :

- 1) The applicant through this application wants to challenging order number 30/SSB/A-4/13-91-1407 dtd.17-02-2005 issued by the Assistant Director, Director General Sashastrabai, New Delhi. and order no 30/SSB/2003, dt. 5.4.05 issued by chief Veterinary officer(S.B) Force H.A.R.S, S.S.B, New Delhi.
- 2) **JURISDICTION OF THE TRIBUNAL :**

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

Contd...../3

Bimal Chakraborty

3) LIMITATION :

The applicant also declares that the present application is within the limitation period as has been prescribed under Section - 21 of the Administrative Tribunal Act, 1985.

4) FACTS OF THE CASE :

- i) That the applicant is a citizen of India and at present residing at Bongaigaon in the district of Bongaigaon, Assam and as such entitled to all the rights and privileges guaranteed under the Constitution of India and relevant rules framed thereunder.
- ii) That the applicant states that he joined S.S.B. as Constable on 06-02-1988 at Falakata Dist Jalpaiguri under the Commandant G.C.S.S.B.
- iii) The applicant state that after serving for more than 4 years as a Constable he had resigned from the said post and was appointed fresh on selection as Senior Field Assistant (Veterinary) which is a Civil Post and was posted in the office of the area organize SSB, Jalpaiguri in the pay scale of 975-25-1600. The applicant after joining in his new civil post at

*Contd....14*

*Primal Chakraborty*

Naxalbari, after serving for few years, he was transferred to Coach-Bihar. Thereafter he was again transferred to the Bongaigaon area and joined at the office of Bongaigaon area organiser as Senior Field Assistant (Veterinary) and till date he has not been released.

A copy of the order dtd.07-04-1992 and 18-06-1992 are annexed herewith and marked as ANNEXURE-I & II.

iv) That the applicant state after his resignation as constable he was selected as Senior Field Assistant (Veterinary) which is a purely civilian post and is guided by para-veterinary staff Recruitment Rules, 1989 and enjoyed all the benefits under the rules as provided. The duty of the applicant under the said rules is to look-after the treatment of sick animal, documentation of Veterinary Hospital Dispensary and have to undergo BASIC CONDENSED COURSE, known a Veterinary Assistant Course, which also includes.

(5)

A copy of the notification dtd.23-05-1990 is enclosed herewith and marked as ANNEXURE-III.

v) That the applicant states that on 3rd September, 2004 the Chief Veterinary Officer issued a Memorandum number 99/Vet/SSB/2003/VC-3.39-41 whereby it is stated that to select and intimate the name of SFA (Vet.). Working in the department who are relatively young and have aptitude to care and Dog Handler for working as Dog Handler SSB in the Battalion which is namely raised. Accordingly, the said memorandum was circulated among the workers who are willingly to join in the new post. The applicant has expressed that he is not willing to join in the new Battalion of Dog Handler. Which is armed force.

A copy of the Memo dated 03-09-2004 is annexed herewith and marked as ANNEXURE-IV.

vi) That the applicant states that 25-02-2005, the area organiser SSB, Bongaigaon circulated order dated 17.2.2005 issued by Assistant Director in the said

Confd..../6

Bimal Chakraborty

5

(6)

order it is stated that D.G. S.S.B. being head of the department is pleased to reallocated eight (8) posts each of SFA (Vet.) for the first Bn. Didihat and 2nd Bn. Gorakhpur along with the incumbent with immediate effect in public interest and the petitioner was ordered & transfer from Bongaigaon area with the post of SFA (Vet) to First Bn. Bidihat as Dog Handler.

A copy of the order dated 17-02-2005 is annexed herewith and marked as ANNEXURE-V.

vii) That the Applicant on 25-02-2005 immediate filed his representation through proper channel to the Director General wherein he had stated his grievances and stated that the job of Dog Handler is not related with the para veterinary staff and the job of Dog Handler is a job of combative personal and as such requested to stop his detailment for this present post, as the said representation was not disposed of the appellant preferred on application before this Hon'ble Tribunal to get the redressal of the grievance which was registered as OA-64/05. The Hon'ble Tribunal upon hearing the parties passed an order

Contd..../7

*Bimal Chakraborty*

31

(7)

on 17-03-2005 directing the Respondents/Authority to dispose-off the said representation dtd.25-02-2005 without going into the merit of the case. Accordingly the authority dispose off the representation on 5.4.05 without deciding the core question whether the Dog Handler is a Armed Post or a Civil Post and as such the order dtd.05.04.2005 is passed without applying the judicious mind is a most arbitrary of the whimsical manner and as such the grievance of the appellant has not met with and has to approach this Tribunal again to determine whether a civilian post can be transferred into Armed Post and what are take nature of work of the Dog Handler in the armed post and whether the post the Post of Dog Handler is guided by Para Veterinary Staff recruitment.

Copies of the representation dtd.25-02-2005 and order dtd.05-04-2005 are annexed herewith and marked as ANNEXURES-VI & VII.

viii) That the applicant states that the post of Senior Field Assistant is an Civilian Post whose duty to give treatment to the animal individually or under the supervision of veterinary officer and where as Dog Handler is a purely a job of combat personal.

ix) That the appellant stated the post of Dog Handler is a separate unit and is maintained by the combat personal, headed by the constable and moreover from the plain reading of the Memo dtd. 3.11.2004 has clearly spelt out that the person who will be appointed as a Dog Handler have to undergo 6 month training at B.S.F. Academy; moreover the post of Dog Handler under the Central Govt. is a combat post would be more evident if this Hon'ble Tribunal take into consideration of the Employment News dtd. 23-29-4-2005 published by Delhi Police for the post of Dog Handler which is also under the Home Ministry.

A copy of the Employment News dtd.23-29-4-2005 is annexed herewith and marked as ANNEXURE-VIII.

#### 5. GROUND

i) For that the order dated 07-02-2005 and 05-04-2005 and bad-in-law and in fact as the Civil Post was converted re-allocate into armed force post along with the incumbent.

Contd...../9

*Prima Chakrabarty*

10

(9)

- ii) For that the order dated 07-02-2005 would go to show that Respondent have failed to get suitable candidate for the post of Dog Handler has bit rally reallocated the post of SFA (Vet.) for first Bn. Didihat and 2nd Bn. at Gorokhpur along with the incumbent which is an illegal action on the part of the respondent in reallocated for civilian post in armed force.
- iii) The Respondent ought to have given a responsible opportunity to the applicant before issuing any order with are adverse to the service condition and thereby violated the principal of natural justice which is the basic tenant of administrative law.
- iv) For that the respondent ought to have known that in the service jurisprudence the Cadre means strength of service or part of service sanction as a separate unit, and cannot be re-allocated with incumbent to another unit without proper notification. In the instant case applicant opinion was sought as to whether he is willing to go for separate unit to which the applicant express his opinion in negative and thereafter vide order 17-02-2005, re-allocating the said post is against the spirit of service jurisprudence and liable to be set aside and quashed.

Contd...../10

*Bimal Chakraborty*

3X

(10)

- v) The section of the respondent is arbitrary and violative of Article-14 of the Constitution of India wherein the right of equity before law is provided in the guise of protecting equally of opportunity the right available under Article-14 of the Constitution of the applicant is being disturbed.
- vi) For that order dtd.05-04-2005 would go to show that it is totally silent as to the question whether Senior Field Assistant (Veterinary) who are guided by para-Veterinary Staff Recruitment Rule-1989 is a civilian post on a Combat post and what are the nature of work for the passed of Dog Handler and as such the impugned order is liable to be set aside and quashed.
- vii) For tat the mere training of Pub-breeding and rearing cannot be the Ground of change of Cadre, where the Cadre in which the applicant was appointed has not relation with the Cadre where he was re-allocated by the impugned order dtd.07-02-2005 and 5.4.05 which are bad in Law and as such it is liable to be set aside and quashed.
- viii) The applicant may be permitted to urge other grounds at the time of hearing.

6. DETAIL OF REMEDIES EXHAUSTED :

i) Applicant declare that he has exhausted his remedy and as such there is no other alternative or equally efficacious remedy except to approach this Hon'ble Tribunal excise of its Jurisdiction under Section-19 of the Administrative Tribunal Act, 1985.

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

The applicant declares that they have not filed any Writ Petition or petition or application before any other court or any bench. Except OA 64/05 which has been disposed off.

8. RELIEF SOUGHT FOR :

For the reasons stated above, the applicant hereby prays that this Hon'ble Tribunal may be pleased to called for the records pertaining to reallocation of the post of SFA (Vet.) for 1st Bn. Didihat and consequently the direct the responds not to release the applicant along with the post to the first Bn. Didihat and also to declare that the order dated <sup>and S. 4.05 are</sup> 07-02-2005 is illegal and void.

Contd...../12

Bimal Chakraborty

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(12)

**9. INTERIM RELIEF IF ANY SOUGHT FOR :**

Pending finalisation of the O.A. the applicants herein Pray that this Hon'ble Tribunal may be pleased to direct the respondents not to give effect to the order dated 17-02-2005 <sup>and 5.4.05</sup> and or not to release the applicant from the present place of posting and such order other for further orders as it deem fit and proper.

**10. PARTICULARS OF THE POSTAL ORDER :**

- a) IPO No.204236085 Date 18/5/05 For Rs.50/-
- b) Envelopes with acknowledgment
- c) Vakalat
- d) Material papers as per index

**11. LIST OF ENCLOSURES :**

- i) Order Dtd.07-04-1992
- ii) Order Dtd. 18-06-1992
- 1. Notification dtd.23-05-1990
- 2. Memorandum dated 3rd September, 2004
- 3. Order dated 17-02-2005.
- 4. Representation to the Director General SSB.
- 5. Order dtd.05-04-2005
- 6. Paper Publishing 29-04-05

Contd...../13

Bimal Chakrabarty

40

(13)

### VERIFICATION

I, Bimal Chakraborty, S/o Late D.Chakraborty, aged about 41 years, by profession - service resident of Bongaigaon; do hereby verify that I am the applicant in the accompanying application. I am the acquainted with the facts and circumstances of the case. I hereby verify that the statements made in Paragraphs 1 to 9 are true to my knowledge and that I have not supposed any material facts.

And I set my hand in this verification today 26th May, 2005 at Guwahati.

*Bimal Chakraborty*

Signature

## ANNEXURE - I

Government of India  
 Directorate General of Security  
 Office of the Commandant, SC, SSB, Calcutta  
 P.O. Calcutta, Dist. Jalpaiguri  
 (West Bengal).

PROOF

Consequent upon acceptance of technical resignation tendered by No. 80648 Constable/SD Binjal Chakraborty of this Group Centre on 07-4-1992(AW) on his selection for the post of Senior Field Assistant(Veterinary) on transfer basis in the office of the Circle Organiser, SSB/DSO, Muzalbari in the pay scale of Rs. 975-75-1150-80-30-1660/-, is relieved from his duties from the Group Centre, SSB, Calcutta on 07-4-1992(AW) in pursuance of Divisional Organiser, SSB, No. 6 Division, Siliguri Office Memo No. 11/2/60/90 (Vol-1) (204) dated 21-3-92 and he is accordingly struck off strength from this Unit from the same date i.e. 07-4-1992(AW).

2. No joining time will be admissible to him to join his new place of posting.
3. He will get the benefits of past service admissible to him under article 418(b) of C.S.R and rule 26(2) of E.C.R (Pension) Rules, 1972.

Sd/-  
 Commandant  
 Group Centre, SSB  
 Calcutta.

No. 1/D/16/(b)/1405 Dated, the 07 April '92

Distribution :-

1. The Divisional Organiser, SSB/DSO, No. 6 Division, Siliguri w.r.t. their office Memo No. 11/2/60/90 (Vol-1) (204) dated 21-3-92 for favour of information please.
2. The Assistant Director(SA), SSB Directorate, East Block No. V, P.D.U. Puram, New Delhi w.r.t. their Memo No. 6/400/12/91 (S) 4762 dated 27-12-91 for favour of information please.
3. The Director of Accounts, C.R.B. Block, New Delhi-110055 for information please.
4. The Area Organiser, SSB, Jalpaiguri for information and necessary action please.
5. The SMO, SSB, Jalpaiguri for information please.
6. The Circle Organiser, SSB/DSO, Muzalbari Circle, for information and necessary action please.
7. No. 80648 Const/SD Binjal Chakraborty, SC, SSB, Calcutta.

Internal :-

8. The D.P.O., SC, SSB, Calcutta.
9. The Quarter Master, SC, SSB, P.M.T.
10. The SMO, SC, SSB, P.M.T.
11. Coy Commander 'B' Coy.
12. F.O. Clerk.

for information and  
necessary action  
please.

Certified to be true copy  
 (Anil Kumar Barman)  
 ADVOCATE

Hand  
 Adjunto  
 Group Centre, SSB  
 Calcutta.

10. CC/TKI/1/R/16(0)/97-98/ 4182-92  
 Directorate General of Security  
 Office of the Commandant  
 Group Centre, SSB, Calcutta  
 101, Park Street, Calcutta, 700006

Dated, the 03 July 97

O R D E R

Consequent upon acceptance of technical resignation w.e.f 03/7/1997 (A) from the post of Constable (O) tendered by No. 8376462 Constable (O) Pratosh Datta of this Group Centre via his application dated 30/6/97 on his selection for the post of Senior Field Assistant (Vet) in the Office of the Area Organiser, SSB/003, Leh in the pay scale of Rs. 975-25-1150-18-30-1860/- is hereby relieved of his duties from Group Centre SSB, Calcutta on 1/7/97 (A) in pursuance of SSB Dte. Memo No. 6/SSB/R-4/96(12)-974-80 dated 26th March 1997 and S.D. S&K Memo No. IV/3/R-2(2)/96-97-S&K/9860-52 dated 9/6/97 and he is accordingly struck off strength of this unit with effect from the same date i.e. 03/7/1997 (A).

1. He will get the benefits of past service admissible to him under article 418 (b) of CCR and Rule 26 (2) of COS (Tenure) Rules, 1972.
2. He is entitled to avail normal joining times as admissible under rules.

*Self*  
 COMMANDANT  
 GROUP CENTRE SSB  
 CALKUTTA

Distribution to :-

- 1) The Divisional Organiser, SSB/003, S&K Divn, 131, A/C Gondhingar, Jammu - for information please.
- 2) The Divisional Organiser, SSB/003, MBG Divn, Silliguri - for information please.
- 3) The Commandant (R), C/o the Director, SSB/003, R.R.Turam, New Delhi - for information please.
- 4) The Director of Accounts, C.R. Sectt. Block-L, Level- 7, R.R.Turam, New Delhi - for information please.
- 5) The Area Organiser, SSB/003, Leh - for information and necessary action please.
- 6) NO.8376462 Const(O) Pratosh Datta.

MINIMUM

- 1) The SSB, SSB, Calcutta.
- 2) The A/C Branch, C.R. Sectt, Calcutta.
- 3) Coy Commander 'A' Coy, CC SSB Calcutta.
- 4) P.A. Clerk and Inspec (R), CC SSB Calcutta.

*10/7/97*  
 ABOUT 21  
 GROUP CENTRE SSB  
 CALKUTTA

*Certified to be true copy*  
*Parvin Ali*  
*ADVOCATE*

Government of India  
Central Secretariat  
Bikaner House Annex  
Shahjahan Road.

ANNEXURB

Now Delhi, the 27 May, 1990

16-

IN EXERCISE OF THE POWERS CONFERRED BY THE PROVISION TO ARTICLE 312 OF THE CONSTITUTION, THE PRESIDENT HEREBY MAKES THE FOLLOWING RULES  
TO AMEND SPECIAL SERVICE BUREAU (PARA-VETERINARY STAFF) RECRUITMENT  
RULES, 1989, NAMELY : -

(1) THESE RULES MAY BE CALLED THE SPECIAL SERVICE BUREAU  
(Para-Veterinary Staff) AMENDMENT RULES, 1990.

(2) THEY SHALL COME INTO FORCE AT ONCE.

IN THE SCHEDULE TO SPECIAL SERVICE BUREAU (Para-Veterinary Staff) RECRUITMENT RULES, 1989, AGAINST THE POST OF SENIOR FIELD  
EXTRIMENT (VETERINARY), THE ENTRY IN PARA 2 UNDER COLUMN 12 SHALL  
BE AMENDED AS FOLLOWS : -

"Transfer of Field Assistants/Constables of Special Service  
Bureau from Para-Veterinary Service in the Grade and having one  
year's experience in treatment of sick animals and  
documentation of Veterinary Hospital/Dispensary and also  
having undergone : -

1. Basic Condensed Course organised by the Special Service  
Bureau, known as Veterinary Assistant Course, or  
2. Veterinary Assistant Course."

SD/- (GP Chaudhary)  
Director to the  
Govt. of India.

NOTE: THE PRINCIPAL RULES WERE ISSUED VIDE THIS  
SECRETARIAT NOTIFICATION NO. A-12010/30/88-DO.1  
DATED 31.3.1989 AND SUBSEQUENTLY AMENDED VIDE  
NOTIFICATION ATTACHED HERETO.

Y TO : -

Shri MS Johri, Director, SSB.  
Shri DR Kangharia, Director, DCS.  
Shri Sanjay Patel, Director, F(S-II).  
Guard file.

copy  
RECORDED  
RECORDED

SSB DIRECTORATE  
ALL BRANCHES

2/SSB/R2/86(3)

Dated, the 1-6-90

COPY REMAINED FOR INFORMATION & NO. OF ACTION TO :  
1. BOS/BRIGGS/COMMANDANTS,  
2. VET. OFFICERS, SSB DCS, DPP, DPP.

AI / E.I / E.R.T

9  
(B.D. ADHIKARI)  
SECTION OFFICER

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MO.99/Vet/SSB/2003/VC-339-4

Government of India,

Ministry of Home Affairs,

O/O the Director General,SSB,

East Block-V, R.K.Puram,

New Delhi-66.

Dated:- the 3rd Sept. 2004

1031  
2004

MEMORANDUM

Subject -

SELECTION OF DOG HANDLERS (DH) FROM THE  
STRENGTH OF S.F.A.(VET)

It is requested to select and intimate the names of S.F.A.(Vet) working in your Frontier who are relatively young and have an aptitude to care and handle dogs for working as Dog Handlers in SSB.

During the current financial year we have a requirement of 112 Dog Handlers @ 8 Dog Handlers per Battalion x 14<sup>th</sup> Battalions where the Dog Squads will be established in the first phase. These S.F.A.(Vet) will have to undergo six months training at BSF Academy, Tekanpur once the pups are purchased.

It is also proposed to impart a preliminary training in Dog Handling to the selected S.F.A.(Vet) at a central location by the SSB Vets. Further directions for conducting the preliminary training will be issued by the Force HQ. in due course after selection of Dog Handlers.

The matter may please be treated as urgent and may be dealt on priority.

Ranjan  
17/09/04

( DR. SHASHI RANJAN)  
Chief Veterinary Officer (SG)

To

The Inspector General,  
FTR.HQRS. Lucknow/Patna/Juwahar.

AOC(S)  
CVO

BMS  
168

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FPO

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15/9/04

contd.2

Certified to be true copy  
Parbat 100 Baru  
ADVOCATE

V.C.H. /jg/ 10/2004

11/2004

Memo No. VII/10/TRG/2004-05/302-307 dated the 21/2/2004.

Copy forwarded to:-

Ex: The Area Organiser, SGP, Falakata/Chirang/  
Kokrajhar/Goalpara/Mahabandha/ Dhemaji. They  
are requested to intimate the names of SGP(Vs) who  
are young, energetic and having interest in  
pets like dogs, so that they could be put into the  
course as mentioned above for getting their  
services in the near future. This may be treated  
as most urgent.

B. C. Agarwala

Area Organiser (UO),  
FTR BOR SSB Guwahati.

1. Not willing

(D. L. K. H.)  
24/2/04(P. C. Jayakar)  
SFA (V)

2. Not willing

Ab.  
(Ashish Baruah)  
SFA (V)

3. Not willing

(G. S. S.)

(B. C. Chakraborty)  
SFA (V)

4. Not willing

(B. C. K. Baruah)  
SFA (V)5. Not willing  
(B. C. K. Baruah)  
24/2/04  
P. D. D. S. S. (V)

NO. 30/SSB/A-4/2000(3)-1391-1407  
Government of India  
Ministry of Home Affairs,  
Directorate General,  
Sashstra Seema Bal,  
East Block V R.K. Puram,  
New Delhi-110056

Dated the 17-02-05

Order/

D.G., SSB being head of the Department is pleased to reallocate 03 posts each of SFA(V) for 1st Bn. Didihat and 2nd Bn. Gorakhpur alongwith incumbents with immediate effect in public interest as indicated below : -

Sl. no.	Name of SF (Vety)	From	To
1.	Satish Kumar	Bhinga Area	1st Bn. Didihat
2.	Nahesh Chaudhary	Pithoragarh Area	-do-
3.	V.P. Bhatt	Pilibhit Area	-do-
4.	C.B.S. Pundir	Sidharthnagar Area	-do-
5.	Haridhan Sill Sharma	Araria-I Area	-do-
6.	S.C. Bhowmik	Sikkim Area	-do-
7.	B.Chakraborty	Bongaigaon Area	-do-
8.	P.Dutta	Bongaigaon Area	-do-
9.	Remeshwar Singh	Bhauraich Area	2nd Bn. Gorakhpur
10.	S.S. Ramola	Pilibhit Area	-do-
11.	S.S. Chauhan	Bhinga Area	-do-
12.	Sushil Kumar	Araria-I Area	-do-
13.	Shankar Rudra Pal	Sitamarhi Area	-do-
14.	Santu Singh	Bomdila Area	-do-
15.	P.K. Borib	Kokrajhar Area	-do-
16.	Abdul Basumatary		

The compliance on above order b: confirmed to Force HQs. SSB  
New Delhi.

S/O- Subhash Kumar 17.02.05  
(Assistant Director)

Distribution :-

1. The Controller of Accounts, Pay and Accounts Office, Ministry of Home Affairs, New Delhi.
2. ISG Frontier Hqs. SSB, Lucknow/Patna/Guwhati
3. DTSG, Sector Hqs. Rantkhali, Bahraich, Gorakhpur, Muzaffarpur, Sitamarhi, Rautahat, Pilibhit, Raxaul, Banda, Sitamarhi, Gorakhpur & Bandauni.
4. The Commandant 1st Bn. Didihat and 2nd Bn. Gorakhpur.
5. The Area Organiser, SSB: Bhinga, Pithoragarh, Pilibhit, Sidharthnagar, Araria-I, Sikkim, Bongaigaon, Bhauraich, Maharajganj, Sitamarhi, Bomdila and Kokrajhar.
6. The Chief Veterinary Officer(SG), Force Hqs. SSB, New Delhi.

NO : ITI/96/( 423-25 ) DT:- 25/2/05 O/O The Area Organiser,  
SSB:Bongaigaon.(Assam)

Copy forwarded to :-

1. Sh.B.Chakraborty, SFA(V)
2. " P.Dutta, SFA(V)
3. " SFA, SSB Bongaigaon (Bhauraich) to Relieve them immediately

Jt. Area Organiser,  
SSB:Bongaigaon

Certified to be true copy  
Parthi Parmanu  
ADVOCATE

To  
The Director General  
SSD, Force HQR  
Block-V (East), R.K.Puram  
New Delhi-66.

Through Proper Channel

Sub: Request for exemption from "PUPS BREEDING AND REARING" Course  
as well as "DOG HANDLER" Course.

Sir,

I beg most respectfully and humble submission in an unfavourable circumstances I beg to lay down the following few lines on the subject cited above for your sympathetic consideration and favourable action please.

1. That Sir, I have completed the Pups Rearing & Breeding Course as per sudden detailment order. But I have come to know through reliable source that I may be detailed further for Dog Handler Course.
2. That Sir, I had been recruited as Para Veterinary Assistant i.e.SFA(V). So far I know that the job of "DOG HANDLER" is not related with the Para-Veterinary staff. This is the job of combatised personnel.
3. That Sir, since joining in SSB department as Para-Veterinary assistant i.e. SFA(V) I have been performing the duties of giving treatment to animals individually or under supervision of Veterinary officers (VAS/SVO) or Field Officers. The duties were acceptable to me as the duties were related to the job of Para-Veterinary Assistant.
4. That Sir, I have become surprised with the sponsoring of my name for PUPS BREEDING AND REARING course which is not related with the job of Para-Veterinary cadre / staff. The said course is totally separate from veterinary cadre. But it is trying to attribute the profession on veterinary assistant. It is creating a critical state of mental agony and anxiety and an imbalance in discharging my duties smoothly.
5. That Sir, in this circumstances I beg to state that if I shall be compelled to undertake further the Dog Handler Course then it will be against of my will.
6. Therefore you are cordially requested for arranging to stop my detailment from this course and I may be allowed to serve my profession as per my recruitment for the post of Para-Veterinary Assistant with full encouragement.
7. That Sir, if there is no other alternative to detail me in the above course, I have to seek the justice of law from the court and for which I may be permitted to take the shelter of court.

I may kindly be excused for the troubles sir.

With best regards,

Yours faithfully

Bimal Chakrabarty  
25/2/05

*Certified to be true*  
Bimal Chakrabarty  
Advocate

- 21 -

## ANNEXURE = VII

5124  
06/04/05GOVT. OF INDIA  
MINISTRY OF HOME AFFAIRS,  
OFFICE OF THE DG, SSB  
EAST BLOCK-V, R.K. PURAM  
NEW DELHI-110066

No.30/SSB/A-4/2000(3)Q768-63

Dated the, 5<sup>th</sup> April, 2005.ORDER

In compliance to the orders of the Hon'ble CAT Guwahati Bench dated 7.3.05 pronounced in OA No. 64/05 titled Bimal Chakraborty Vs UOI and Others, the representation dated 25.2.05 submitted by the applicant has been considered.

The following issues have been agitated by the applicant in the above referred representation.

1. That the applicant had been recruited as a Para Veterinary Assistant i.e. SFA(Veterinary) and as such the job of Dog Handler is not related with the Para Veterinary Staff. The applicant has further stated that this job is to be performed by Combatised personnel.
2. That the sponsoring of his name for the Pups Breeding and Rearing Course is not related with the job of Para Veterinary Cadre/Staff as this course is totally separate from Veterinary Cadre.
3. That compelling the applicant to undergo the Dog Handler Course will be against his will.
4. That the detainment of the applicant for the said course should be stopped.

All the above points have been considered and it is clarified here as under:

- 1) After the administrative control of the Organisation was shifted from Cabinet Sectt. to Ministry of Home Affairs w.e.f. 15.1.01 the role of the Organisation has changed and it has been assigned the mandate to guard the Indo-Nepal Border and the Indo-Bhutan Border subsequently. As on date, SSB is a Border Guarding Force. With the change in Role of Organisation from that of a Stay Behind Role to that of a Border Guarding Force the old Areas of operation have been closed and new offices/Battalions have been opened all along the Indo-Nepal and Indo-Bhutan Border. For better performance of the duties, the Government of India has sanctioned Dog Squad to SSB for performance of operational duties in the border areas. As the Organisation has an independent Veterinary set up it is primarily the Veterinary Staff only who will have to raise and maintain the Pups and Dogs as primarily in the changed circumstances the Veterinary Cadre is the most suited and trained staff to lookafter the health, breeding, training, handling and maintenance etc. of the Dogs.

Certified to be true copy  
Parbat Ray Sarker  
ADVOCATE

The averment of the applicant that the job of Dog Handler is not related with the Para Veterinary Staff is totally wrong. After having been given the training of rearing and breeding of Pups the Veterinary Cadre personnel are fully competent to perform their newly assigned duties. The rearing and breeding of Pups is primarily the job of the Veterinary and Para Veterinary Cadre/Staff only. Moreover during the service career, every individual has to undergo certain Departmental courses for improvement of efficiency and making them professionally equipped to meet the needs and objectives of the Organisation. As the force has a competent and independent Veterinary Cadre, it is the services of the Veterinary Cadre only that can be used to fulfill the operational commitments assigned by the Government in National interest. Moreover, every Government servant is duty bound to obey lawful orders issued in public and national interest.

In view of the aforesaid reasons no merit is found in the issues craved by the applicant, hence his request after due consideration is not acceded to. Therefore, the applicant is directed to immediately proceed to his place of posting for undertaking the new duties in compliance to the order No.30/SSB/A-4/-2000(3)-1391-1407 dated 17.2.2005.

This issues with the approval of Competent Authority.

Tanjan  
STTUS  
(Dr. SHASHI RANJAN)  
CHIEF VETERINARY OFFICER(SG)  
FORCE HQRS, SSB, NEW DELHI

10

✓ Shri Bimal Chakraborty  
S.F.A(Vety),  
Office of the Area Organiser,  
SSB, Bongalgao  
(Assam)

Copy to :-

1. The Frontier Hqrs, SSB, Guwahati for information and necessary action please.
2. The Sector Hqrs, SSB Dangalgaon for information and necessary action please.
3. The Area Organiser, SSB, Dangalgaon for information and necessary action please.
4. The Veterinary Branch, FHQ, SSB, New Delhi for Information.
5. The Legal Cell, FHQ, SSB, New Delhi for Information

(Dr. SHASHI RANJAN)

## DELHI POLICE

## RECRUITMENTS

APPLICATIONS FOR THE FOLLOWING POSTS ARE INVITED FROM INDIAN NATIONALS. THE CATEGORY-WISE BREAK-UP OF VACANCIES, PAY SCALES AND ELIGIBILITY CONDITIONS ARE MENTIONED BELOW:

THE NAMES SHOULD BE REGISTERED WITH ANY EMPLOYMENT EXCHANGE OF DELHI ON OR BEFORE 13-5-05 FOR THE POST MENTIONED AT SL. NO. 1 TO 27.

SL. No.	Name of Posts	No. of Vacancies	Pay Scale		
No.	Gen	SC	ST	OBC	Total
1.	Inspector (Asstt. Programmer)	02	—	—	02
2.	SI (Shorthand Reporter/Hindi)	01	—	—	01
3.	SI (Machine Room Programmer)	01	—	—	01
4.	Hindi Translator (Civilian)	01	—	—	01
5.	ASI (Shorthand Reporter/Hindi)	02	—	01	03
6.	ASI (Finger Print)	05	—	01	02
7.	ASI (Stenographer)	01	01	—	03
8.	HC (Store Clerk)	01	—	—	01
9.	H.C. (Ministerial)	—	—	06	06
10.	H.C. (Ministerial) (India Reserve Battalion)	09	02	01	03
11.	Water Carrier	—	—	01	—
12.	Water Carrier (India Reserve Battalion)	24	00	03	12
13.	Dhobi	01	—	01	—
14.	Dhobi (India Reserve Battalion)	14	03	01	06
15.	Barber	01	01	01	—
16.	Barber (India Reserve Battalion)	12	03	01	05
17.	Mochi	01	—	01	—
18.	Sweeper (India Reserve Battalion)	—	42	—	42
19.	Cook	03	02	02	01
20.	Cook (India Reserve Battalion)	36	10	05	18
FOR PHYSICALLY HANDICAPPED PERSONS (Ortho Handicapped/Hearing Handicapped)					
21.	Mochi	—	—	01	01
22.	Dhobi	—	—	01	01
23.	Barber	01	—	—	01
24.	Sweeper	—	02	—	02
25.	Sweeper (India Reserve Battalion)	—	03	—	03
26.	Cook	02	—	—	02
27.	Cook (India Reserve Battalion)	02	—	—	01
THE NAMES SHOULD BE REGISTERED WITH ANY STATE/UTT EMPLOYMENT EXCHANGE ON OR BEFORE 13-5-05 FOR THE POST MENTIONED AT SL. NO. 28 TO 37.					
28.	Constable (Dog Handler)	03	01	—	02
29.	Constable (Driver)	48	02	17	05
30.	Constable (Driver) (India Reserve Battalion)	90	21	08	25
31.	Constable (Brass Band)	05	—	02	02
32.	Constable (Pip Band)	01	01	02	03
33.	Constable (MT/Helper) Battery Charger	01	—	—	01
34.	Constable (MT/Helper) Electrician	01	—	—	01
35.	Constable (MT/Helper) Carpenter	01	—	—	01
36.	Constable (MT/Helper) Mechanic	19	04	02	08
37.	Constable (MT) Storeman	01	—	—	01

1. Name of the Post	Inspector (Asstt. Programmer)
i) Age limit	Between 20-30 years as on 1.1.2005 (Relaxable for Govt. Servant upto 5 years & Ex. Servicemen as per GOI's instruction or orders issued by Central Govt.)
ii) Educational & Other	<b>Note: No age limit for Deptt. candidates</b> a) Masters Degree in Statistics, Physics/Computer Applications or Maths/Operation Research/Business Administration or Economics/Commerce with one paper in Statistics or Degree in Engineering Computer Science of a Recognized University or equivalent. b) Must possess 3 months training in Computer Programming/Console Operations from any organization of repute. c) 3 years experience in Data Processing work, in any EDP organization. OR a) Bachelor's degree in Science or Commerce/Arts (with one paper in Maths or Statistics) or both from a recognized University or equivalent. b) Must possess 3 months training in Computer Programming/Console Operations from any organization of repute with 5 years experience in Data Processing Work in EDP organization. c) Knowledge of one or more programming language. b) Candidates working in Crime/Criminal Information System in Police Organizations. Candidates should be sound health, free from defect/deformity/diseases.
iii) Desirable	SI (Shorthand Reporter/Hindi): Between 16-25 years as on 1.1.2005.
iv) Health	Graduate from a recognised university.
2. Name of the Post	SI (Shorthand Reporter/Hindi):
i) Age limit	Between 16-25 years as on 1.1.2005.
ii) Educational qualification	Graduate from a recognised university.
iii) Physical Standard (essential)	<b>a) Height</b> Male Candidates: 165 Cms. relaxable by 5 Cms. for residents of hill areas e.g. Gorkhas, Garhwali etc. (Candidates claiming this relaxation would have to produce a certificate to this effect from the competent authority i.e. DC/DM/SDM or Tehsildar of their place of residence at the time of Physical Measurement Test). Female Candidates: 157 Cms. relaxable by 5 Cms. for residents of hill areas. <b>b) Chest</b> Male candidates: 78 to 82 Cms. relaxable by 5 Cms. for Gorkhas, Garhwali etc. Female candidates: No chest standard.

iv) Medical Fitness	The candidates should be of sound state of health, free from physical defect, deformity, disease, having 6/12 vision with or without glasses, free from colour blindness.
3. Name of the post	SI (Machine Room Programmer)
i) Age limit	20-30 years as on 01.01.2005. No age limit for serving Govt. servant and departmental candidates.
ii) Educational and other technical qualifications required	<b>i) ESSENTIAL</b> i) Bachelor's degree in Arts/Science/Commerce with one paper of Mathematics or Statistics or both from a recognized university. ii) Must possess three months training in computer programming console operations. <b>ii) DESIRABLE</b> 2 years experience in Data processing work in any EDP organization. The candidates should be sound health free from defect/deformity/disease better eye 6/6 without glasses, worse eye 6/36 with glasses upto 6/9 or 6/12 without glasses both eyes. Free from colour blindness. No relaxation permissible.
iii) Medical fitness	<b>iii) Medical fitness</b>
4. Name of Post	Hindi Translator (Civilian)
i) Age limit	Not exceeding 28 years as on 01.01.2005
ii) Educational qualifications	Master's Degree of a recognised University in English/ Hindi with Hindi/English as a compulsory and elective subject at Degree level.
iii) Scheme of Examination	The examination will consist of two parts, viz. <b>Part-I</b> - Written Examination carrying 400 Marks. A) General Hindi & English 200 Marks 2 Hours i) General Hindi 100 Marks ii) General English 100 Marks B) Translation & Essay (Conventional Type) 200 Marks 2 Hours (Translation of 2 passages- 1 each from Hindi to English and vice versa and an essay each in Hindi & English.) <b>Part-II</b> - Personality Test (Interview): The personality Test will carry a maximum of 50 Marks.
5. Name of Post	ASI (Shorthand Reporter/Hindi)
i) Age limit	Between 18-25 years as on 01.01.2005 (relaxable by 3 years for OBC candidates).
ii) Educational and professional qualification	Higher Secondary or equivalent. Hindi Shorthand 80 WPM Hindi Typing 25 WPM
iii) Physical standard (essential)	<b>a) Height</b> Male Candidates: 165 Cms. relaxable by 5 Cms. for residents of hill areas; e.g. Gorkhas, Garhwali etc. (Candidates claiming this relaxation would have to produce a certificate to this effect from the competent authority i.e. DC/DM/SDM or Tehsildar of their place of residence at the time of Physical Measurement Test). Female Candidates: 157 Cms. relaxable by 5 Cms. for residents of hill areas. <b>b) Chest</b> Male candidates: 78 to 82 Cms. relaxable by 5 Cms. for Gorkhas, Garhwali etc. Female candidates: No chest standard.
6. Name of the post	ASI (Finger Print)
i) Age limit	Between 16-25 years as on 01.01.2005. (Relaxable by 3 years for OBC and 5 years for ST)
ii) Educational & other Qualifications	Graduate in science with Physics or Chemistry or Mathematics or Zoology or Anthropology. Higher Secondary with Science/Mathematics and having served for 3 years with any Finger Print Bureau. OR CFSL or FSL dealing with Finger Print Science or Single Digit Section of CRO.
iii) Medical Fitness	<b>a) Medical Fitness</b> Serving Head Constable of Single Digit Section of Finger Print Bureau with at least 5 years service in the grade and two years experience of the trade. a) The candidates should be of sound state of health, free from disease, defect and deformity. b) Better eye 6/6 without glasses; worse eye 6/36 corrected with glasses to 6/9/6/12 without glasses (both eyes). Near Vision J-2. Free from colour blindness.
7. Name of the Post	ASI (Stenographer) India Reserve Battalion
i) Age limit	Between 18-25 years as on 1.1.2005 (Relaxable upto 28 years for OBC, upto 30 years for SC candidates).
ii) Educational Qualification	Graduate from a recognised university or equivalent.
iii) Professional attainments	Speed in Shorthand/Typewriting 80/40 words per minute (English). OR 80/30 words per minute (Hindi) Preference: Working Knowledge of: a) Accounts and Office Procedure b) Knowledge of Drafting & office procedure.
iv) Physical Standard	<b>a) Height</b> Male Candidates: 165 Cms. relaxable by 5 Cms. for residents of hill areas e.g. Gorkhas, Garhwali etc. (Candidates claiming this relaxation would have to produce a certificate to this effect from the competent authority i.e. DC/DM/SDM or Tehsildar of their place of residence at the time of application). Female Candidates: 157 Cms. relaxable by 5 Cms. for residents of hill areas. <b>b) Chest</b> Male Candidates: 78-82 Cms. (Relaxable by 5 Cms. for Gorkhas/Garhwali certificate to be submitted). Female Candidates: No Chest standard.
v) Medical fitness	The candidates should be of sound health, free from physical defect, deformity, disease, having 6/12 vision with or without glasses (both eyes), free from colour blindness.
8. Name of the Post	Head Constable (Store Clerk)
i) Age Limit	Between 20-35 years as on 1.1.2005. (Relaxable by 5 years for OBC and upto 40 years for departmental candidates).
ii) Educational & other Qualifications	<b>ESSENTIAL</b> a. Matriculation of equivalent b. Minimum 2 years' experience in Accounting and Indenting Radio Spare Parts. c. Should preferably be able to type @25 w.p.m. in English type Writing. <b>ii) Physical Standard</b> Height: Male candidates - 165 Cms. Female candidates - 157 Cms. (Relaxation 5 Cms. for residents of Hill areas i.e. Gorkhas & Garhwali.) Chest: Male candidate - 78-82 Cms.

*Certified to be true copy  
Dawood Javed  
ADVOCATE*

iii) Medical Fitness	a) The candidates should be of sound state of health, free from disease, defect and deformity. b) Better eye 6/6 without glasses, worse eye 6/36 corrected with glasses to 6/9, 6/12 without glasses (both eyes).
9-10 Name of the post	HC (Ministerial)/HC (Ministerial) India Reserve Battalion
i) Age limit	Between 18-25 as on 01.01.2005 (Relaxable by 3 years for OBC & 5 years for SC/ST candidates)
ii) Educational Qualifications	Higher Secondary (10+2) or its equivalent.
iii) Physical Standard	<p>a) Height:</p> <p>Male Candidates: 165 Cms. relaxable by 5 Cms. for residents of hill areas e.g. Gorkhas, Garhwali etc. (Candidates claiming this relaxation would have to produce a certificate to this effect from the competent authority i.e. DC/DM/SDM or Tehsildar of their place of residence at the time of Physical Measurement Test) and SC/ST candidates.</p> <p>Female Candidates: 157 Cms. relaxable by 5 Cms. for residents of hill areas and SC/ST candidates.</p> <p>b) Chest:</p> <p>Male candidates: 78 to 82 Cms. relaxable by 5 Cms. for residents of hill areas &amp; SC/ST candidates.</p> <p>Female candidates: No chest standard.</p>
iv) Professional attainment	Speed in Typewriting- English : 30 w.p.m. Hindi : 25 w.p.m.
v) Preference	Working knowledge of Accounts and office procedure.
vi) Medical Fitness	The candidates should be of sound health, free from physical defect, deformity, disease, having 6/12 vision with or without glasses (both eyes), free from colour blindness.
11-17 Name of the post	Water Carrier/Water Carrier (India Reserve Battalion) Dhobi / Dhobi (India Reserve Battalion)/Barber/Barber (India Reserve Battalion)/Mochi
i) Age Limit	18 to 25 years as on 01.01.2005. (Relaxable by 3 years for OBC and 5 years for SC/ST candidates. Age relaxation to SC/ST/OBC is applicable only to reserved posts)
ii) Educational Standard	<p>i) Candidates should be slightly educated.</p> <p>ii) Good working knowledge of their respective job/trade.</p>
18 Name of the post	Sweeper (India Reserve Battalion)
i) Age Limit	18 to 30 years as on 01.01.2005
ii) Educational Standard	<p>i) Candidates should be slightly educated.</p> <p>ii) Good working knowledge of their respective job/trade.</p>
19-20 Name of the post	Cook/Cook (India Reserve Battalion)
i) Age Limit	18 to 25 years as on 01.01.2005. (Relaxable by 3 years for OBC and 5 years for SC/ST candidates. Relaxable upto 35, 38 & 40 years for widow/divorce and judicially separated women of Gen/OBC/SC/CAST categories respectively, who are not married)
ii) Educational Standard	<p>i) Candidates should be middle pass from recognized School/Board.</p> <p>ii) Good working knowledge of their respective job/trade.</p>
FOR PHYSICALLY HANDICAPPED PERSONS (Ortho Handicapped/Hearing Handicapped)	
21. Name of the post	Mochi (Ortho Handicapped/Hearing Handicapped)
i) Age limit	18 to 38 years as on 01.01.2005
ii) Essential Educational Qualification	<p>a) Candidates should be slightly educated.</p> <p>b) Good working knowledge of their job.</p>
iii) Physical Standard	<p>The Candidate having more than 40% disabilities is eligible for the post. The job of Mochi has been identified for persons with following Orthopaedic disabilities:-</p> <p>(S, B, F, SE - OA, BL, OL)</p> <p>Code Physical Requirements</p> <p>S Work performed by sitting (on bench or chair).</p> <p>B Work performed by bending.</p> <p>F Work performed by manipulating (with Fingers).</p> <p>SE Work performed by seeing.</p>
iv) Functional Classifications	<p>OA One arm affected (R or L)</p> <p>a) Impaired reach.</p> <p>b) Weakness of Grip.</p> <p>c) Ataxic.</p> <p>BL Both leg affected but not arms.</p> <p>OL One leg affected (R or L)</p> <p>a) Impaired reach.</p> <p>b) Weakness of Grip.</p> <p>c) Ataxic.</p>
v) Physical Standard	The job of Mochi has been identified for persons with the following Hearing Disabilities:-
	(SE, B, F, PD, D)
Code Physical Requirements	<p>SE Work performed by seeing.</p> <p>B Work performed by bending.</p> <p>F Work performed by manipulating (with Fingers).</p>
vi) Functional Classifications	<p>PD Partially deaf.</p> <p>D The deaf.</p>
22. Name of the post	Dhobi (Ortho Handicapped/Hearing Handicapped)
i) Age limit	18 to 38 years as on 01.01.2005
ii) Essential Educational Qualification	<p>a) Candidates should be slightly educated.</p> <p>b) Good working knowledge of their job.</p>
iii) Physical Standard	<p>The Candidate having more than 40% disabilities is eligible for the post. The job of Dhobi has been identified for persons with following Orthopaedic disabilities:-</p> <p>(ST, S, KC, SE, F, PP, L - OL, OA)</p> <p>Code Physical Requirements</p> <p>ST Work performed by standing.</p> <p>S Work performed by sitting (on bench or chair).</p> <p>KC Work performed by kneeling and crouching.</p> <p>SE Work performed by seeing.</p> <p>F Work performed by manipulating (with Fingers).</p> <p>PP Work performed by pulling &amp; pushing.</p> <p>L Work performed by lifting.</p> <p>OL One leg affected (R or L)</p> <p>a) Impaired reach.</p> <p>b) Weakness of Grip.</p> <p>c) Ataxic.</p> <p>OA One arm affected (R or L)</p> <p>a) Impaired reach.</p> <p>b) Weakness of Grip.</p> <p>c) Ataxic.</p>
iv) Functional Classifications	
v) Physical Standard	The job of Dhobi has been identified for persons with following Hearing Disabilities:-

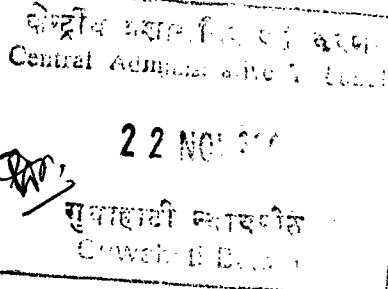
vi) Functional Classifications	<p>(ST, S, KC, SE, PP, L, F, PD, D)</p> <p>Code Physical Requirements</p> <p>ST Work performed by standing.</p> <p>S Work performed by sitting.</p> <p>KC Work performed by kneeling and crouching.</p> <p>SE Work performed by seeing.</p> <p>PP Work performed by pulling &amp; pushing.</p> <p>L Work performed by lifting.</p> <p>F Work performed by manipulating (with Fingers).</p> <p>PD Partially deaf.</p> <p>D The deaf.</p>
23. Name of the post	Barber (Ortho Handicapped/Hearing Handicapped)
i) Age limit	18 to 35 years as on 01.01.2005
ii) Essential Educational Qualification	<p>a) Candidates should be slightly educated.</p> <p>b) Good working knowledge of their job.</p>
iii) Physical Standard	<p>The Candidate having more than 40% disabilities is eligible for the post. The job of Barber has been identified for persons with following Orthopaedic disabilities:-</p> <p>(ST, S, SE, W - OL, BL)</p> <p>Code Physical Requirements</p> <p>ST Work performed by standing.</p> <p>S Work performed by sitting (on bench or chair).</p> <p>SE Work performed by seeing.</p> <p>W Work performed by walking.</p> <p>OL One leg affected (R or L)</p> <p>a) Impaired reach.</p> <p>b) Weakness of Grip.</p> <p>c) Ataxic.</p> <p>BL Both legs affected but not arms.</p>
iv) Functional Classifications	The job of Barber has been identified for persons with following Hearing Disabilities:-
24-25 Name of the post	Sweeper (Ortho Handicapped) / Sweeper (Ortho Handicapped) (India Reserve Battalion)
i) Age limit	18 to 40 years as on 01.01.2005
ii) Essential Educational Qualification	<p>a) Candidates should be slightly educated.</p> <p>b) Good working knowledge of their job.</p>
iii) Physical Standard	<p>The Candidate having more than 40% disabilities is eligible for the post. The job of sweeper has been identified for persons with following Orthopaedic disabilities:-</p> <p>(SE, ST, F - PD, D)</p> <p>Code Physical Requirements</p> <p>SE Work performed by seeing.</p> <p>ST Work performed by standing.</p> <p>F Work performed by manipulating (with Fingers).</p> <p>PD Partially deaf.</p> <p>D The deaf.</p>
iv) Functional Classifications	
26-27 Name of the post	Cook/Cook (India Reserve Battalion)
i) Age limit	18 to 35 yrs. for Gen. And 18 to 38 for OBC as on 01.01.2005
ii) Essential Educational Qualification	<p>a) Candidates should be middle pass from recognized School/Board.</p> <p>b) Good working knowledge of their job/trade.</p>
iii) Physical Standard	<p>The Candidate having more than 40% disabilities are eligible for the post. The job of cook has been identified for persons with following Orthopaedic disabilities:-</p> <p>(F, PP, L, B, S, ST, W - BL)</p> <p>Code Physical Requirements</p> <p>F Work performed by manipulating (with fingers).</p> <p>PP Work performed by pulling &amp; pushing.</p> <p>L Work performed by lifting.</p> <p>B Work performed by bending.</p> <p>S Work performed by sitting (on bench or chair).</p> <p>ST Work performed by standing.</p> <p>W Work performed by Walking.</p> <p>BL Both legs affected but not arms.</p>
iv) Medical Examination	Thm. candidates who are selected shall be medically examined by the police surgeon/civil surgeon or medical officer appointed by the commissioner of police, Delhi to fix the medical standard for handicapped persons.
28. Name of Post	
i) Age Limit	Between 18-21 years as on 1.1.2005
ii) Essential Educational Qualification	<p>1. Relaxable upto 24 years for OBC candidates.</p> <p>2. Relaxable upto 26 years for SC candidates &amp; sportsman of distinction who have represented a state or the country at the National or International Level in sports and athletics or who have represented a University in recognized inter university tournament.</p>
iii) Physical Standard	<p>3. Ex-servicemen who were paid from the Central/State Revenues. If their discharge certificate shows previous service as 'good' or 'of' higher classification provided:</p> <p>(a) They present themselves i.e. submit their application forms within 2 years of their previous discharge.</p> <p>(b) They conform to the physical and educational standard laid down for recruits from open market.</p> <p>(c) They are medically fit for Police Service according to the standards prescribed for recruits.</p> <p>(d) Their age on the date of re-enrolment is below 40 years.</p> <p>4. Ex-serviceman of Ranks U.A., who were paid from Central/State revenues upto the age of 30 years within two years of their discharge.</p> <p>5. Upto 25 years to the wards of Delhi Police Personnel.</p>
iv) Functional Classifications	
v) Physical Standard	

Note:-

a) In Special cases of Ex-Policemen relaxation may be given in upper age limit upto 40 years by the Commissioner of Police, Delhi.

b) In case of Ex-serviceman, relaxation at their own request, they should have a minimum 5 years qualifying service, to be reckoned from the date of their enrolment.

- Contd



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

filed by  
M.N. Ahmed Addl. case  
of 2005

IN THE MATTER OF:

O.A. NO. 117/05

Bimal Chakravorty

..... Applicant

- VRS -

Union of India and others

..... Respondents

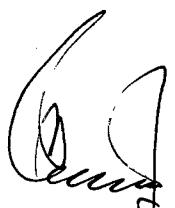
- AND -

IN THE MATTER OF :

Written statement submitted by the  
Respondent No. 1 to 6

WRITTEN STATEMENTS

The Humble answering Respondents submit their  
Written Statement as follows:-

  
Inspector General  
Frontier Head Quarter  
Sashastra Seema Bal, (MSA)  
Guwahati

Contd...P/2

1. (a) I am the Inspector General, SSB Guwahati Frontier at Guwahati and Respondent No. 6 in the above case. I am acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. I am competent and authorized to file the Written Statement on behalf of the all the Respondents. Save and except whatever is specifically admitted in this Written Statements, the contentions and statements made in the application may be deemed to have been denied.

(b) The application is filed unjust and unsustainable both on facts and in law.

(c) That the application is also hit by the Principle of Waiver, estoppels and acquiescence and liable to be dismissed.

2. That with regard to the statement made in Paragraph-1 of the application, the Answering Respondent submit that, before giving the reply on merits to the instant O.A., the Respondents herewith furnish brief background history of the case for perusal and consumption of the Hon'ble Court.

It is stated that after the administrative control of the Organisation was shifted from Cabinet Secretariat to Ministry of Home Affairs with effect from 15.1.2001, and the role of the organization has been changed and it has now been assigned the mandate to guard the Indo-Nepal Border and the Indo- Bhutan Border. As on date , Sashastra Seema Bal is a Border Guarding Force, with the change in role of the organisation from that of a stay behind role to that of a Border Guarding Force. Battalions have now been deployed all along the Indo-Nepal and Indo-Bhutan Borders. For performance of the border guarding duties, the Ministry of Home Affairs, had sanctioned Dog Squad for each Battalion. Since the Department has a professionally trained veterinary cadre, the initial work of rearing of Pups was assigned to the Senior Field Assistants (Veterinary) SFAs (V) who were Competent and trained to handle this job. As per the operational requirements and in national interests and for the security of the Nation the Veterinary Cadre has to cater to the veterinary needs of the department.



Inspector General  
Frontier Head Quarter  
Sashastra Seema Bal, (MHA)  
Guwahati

Contd... P/3

Accordingly the posts of SFAs (V) were reallocated to the Battalions from area side and subsequently some of the well trained SFAs(V) were attached at Gorakhpur where a Pup Rearing Centre has been established. It is clear that the action of the respondents in passing the impugned orders by the applicant is in order and has been issued in national interest keeping in view of the operational requirements of the Force. In the changed role of the respondent Department as Border Guarding Force having a well trained Veterinary Cadre obviously the job related to Dog handling becomes a part and parcel of the duties of the same Veterinary Cadre.

3. That with reference to the statement made in Para- 2, 3, 4(i), (ii), (iii), the respondent admits to the extent borne by the records.

4. That with regard to the statement made in Para 4(iv) of the application, the Answering Respondent beg to state that the facts regarding resignation of the applicant as Constable and selection as SFA (V) is admitted. However, the applicant has only annexed a copy of the amended portion of the Recruitment Rules. A perusal of Annexure-3 to the OA would reveal that in the note portion Cabinet Secretariat has clearly incorporated that the principle rules were issued vide this Secretariat notification dated 31/3/89 and subsequently amended vide notification attached herewith. In addition to this as per the charter of duties of SFA(V), copy enclosed herewith as Annexure-R-1 it may be seen in addition to the details mentioned by the applicant they were also required to perform any other duties assigned to them by the Senior Officer from time to time. A perusal of the detailed charter of duties would clearly reveal that the applicant is most suited for handling the Dog as this is the duties which falls under the ambit of the duties of the Veterinary Cadre only. There is no other trained cadre in SSB which can perform these duties.

The aforesaid charter of duties is annexed herewith and  
Marked as Annexure-'A'

Contd... P/4

  
Inspector General  
Frontier Head Quarter  
Assam Rifles, (MHA)  
Guwahati

5. That with regard to the statement made in Para 4(V) and (VI), of the application, the Answering Respondent admits to the extent borne by the records.

6. That with regard to the statement made in Para-4 (VII and VIII), the Respondent submit that "The factual position regarding filing of the representation dated 25/2/05 and subsequently filing of OA 64/05 which was disposed of by the Hon'ble Court vide its order dated 7/3/05 is admitted. However, the allegation of the applicant that core question whether the Dog Handler is the armed post or a civilian post has not been decided by the Department is basically wrong. The applicant is not working as Dog Handler nor have their posts been re-designated as Dog handler. He is working as SFA(V) and as a SFA(V) would be discharging his duties of Dog handling for the present in public and national interest as the Veterinary Cadre is the most professionally trained cadre to look after the Dogs which have been sanctioned by the Government for performance of border guarding duties. As on today, the SFA(V) is a civilian post. The allegation of the applicant that the respondents have passed a speaking order without applying judicious mind and in a most arbitrary and whimsical manner is denied being factually incorrect. The applicant would be discharging his duties as SFA (V) only and presently has been assigned the job of Dog handling which very much comes under his charter of duties.

It is pertinent to mention here that, in compliance to the order of this Hon'ble Tribunal dated 7/3/05, passed in OA No. 64/05, filed by the applicant the representation dated 25/2/05 submitted by the applicant has been considered and reasoned order vide No. 30/SSB/A-4/2000(3) 2758-63 dated 5/4/05 passed by the Chief Veterinary Officer, SSB, New Delhi.

The aforesaid order is annexed herewith and marked as annexure-'B' which is self explanatory.

7. That with regard to the statement made in paragraph 4(IX), of the application, the Respondent beg to state that the comparison made by the applicant with Delhi Police has no relevance in the instant case, Delhi Police may be having combatised personnel for Dog handling but as on today

*Contd.... P/5*

  
 Inspector General  
 Frontier Head Quarter  
 Sashastra Seema Bal, (SSB)  
 Guwahati

as SSB has a highly professional civilian Veterinary Cadre. It is this Cadre which is most suited to look after the training and handling of Dog keeping in view the changed role of the Organisation which has been done in national interest and in the security of the Country.

8. That with regard to the statement made in para-5 of the application, under the Head of Group, the Respondent beg to state that the factual position regarding the grounds has already been clarified in the reply furnished to Para 1 and 4 of the OA and the same is reiterated here for the sake of brevity.

9. That with regard to the statement made in para-6, 7, 10 and 11 are the matters of records.

10. That with regard to the statement made in Para 8 and 9 of the application, the Answering Respondent begs to submit that –

In light of the foregoing submissions it is most respectfully submitted that the instant OA be dismissed being devoid of merit.

The applicant has already been relieved from Bongaigaon on 13/5/2005. The interim order of the Hon'ble Court dated 26/5/05 maintaining status quo was received by the Respondent on 31/5/05. Hence the status quo with respect to the applicant is being maintained as per the direction of the Hon'ble Court.

11. That this Written Statement is made bonafide and for the ends of justice and equity.

*Contd.... P/6*

  
 Inspector General  
 Frontier Head Quarter  
 Sashastra Seema Bal, (MHA)  
 Guwahati

## VERIFICATION

I, Shri Mohit Lal Chaudhuri S/O late M.M. Chaudhuri working as Inspector General,  
SSB Guwahati Frontier at Guwahati do hereby solemnly affirm, declare and verify that the statement  
 made here-in-above is true to my knowledge and belief and information and nothing being  
 suppressed.



I sign this verification on this 27 day of Oct 2005 at Guwahati.

Identified by

Rahman

Advocate

Date 27.10.05

## SIGNATURE

Rahman  
 Inspector General  
 Frontier Head Quarter  
 Sashastra Seema Bal, (MHA)

Guwahati  
 Solemnly affirmed and declared  
 before me by the deponent who  
 identified by Shri A. Azad  
Rahman, advocate on 27/10/05  
 this day of Oct 2005 at  
 Guwahati.

6/27/10/05  
 MAGISTRATE : GUWAHATI

CHARTER OF DUTIES OF VETERINARY STAFF SFA(VET), CONST (VET),  
I/C (V & T)/DFO(VET), AFO(VET)

1. To visit remote areas/border villages covered by the SSB to render free Veterinary Animal Husbandry aid and care to the needy live-stock owner in respect of live Stock/poultry under the overall/guidance/instructions of CAS-Gr-I (Veterinary) and other supervisory officers.
2. To remain on tour for a minimum 15-20 days per month imparting door to door veterinary cover to the live-stock owners in the area under his charge.
3. While on tour, to visit NIP Camps for the purpose as also to deliver lectures on different aspects of Animal Husbandry to generates better awareness along the local people about common diseases and hygienic management of live-stock for better profitability. For this purpose, his monthly tour programme will be finalized well in advance with the approval of the Circle Organiser, the concerned CAS Grade-I (Vet) and the A.O.
4. To submit his tentative tour programme for the following month through C.O. to CAS-Gr.-I (Vet) at least a fortnight in advance.
5. For every calendar month to submit a detailed tour diary to his controlling authority to reach well by the 7<sup>th</sup> of the following month at the latest. Generally, his touring will be with NIP teams but only for a day or two at each such camp or with cos/CAS Gr-I (Vet) Independent touring may be allowed in special cases by CAS Gr-I (Vet) C.O. with the approval of AO/SAO.
6. To assist the CAS Gr-I (Vet) in performing day to day work.

7. To properly maintain expendable and non-expendable stock of medical stores/equipment etc. as also the stock and issue registers and other records in connection thereof. These will be verified by the CAS Gr-I (Vet) once every quarter and by other concerned Supervisory Officers periodically. AFO/SFA(Vet)/HC(Vet)/Constable (Vet) will be personally responsible for any lapses including for sheri in stores/equipment in this regard.
8. To strictly follow the instructions and orders of CAS Gr-I (Vet) and other supervisory officers and to carry out the Veterinary Civic Action Programme.
9. To ensure that kits provides to him are properly utilized and kept ready as per requirements.
10. To administer only those drugs/medicines which he has been taught and is authorized to handle. He will not administer intravenous injection/treatment beyond his skill and competence. In case of any complication he would contact CAS Gr-I of his area for guidance.
11. To prepare and submit Monthly Progress Report (MPR) in the performa enclosed in respect of his charge to CAS Gr-I (Vet)/CO in time for its onward transmission to the other concerned authorities. The Divisional Headquarters will send the consolidated report to the SSB Directorate so as to reach there by the 15<sup>th</sup> of the following month, at the latest.
12. To perform any other duties assigned to him by his superior authorities, from time to time.

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**GOVT. OF INDIA**  
**MINISTRY OF HOME AFFAIRS,**  
**OFFICE OF THE DG, SSB**  
**EAST BLOCK-V, R.K. PURAM**  
**NEW DELHI-110066**

ANNEXURE - B

No.30/SSB/A-4/2000(3)/2758-63

Dated the, 5<sup>th</sup> April, 2005.

**ORDER**

In compliance to the orders of the Hon'ble CAT Guwahati Bench dated 7.3.05 pronounced in OA No. 64/05 titled Bimal Chakraborty Vs UOI and Others; the representation dated 25.2.05 submitted by the applicant has been considered.

The following issues have been agitated by the applicant in the above referred representation.

1. That the applicant had been recruited as a Para Veterinary Assistant i.e. SFA(Veterinary) and as such the job of Dog Handler is not related with the Para Veterinary Staff. The applicant has further stated that this job is to be performed by Combatised personnel.
2. That the sponsoring of his name for the Pups Breeding and Rearing Course is not related with the job of Para Veterinary Cadre/Staff as this course is totally separate from Veterinary Cadre.
3. That compelling the applicant to under go the Dog Handler Course will be against his will.
4. That the detailment of the applicant for the said course should be stopped.

All the above points have been considered and it is clarified here as under:

- 1) After the administrative control of the Organisation was shifted from Cabinet Sectt. to Ministry of Home Affairs w.e.f. 15.1.01 the role of the Organisation has changed and it has been assigned the mandate to guard the Indo-Nepal Border and the Indo-Bhutan Border subsequently. As on date, SSB is a Border Guarding Force. With the change in Role of Organisation from that of a Stay Behind Role to that of a Border Guarding Force the old Areas of operation have been closed and new offices/Battalions have been opened all along the Indo Nepal and Indo Bhutan Border. For better performance of the duties, the Government of India has sanctioned Dog Squad to SSB for performance of operational duties in the border areas. As the Organisation has an independent Veterinary set up it is primarily the Veterinary Staff only who will have to raise and maintain the Pups and Dogs as primarily in the changed circumstances the Veterinary Cadre is the most suited and trained staff to lookafter the health, breeding, training, handling and maintenance etc. of the Dogs.

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The averment of the applicant that the job of Dog handler is not related with the Para Veterinary Staff is totally wrong. After having been given the training of rearing and breeding of Pups the Veterinary Cadre personnel are fully competent to perform their new assigned duties. The rearing and breeding of Pups is primarily the job of the Veterinary and Para Veterinary Cadre/Staff only. Moreover during the service career, every individual has to undergo certain Departmental courses for improvement of efficiency and making them professionally equipped to meet the needs and objectives of the Organisation. As the force has a competent and independent Veterinary Cadre, it is the services of the Veterinary Cadre only that can be used to fulfill the operational commitments assigned by the Government in National interest. Moreover, every Government servant is duty bound to obey lawful orders issued in public and national interest.

In view of the aforesaid reasons no merit is found in the issues craved by the applicant, hence his request after due consideration is not acceded to. Therefore, the applicant is directed to immediately proceed to his place of posting for undertaking the new duties in compliance to the order No.30/SSB/A-4/-2000(3)-1391-1407 dated 17.2.2005.

This issues with the approval of Competent Authority.

(Dr. SHASHI RANJAN)  
CHIEF VETERINARY OFFICER(SG)  
FORCE HQRS, SSB, NEW DELHI

To

Shri Bimal Chakraborty  
S.F.A(Vety),  
Office of the Area Organiser,  
SSB, Bongaigaon  
(Assam)

Copy to :-

1. The Frontier Hqrs, SSB, Guwahati for information and necessary action please.
2. The Sector Hqrs, SSB Bongaigaon for information and necessary action please.
3. The Area Organiser, SSB, Bongaigaon for information and necessary action please.
4. The Veterinary Branch, FHQ, SSB, New Delhi for information.
5. The Legal Cell, FHQ, SSB, New Delhi for information

Ranjan  
JSTYOS  
(Dr. SHASHI RANJAN)

22 DECEMBER

गुवाहाटी फ़िलाथपी

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH AT  
GUWAHATI

File No. 57

Binary/Chakraborty  
Applicant  
Through Mr. Dhrubendu Adhikary  
20/12/05

IN THE MATTER OF :

O.A. No. 117/2005

Bimal Chakraborty

....Applicant

-Vs-

Union of India & ors

....Respondent

-AND-

IN THE MATTER OF :

Rejoinder / Reply to the Written

Statement filed by the Respondents

-AND-

IN THE MATTER OF :

Sri Bimal Chakraborty

....Applicant

The humble rejoinder/ reply to the Written Statement of  
the Applicant as follows:

1. That the applicant submitted and states that the present O.A is filed against the order of reallocation of the service of the applicant from Senior Field Assistant (Veterinary) which is a Civil Post to the post of Degandler which is a combat post under Dogandler veteran without taking any consent of the applicant that too in contravention to the recruitment Rule known as Special Service Bureau (Para Veterinary) Staff recruitment Rules 1989, framed under Sec 30 of Indian Veterinary Council Act, 1984.

Bimal Chakrabarty

2. That the respondent while submitting the written statement have tried to take a stand that, since change organization from Cabinet Secretariat to the Ministry of Home affairs with effect from 15.1.2001 the civilians are to be deployed as Cabinet personnel forming a separate Battalion.
3. That, the applicant states and submit that in the written statement they have admitted that the applicant is holding a post of Civilian but defying recruitment Rules and the statute, with wrong notion and misconception of statutory provisions of the duties assigned to the senior Field assistant (veterinary), the respondent illegally trying to reallocate the service of the applicant from pup rearing to Doghandling.
4. That, the applicant submits and states that in para 3 of the written statement the respondent have specifically admitted the applicant is holding a Civil post on fresh selection as Senior Field Assistant and as such their further contention is subsequent paras made in reply to the averments and statement of the applicant are not tenable.
5. That, with regard to the statement made in para 4.6 of the Written statement in reply to the statements ad averments made in para 4.IV, 4 VII & 4VIII of O.A. the applicant submits and states that, the respondent failed to explain the meaning and duties assigned by Senior Officer. Further, the annexure 3 of the O.A is the Notification by which the amendment of the original 1989 Rule was made only to transfer the S.F.A and it does not speak anything about reallocation of service. Rather by the Memorandum dated 3.9.2004(Annexure-IV) of the specifically instructed the Area organizers to select those SFA (Vet) who are interested in preferring job of Dog Handler be put in to course for getting their services in the neat future.

It may further be mentioned that the Selection of Dog Hanters (DH) from the strength of SFA (Vet) is sought to made through motivation only with the consent / willingness of the SFA (Vet) by conducting personal interview of all willing para-veterinary staffs. As the action of the respondents in passing the impugned order dated 17.2.2005 cannot be said to be in adherence of the Notification, Memorandum etc

issued and circulated by the Department rather itself contradictory apart from the status and recruitment Rule. And such the whole action is liable to be set aside.

Further, the applicant states, the contention made in para 6 of written statement shown in the respondent disposed of the Applicants representation dated 25.2.2005 vide order dated 5.4.2005 passed by the chief veterinary Officer (SG) Force HQ.SSB, New Delhi in violation of Memorandum dated 2.2.2005 issued by the Staff officer (OPS) SHQ Bahraich and as such the impugned order dated 5.4.2005 is liable to be set aside and quashed.

A copy of the Memorandum dated 2.2.2005 is annexed as Annexure-IX.

#### VERIFICATION

I, Sri Bimal Chakraborty, Son of Lt D Chakraborty, do hereby verify that the statement made in above and in paras 1 & 5 of this reply are matter of Knowledge derived from record and rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 19<sup>th</sup> day of December 2005 at  
Guwahati

*Bimal Chakraborty*

#### SIGNATURE

Annex-IX

4

NO. OPS/SHQ/BRCH/MEET ING/04/ 403  
OFFICE OF THE DEPUTY INSPECTOR GENERAL  
SECTOR HQRS. BAHRAICH (UP)  
Dated the :- 02.02.2005

### MEMORANDUM

Extract taken from minutes of the Senior Officer's Conference held at FHQ SSB Delhi on 16<sup>th</sup> and 17<sup>th</sup> December, 2004. Action taken report wherever applicable may please be sent to this office by 10.2.2005 for onward submission to FHQ Delhi on 14.2.2005.

X X X

10. VETY.	
i) Raising of dog Squad and Animal Transport.-SHQ RDA	Sanction for purchase of 70 Pups in the current financial year has been received. Sanction of Rs.8.80 Lac for purchase of 40 Pups on AC bill has been obtained. The Pups will be purchases in batches of 20 each, commencing from Feb'05. As regard Animal Transport, the matter was discussed whether we should purchase or hire the mules. After a detailed discussion, it was decided to purchase mules for SSB CVO(SG) has been asked to work out exact requirement and make proposal. IG Lucknow has assured that accommodation for pups has been arranged.
ii) Establishment of Pup rearing-cum-Dog & Dog handlers training center at SHQ Gorakhpur is required to be taken up on priority by Engg. Branch to get it completed by March-April 2005 as 1 <sup>st</sup> Batch 20-25 Pups are being purchased during Feb,2005. Till permanent kennels are constructed, pups will be reared in temporary kennels and instructions issued to SHQ Gorakhpur.	
iii) Selection of SFAs (Vety) as Dog Handlers. IsG FTRs are requested that <u>young</u> and <u>medically fit SFAs (Vety)</u> may be <u>motivated</u> to give their willingness for DH course at	Some selected SFAs(V) were called at FHQ and interviewed to work as a dog handler. They were also agreed. But later on from the field they sent their unwillingness. In this regard they also sent anonymous letter to H.S. They may be motivated to

Certified to be true  
M. H. Gondal

NTCD, BSF Academy Tekanpur so that their services are utilized as Dog Handlers.

iv) Funds under BADDP: To undertake perception management programme. FTRs are requested to obtain funds from respective State Govt so that VCA/MCA and Publicity campaigns are undertaken for the benefit of local population. (point of CVO)- IG (O&I)

give their willingness, otherwise they may be sent to Surplus Cell.

ISG Frontier Patna and Guwahati have received the fund from State Govts. Except Govt of Bihar under head BADDP, IG Lucknow should also try to get fund under this head. = CVO

W.M. 2-05  
STAFF OFFICER (OPS)  
SHQ BAHRAICH

TO

THE SVO, SHQ BAHRAICH

May be  
sent  
to all Areas by  
enveloped (R.P.)  
03.12.05  
S.F. A(U)

देशी : शास्त्री एवं विदेशी  
Central Administrative Tribunal, Guwahati  
E.M.A  
गुवाहाटी न्यायपाल  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI

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filed 67  
6/3/06

M. U. Ahmed, Advocate

IN THE MATTER OF :

O.A. No. 117/2005

Shri Bimal Chakraborty

..... Applicant

- Versus -

Union of India and others

..... Respondents

- AND -

IN THE MATTER OF

Additional Written Statement

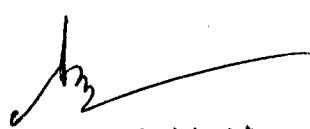
Submitted by the Respondent No. 1 to 6

ADDITIONAL WRITTEN STATEMENT

The humble answering respondents submit their Written Statements as follows:

1. (a) That I, Shri Nalinaksha Pal Chowdhury working as Area Organiser (Administration) in the Office of the Inspector General, Frontier Headquarter, SSB, Guwahati and Respondent No. 6 in the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the Written Statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the additional Written Statement on behalf of all the respondents.

Contd... Page 2

  
AREA ORGANISER (Admin.)  
Frontier Head Quarter,  
SSB, Guwahati

(b) The application is filed unjust and unsustainable both on facts and in law.

(c) That the application is also hit by the principle of waiver, estoppel and acquiescence and liable to be dismissed.

2. That any action taken by the Respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents against the applicant had suffered from vice of illegality.

Further, this additional affidavit may be treated as an integral part of the Written Statement.

3. That with regard to the statements made in Para 1 of the rejoinder, the answering respondents beg to submit that the facts projected in the instant paragraph are wrong and hence denied. The applicant is working as Senior Field Assistant (Veterinary). As the SSB has a professionally trained Veterinary Cadre of its own it is this cadre only which is most suited to look after the raising, training and maintenance of Dogs Squads which have been sanctioned by the Government for performance of border of guarding duties. The allegation of the applicants that he has been reeducated from the Civilian Post of Senior Field Assistant (Veterinary) to a combatant post of Dog Handler is basically wrong and against the facts on records. The applicant is a Senior Field Assistant (Veterinary) and will only be discharging further duties of Dog Handler which are within the purview of Veterinary duties.

4. That with regard to the statements made in paragraph 2 of the rejoinder, the answering respondents beg to submit that the facts furnished in this paragraph of the Written Statement are reiterated for the sake of brevity and the facts narrated by the applicants are denied.

*[Handwritten signature]*  
Area Organiser (Admin  
Frontier Head Quarter,  
SSB, Guwahati.

Contd... Page 3

5. That with regard to the statements made in Paragraph 3 of the rejoinder, the answering respondents beg to submit that the position with respect to the instant paragraph has already been clarified in the reply furnished to Para-I of the rejoinder and in the Written Statement furnished by the applicant. The same is reiterated here for the sake of brevity.

6. That with regard to the statements made in Paragraph 4 of the rejoinder, the answering respondents beg to submit that it is admitted that the applicant belongs to the Civilian Cadre and will only be discharging duties of Dog handling after proper training. As SSB has a well trained Veterinary Cadre it is this cadre only which is most suited for performing additional responsibility of maintaining Dog's squads for performing duties related to national security and meeting of operational commitments.

7. That with regard to the statements made in Paragraph 5 of the rejoinder, the answering respondents beg to submit that the facts furnished in paragraph 4.6 of the Written Statement in reply to the statement and averments made in Para 4.IV, 4.VII AND 4.VIII of the O.A. are reiterated for the sake of brevity and the position stated by the applicant is denied. The Respondents have a professional Veterinary trained cadre which is the only Cadre suited to look after the Dog handling duties. The Force has already initiated steps to provide training to the Veterinary Cadre personnel so that they are made abreast with their additional veterinary needs to perform further duties assigned in national interest.

8. That with regard to the statements made in Paragraph 6 of the rejoinder the answering respondents beg to submit that the facts furnished in Paragraph 6 in the Written Statements are reiterated.

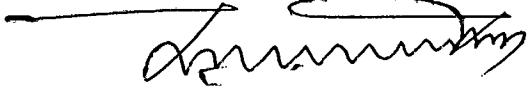
9. That this additional Written Statement is made bonafide and for the ends of justice and equity.

DR

## VERIFICATION

I, Shri Nalinaksha Pal Choudhury, Son of Late Nabadwip Pal Choudhury aged about 58 years, at present serving as Area Organiser (Admn) in the office of the Inspector General, Frontier SSB, Guwahati and competent officer of the answering respondents, do hereby verify that the statement made in paras 1 & 3 are true to my knowledge and those made in paras — being matters of record are true to my information derived therefrom which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 6th th day of March 2006  
at Guwahati.

  
SIGNATURE  
AREA ORGANISER (Admn)  
Frontier Head Quarter  
SSB, Guwahati