

FROM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

1. Original Application No. 106 / 2006
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(S) L.S. Kumar

Respondants No. 1 & 2 are

Advocate for the Applicant(S) Mr. S. Sarma, Miss B. Devi
Mr. G. Baishya,

Advocate for the Respondant(S) Sr. C.G.S.C.

Notes of the Registry.	Date	Order of the Tribunal
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9.5.2006

This application is in form
is filed/C.F. 10/-
deposited.

No. 269, 324 / 21

Dated 25.4.06

[Signature]
Dy. Registrar

Notice & order
sent to D/section
for issuing to
the respondents
Nos. 1 to 5 by
regd. A/P post.

Cas D/No - 537 to 541
8/5 Dt - 30/5/06

pg

The applicant was working as Assistant Director (Scientific Aids), North Eastern Police Academy and he was not considered for regular absorption and 5th respondent was engaged by replacing him. According to the applicant the 5th respondent does not possess the requisite qualification as per recruitment rules. Aggrieved by the order of the respondent he has filed this O.A.

Heard Mr S.Sarma, learned counsel for the applicant and Mr G.Baishya, learned Sr.C.G.S.C for the respondents. Learned counsel for the respondents submits that notice may be issued to the respondents including private respondents. Written statement shall be filed within four weeks.

post on 9.6.06 for written statement

[Signature]
Vice-Chairman

O.A.106/2006

9.6.2006

Mr.G.Baishya, learned Sr.C.G.S.C.
wanted to have four weeks time to file
reply statement. Let it be done.
post on 12.7.2006.

Vice-Chairman

bb

12.7.2006

Respondents are given four weeks
time as a final chance to file reply
reply statement. post on 16.8.2006.

Vice-Chairman

bb

29.8.06

Reply has been filed by the
Respondents. The counsel for the
applicant wants to file rejoinder.
Let it be done. Post the matter
on 29.9.06

Vice-Chairman

lm

20.9.2006

Ms.B.Devi, learned counsel for the
applicant wanted to file rejoinder. Let
it be done. post on 26.10.2006.

Vice-Chairman

bb

26.10.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Learned Counsel for the Applicant
wanted time to file rejoinder. Let it be done.

Post on 21.11.2006. In the
meantime, the Respondent No. 5 is given
liberty to file reply, if any.

Vice-Chairman

/mb/

8-6-06

① Service report
awaited.

② No Wks has been
filed.

Notice duly
Served on resp.
no. 3, 6.

12/6/06

No Wks has been
filed.

11.7.06.

24.8.06

Reply filed by the
Respondent No. 4 in
UPSC.

28-8-06

① Wks filed by the
R.No. 4

② No Wks filed by
the R.No-1,2,3 & 5.

30.8.06

Wks filed by the
Respondents.

24.10.06

No rejoinder filed.

21.11.2006

Counsel for the applicant wants time to file rejoinder. Let it be done.

post on 30.11.2006.

① No rejoinder has been filed.

M
20.11.06.

Vice-Chairman

29-11-06

bb

Rejoinder has been filed by the applicant.

MS
29.11.06.

30.11.2006

Let the case be posted on 21.12.2006. In the meantime Mr. G. Baishya, learned Sr.C.G.S.C. will take instruction on the rejoinder.

Wb and rejoinder has been filed.

M
20.12.06.

Vice-Chairman

bb

21.12.06

Counsel for the applicant submitted that since the pleadings are over the O.A. may be admitted. O.A. is admitted. Post on 19.1.07 for order.

Wb and rejoinder has been filed.

M
18.1.07.

Vice-Chairman

pg

19.1.07

Counsel for the parties has submitted that pleadings are completed. Post the matter for hearing on 7.2.07.

lm

Vice-Chairman

27.2.2007 Present: Hon'ble Shri K.V.
Sachidanandan, Vice-Chairman
Hon'ble Smt Chitra Chopra,
Administrative Member

The claim of the applicant is for absorption in the North Eastern Police Academy. He made several representations, but there was no reply from the respondents. Aggrieved by the said inaction of the respondents, the applicant has filed the present O.A. before the Tribunal.

Heard Mr S. Sarma, learned counsel for the applicant and Mr G. Baishya, learned Sr. C.G.S.C. on behalf of the respondents.

The respondents have filed a detailed written statement. The applicant has also filed a rejoinder.

When the matter came up today, the learned counsel for the applicant submitted that the applicant does not want to proceed with the case and may be allowed to withdraw the O.A. Therefore, the case is dismissed on withdrawal.

The applicant further submitted that he may be given liberty to approach the appropriate forum in case of necessity. Liberty is given.

The O.A. is dismissed on withdrawal. No costs.

ce
Member(A)

L
Vice-Chairman

nkM

Received copy.

San
1.3.07

Prasad
Sd/-
1.03.07

5
O A N O 106 / 2008

MR. L. S. KUMAR

-VS-

U.O. 1 & ORS.

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. 106/06

1. a) Name of the Applicant:- L.S. Kumar
- b) Respondants:- Union of India & Ors
- c) No. of Applicant(S) :- one
2. Is the application in the proper form:- Yes/~~No~~
3. Whether name & description and address of the all papers been furnished in cause title :- Yes/~~No~~
4. Has the application been duly signed and verified :- Yes/~~No~~
5. Have the Copies duly signed :- Yes / ~~No~~
6. Have sufficient number of copies of the application been filed:-Yes/~~No~~
7. Whether all the annexure parties are impleaded :-Yes/~~No~~
8. Whether English translation of documents in the Language : Yes/~~No~~
9. Is the application in time :- Yes/~~No~~
10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/~~No~~
11. Is the application by IFO/BD/For Rs: 5/- 266324121 dt. 25.4.06
12. Has the application is maintainable :- Yes/~~No~~
13. Has the Impugned order original duly attested been filed : Yes/~~No~~
14. Has the legible copies of the annexures duly attested filed:-Yes/~~No~~
15. Has the Index of documents been filed all available:- Yes/~~No~~
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ ~~No~~
17. Has the declaration as required by item 17 of the form:- Yes/~~No~~
18. Whether the relief sought for arises out of the single :- Yes/ ~~No~~
19. Whether the interim relief is prayed for :- Yes/ ~~No~~
20. In case of condonation of delay is filed is it supported :-Yes/~~No~~
21. Whether this Case can be heard by ~~Single Bench~~/Division Bench:
22. Any other point:-
23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-

This application is in form

N. S. S. 5.5.06.
SECTION OFFICER(J)

DEPUTY REGISTRAR

गुवाहाटी बेंच
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

Title of the case : O.A. No. 106 of 2006

Between

Sri L.S.Kumar Applicant.

AND

Union of India & ors Respondents.

I N D E X

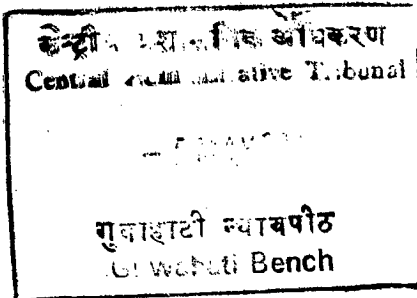
Sl.No.	Particulars	Page No.
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Filed by : *Di*

Regn.No.:

File :d:\private\lskumar

Date :



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

O.A. No. 106 of 2006

Sri L.S.Kumar Applicant.

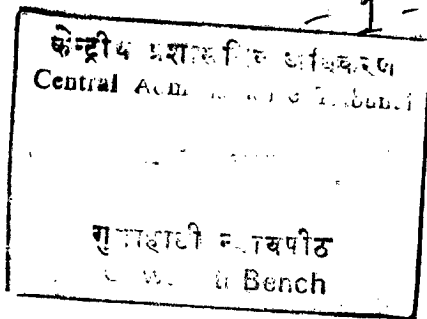
-VS-

Union of India & ors
..... Respondents.

SYNOPSIS

The applicant in the instant OA is aggrieved by the action on the part of the respondents in not considering his case for regular absorption and in replacing him by the respondent No. 5. The Respondent No. 5, does not possess the required qualification as per the recruitment rule, but ignoring the fact the official respondents have appointed him in violation of the said Rules. The applicant through this application has also challenged the recruitment rule, framed in supersession to the earlier recruitment rule of 1995 and 1996, to the effect as it does not provide any protection to the service rendered by the applicant, as well as in prescribing the qualifications. Hence this application.

L. Kumar



Filed by:-
The Applicant
Through
Bondama Devi
Advocate
2.5.06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

Q.A.No. 106 of 2006.

BETWEEN

Sri Laishram Shyam Kumar.
Type IV, Quarter,
North Eastern Police Academy,
Umsaw - 793123, Meghalaya.

..... Applicant.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt. of India,
Ministry of Development of North Eastern Region, (DONER),
Govt of India, 233, Bigyan Bhawan, Annexure,
Moulana Azad Road,
New Delhi-11.
2. The Secretary,
North Eastern Circle NEC Secretariat.
Meghalaya, Shillong - 3.
3. The Director,
North Eastern Police Academy, (NEPA).
Umsaw - 793123. Meghalaya .
4. The Union Public Service Commission,
Dholpur House, New Delhi.
5. Sri P.Sharma,
Assistant Director, (Scientific Aids),
North Eastern Police Academy, (NEPA).
Umsaw - 793123. Meghalaya .

..... Respondents.

BSC/Alumini

PARTICULARS OF THE APPLICATION

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

This application is directed against the action on the part of the respondents in appointing the respondent No 5, as the Asstt. Director, (Scientific Aids), in NEPA, who does not possess the required qualification as per the recruitment rule and in ignoring the case of the applicant for regular absorption in the post of Asstt. Director, (Scientific Aids), in NEPA as per the recruitment rule. The applicant through this O.A, has also challenged the recruitment rule notified by the respondents superseding the earlier recruitment rule of 1995 and 1996, to a particular extent as indicated in the facts of the case below.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Administrative Tribunal Act. 1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicant in the instant OA is aggrieved by the action on the part of the respondents in not considering his case for regular absorption and in replacing him by the respondent No. 5. The Respondent No. 5, does not possess the required qualification as per the recruitment rule, but ignoring the fact the official respondents have appointed him in violation

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of the said Rules. The applicant through this application has also challenged the recruitment rule, framed in supersession to the earlier recruitment rule of 1995 and 1996, to the effect as it does not provide any protection to the service rendered by the applicant, as well as in prescribing the qualifications.

This is the crux of the matter for which the applicant has come under the protective hands of this Hon'ble Tribunal seeking redressal of his grievances.

4.2. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protection guaranteed by the Constitution of India and the laws framed thereunder.

4.3. That the applicant passed the M.Sc. in Forensic Science, from Madras University with First Class. He cleared the Degree in Law, from Manipur University. The applicant also cleared successfully the Post Graduation Diploma in Computer Application, from Madurai Kamaraj University. In the year 1999, the applicant also cleared the National Eligibility for Lectureship, in Forensic Science. The applicant possesses all the required as well as desirable qualification to hold the post of Asstt. Director, (Scientific Aids), in NEPA.

The applicant craves leave of the Hon'ble Tribunal to place all the relevant certificates at the time of hearing of the case.

4.4. That the applicant on 28.05.1997, was appointed as Asstt. Director, (Scientific Aids) under the North East Police

L. Skumar



Academy, (NEPA), Ministry of Development of North Eastern Region, (DONER), on ad-hoc basis after following the due processes of selection. Although, the said appointment of the applicant was on ad-hoc basis, but same continued till 24.12.2005, however, with some short artificial breaks. It is noteworthy to mention here that during such period of breaks, the applicant was engaged as Guest Lecturer. The applicant during his service tenure had to train and teach the trainee Police Officers of all the North Eastern Police Organizations as well as the basic course and the in service course to such officers. The applicant who imparted training to such Police Officers includes the following subjects;

- i) Forensic Science.
- ii) Crime Investigation.
- iii) Law (Minor Acts)
- iv) Human Rights.
- v) Indian Constitution.
- vi) Criminology and Penology.
- vii) Computer. etc.

Copies of the orders dated 28.5.97 and 17.10.05 are annexed herewith and marked as ANNEXURE - 1 and 2.

4.5. That the applicant after his initial service as Asstt. Director, Scientific Aids, in the year 1997, continued to perform his duty to the satisfaction of all concerned and to that effect the concerned authority issued certificates. During his service tenure he had to impart training to the Police Officers upto the rank of Dy. Superintendent of Police. It is noteworthy to mention

Shuman

here that in addition to his aforesaid allotted duties, the applicant had to perform various additional administrative functions.

Copies of the certificates are annexed herewith and marked as ANNEXURES 3 and 4.

4.6. That the applicant begs to state that the respondents by a Gazette Notification dated 26.11.96, issued the recruitment rule for the post of Asstt. Director, Scientific Aids, in NEPA. The said rule provides the qualifications as follows;

(a) (i) Holding analogous post on regular basis; or,
(ii) with 3 years of regular service in posts in the scale of Rs 2000/= - 3500/= or equivalent; or.

(iii) with 7 years of regular service in posts in the scale of Rs 1640/= - 2900/= or equivalent and

(b) Possessing the following qualifications and experience :-

(i) Senior Secondary Certificate or equivalent with Physics / Chemistry / Biology / Mathematics as subject (s) of study;

(ii) Three years practical experience in Forensic Science Laboratory.

(Period of deputation including period of deputation in another post held immediately preceding this appointment in the same or some other organisation / department of

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the Central Govt. shall ordinarily not to exceed three years. The maximum age limit for appointment by transfer on deputation shall be, not exceeding 56 years, as on the closing date of receipt of application.).

A copy of the said recruitment Rules is annexed herewith and marked as Annexure-5.

4.7 That the applicant begs to state that the recruitment rule prevailing at that point of time was defective in respect of its entry qualification, and same was not in accordance with the need of NEPA in respect to the said post of Asstt. Director (Scientific Aids), as it requires higher skill and responsibilities. The basic duty of the NEPA is to impart training to the police officers upto the rank of Dy. S.P. in phase manner and having regard to the over all development of the crime, there is requirement of highly professional experts to impart such training. The post of Asstt. Director (Scientific Aids), has played the basic role in imparting training which includes basically, Forensic Science, Law and now a days Computer Applications. For such a responsible job the recruitment rule of 1996 provides the entry qualification for the said post was Senior Secondary or equivalent. In fact the respondent also felt it necessary to amend the said recruitment Rules of 1996 suitably and to that effect correspondences were made to the UPSC to formulate a clear and sufficient recruitment Rules. It is also pertinent to mention here that during the years 1997 to the year 2003, the respondents have made not less than 5 (five) attempts to fill up the post by publishing advertisements on deputation but failed.

L. Kumar

4.8 That the applicant begs to state that in the month of Nov.98, the respondent published an advertisement for filling up of the post of Asstt. Director (Scientific Aids) on ad-hoc basis. In the said advertisement the respondents indicated the qualification as follows:

"Asstt. Director (Scientific Aids)- candidates with qualification Degree/Post Graduate in Forensic Science with teaching experiences. Degree in Law would be preferable."

A copy of the said Advertisement dated 23.11.98 is annexed herewith and marked as Annexure-6.

4.9. That the applicant at that relevant point of time of publishing the advertisement dated 23.11.98 was holding the post of Asstt. Director (Scientific Aids) and he applied for the same. The authority concerned after following the due process of selection selected the applicant for the post of Asstt. Director, (Scientific Aids) in NEPA, and the applicant kept on continuing in his service.

The respondents again in the month of May 1999, issued another advertisement in the Local daily for filling up of the post of the Post of Asstt. Director (Scientific Aids) in NEPA on ad-hoc basis indicating the qualification same as it was indicated in the advertisement dated 23.11.98. The applicant who is eligible and qualified to hold the said post of, Asstt. Director (Scientific Aids) in NEPA, was once again selected for the said post. From the qualifications mentioned in the said advertisements dated 23.11.98 and May 1999, it is clear that the respondents have virtually amended the 1996, recruitment rule on the basis of the need.

L. Kumar

A copy of the said advertisement dated 24.5.99 is annexed herewith and marked as Annexure-7.

4.10. That the applicant begs to state that in response to the said Annexure-7, advertisement nobody appeared nor anyone got selected for the post of Asstt. Director, (Scientific Aids) in N.E.P.A. The respondents as earlier failed in the process of selecting the Asstt. Director (Scientific Aids) on ad-hoc basis and the applicant on the other hand continued to perform his duty on ad-hoc basis. Subsequently, the respondents once again made an attempt to fill up the said post of Asstt. Director (Scientific aids) on Transfer on deputation. The qualification mentioned is that the said advertisement (issued in the Employment News (21-27, June 2003)), indicates the eligibility criteria as under.

"2. Assistant Director (Scientific Aids)

Method of Recruitment

Transfer on deputation

Officers under the Central/State Govts./UTs.

(a)(i) holding analogous posts on regular basis, or (ii) with 3 years regular service in posts in the scale of Rs.6500/- 10,500 or equivalent, or (iii) with 7 years regular service in posts in the scale of pay of 5500-9000 or equivalent, and

(b) possessing the following qualifications and experience:

(i) Senior Secondary Certificate or equivalent with Physics/Chemistry/Biology/Mathematics as subject(s) of study
(ii) 3 years practical experience in Forensic Science Laboratory.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this

Signature

appointment in the same or some other organization/department of the Central Govt. shall ordinarily not to exceed 3 years. The maximum age limit for appointment by transfer on deputation shall be, not exceeding 56 years, as on the closing date of receipt of applications.)"

A copy of the aforesaid advertisement is annexed herewith and marked as Annexure-8.

4.11. That the applicant state that the qualifications mentioned in the Annexure 6 and 7 advertisements indicates the qualification for the post of Asstt. Director (Scientific aids) as Graduation/ Post-graduation in Forensic Science with teaching experiences as essential qualification and degree in law as desirable qualification. But the qualification mentioned in the Annexure 8 advertisement, indicates a completely different qualification. Surprisingly enough, on 8.10.2004 the respondents once again published an advertisement for the post of Asstt. Director (Scientific aids) on contract basis, however, without mentioning any qualification whatsoever.

A copy of the said advertisement dated 8.10.04 is annexed herewith and marked as Annexure-9.

4.12. That during the aforesaid period i.e. in the month of March, 1999 the respondent No.2, forwarded a proposal indicating the recruitment rule to fill up the post of Asstt. director (Scientific Aids). In the said proposal the respondent No.2, clearly indicated the fact that the Recruitment Rule of

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1996 was impractical taking into consideration the duties and responsibilities of the posts in question. The respondent No.2 while highlighting the difficulties and past experiences requested for amendment of the said rule is consultation with the U.P.S.C. The said respondent No.2 also highlighted the inadequacy of the entry qualification as (10+2) who is required to train the police officers upto the rank of Dy.SP. The said respondent No.2 while enclosing the proposed recruitment rule indicated the qualification as well as the other qualification as under;

Educational & other qualification required for direct recruitment

Essential:- (i) Minimum Second class Master Degree in Forensic Science/Physics/Chemistry/Biology.

(ii) Minimum two years working experience in Forensic Science Laboratory or two years teaching experience in training institute in the field of Forensic Science.

Notes:-I. Qualifications are relaxable at the discretion of UPSC in case of candidates otherwise well qualified.

II. The qualification(s) regarding experience is/are relaxable at the discretion of UPSC in case of candidate otherwise well qualified.

Desirable:- Candidate possessed additional qualification(s) like Degree in Law/Master Degree in Sociology/others Police related subject.

In case of recruitment by promotion/deputation /transfer, grades from which promotion/deputation/transfer to be made.

Transfer on Deputation/Absorption (including short term contract/Failing which by Direct Recruitment: Officers under

Suman

the Central/State Govts./UTs/Training Institutes recognised by the central Governments.

(a) (i) holding analogous posts on regular basis; or (ii) with 3 years regular service in posts in the scale of Rs.6,500-10,500/- or equivalent; Three years teaching and practical experience in Forensic Science Institute and possessing experience of teaching/training in all branch/division of Forensic Science; or (iii) With 7 years regular service in posts in scale of Rs.5500-9000/- or equivalent and 7 years teaching and practical experience in Forensic Science; and possessing experience of teaching/training in all branch/division of Forensic Science.

(b) Possessing the educational qualifications and experience prescribed for direct recruits: Essential: (i) Minimum Second Class Master Degree in Forensic Science/Physics/Chemistry/Biology.

(ii) Minimum two years working experience in Forensic Science Laboratory or two years teaching experience in training institute in the field of Forensic Science.

Notes: I. Qualification are relaxable at the discretion of UPSC in case of candidate otherwise well qualified.

II. The qualification(s) regarding experience is/are relaxable at the discretion of UPSC in case of candidate otherwise well qualified.

Desirable: Candidate having additional qualification like Degree in Law/Master Degree in Sociology/others Police related subjects are desired.

Note:- Only Central/State Government/Union territory, Government employees are eligible for transfer on deputation.

L. Kumar

4.13. That the applicant states that in the aforesaid proposed recruitment rule in Annexure-II the respondent No.2 also indicated the duties of the post of Asstt. Director (Scientific Aids) as under ;

Duties of the posts in detailed:

1. To teach Forensic Science covering subject like Finger print, Footprint, questioned Document & Investigation, Ballistics, Toxicology, Explosives, Chemical Analysis, Serology etc.
2. To set papers, conduct test etc. in Forensic Science.
3. To prepare and update training notes in the field of Forensic Science.
4. To guide the trainees on their project assignments.
5. To prepare lesson plans etc. and keep abreast on the latest advances in Forensic Science and related subjects.
6. To assist Dy. Director (Indoor) in indoor training programme.
7. To look after the Academy FSL and conduct practical classes.
8. Such other duties entrusted to him by Director from time to time.

Aforesaid eight duties are to be performed by the Asstt. Director (Scientific aids) and are directly related to forensic Science. It is noteworthy to mention here that subject Chemistry, does not include or cover all the aforesaid requirements.

A copy of the proposal is annexed herewith and marked as Annexure-10.

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4.14. That the applicant begs to state that the proposal (Annexure-10) clearly indicates the fact in support and reason for the amendment of the old recruitment rule which was inadequate and impractical. In the revised Annexure-III attached to the said proposal prescribed the method of recruitment as "Transfer on deputation/ absorption " (indicating short term contract/direct recruitment). With the qualification and experience the said revised Annexure-III of the proposal also indicated the reason as to why the amendment is sought for. From the above Annexure-10 proposal it is crystal clear that recruitment could not have been made to the post of Asstt. Director (Scientific Aids) in NEPA, with the old Recruitment Rule of 1996. The Annexure-10 proposal is also indicative of the fact that the only post of Asstt. Director (Scientific Aids) available in N.E.P.A. has been carried forwarded to 2004, to fill the same by the new recruitment rule.

4.15. That the respondents on 20.10.2004 published a Gazette Notification by publishing the new Recruitment Rules in the name and style as "The North East Police Academy, Borapani, Deputy Assistant Director (Police Science), Assistant Director (Law), Assistant Director (Scientific Aids), and Deputy Director (Indoor) Recruitment Rules 2004 in short the "2004 Recruitment Rules".

A copy of the said 2004 Recruitment Rules is annexed herewith and marked as Annexure-11.

4.16. That the 2004 Recruitment Rules (Annexure-11), in Column 2, Number of Posts indicates the fact of availability of

Signature

the only vacant post subject to variation dependent on workload, and in Column 8, prescribes the educational and other qualifications, wherein essential qualification has been prescribed as Master's Degree of a recognised University or equivalent, with the desirable qualification as Master's degree in Sociology/Master degree in Criminology/Bachelor's degree in Law of a recognised University or equivalent. The method of recruitment provides in the said 2004 Recruitment Rule is Deputation (including short term contract)/Absorption failing which by Direct Recruitment.

4.17. The applicant states, that from the above Annexure-11 recruitment rule of 2004 as well as the proposal (Annexure-10) it is clear that the vacant post holding by the applicant i.e. Asstt. Director (Scientific Aids) was carried forward with the sole purpose to fill up the same through the 2004 recruitment rule which provides the adequate qualification under the changed circumstances. The applicant who was holding the said post of Asstt. Director (Scientific Aids) on ad-hoc or in short term contract was under the bonafide expectation that in due course of time he would be absorbed and his seniority would be counted from the date of his initial appointment, providing the other consequential service benefits. But surprisingly enough, the respondent No.2, in the month of January 2006 selected the respondent No.5, for appointment to the post of Asstt. Director (Scientific Aids) in NEPA, ignoring his case for absorption. The respondent No.5 on 30.1.06 joined the post of Asstt. Director (Scientific Aids) in N.E.P.A. on deputation.

The applicant in spite of his best effort could not collect the appointment order issued in respect of Respondent

S. Kumar

No.5 and as such he craves indulgence of this Hon'ble Tribunal for a direction towards the official respondents to place the appointment order of the Respondent No.5 as Asstt. Director (Scientific Aids) in N.E.P.A. as well as the minutes of the selection, at the time of hearing of the case.

4.18. That the applicant begs to state that the respondent No.5 does not possess the required qualification in terms of the 2004 recruitment rule. The applicant could come to know from the reliable source that the said interview in question by which respondent No.5 was held on 23.12.04 i.e. after the commencement of the 2004 recruitment rule (i.e. 23.10.2004). It is noteworthy to mention here that the respondent No.5, has put tremendous pressure on the respondent No.2 to select him and as a consequence of such undue pressure, the respondent No.2 just prior to the said selection issued a letter to the UPSC dated 17.11.04 recommending the case of the respondent No.5 with a request to select him.

A copy of the said communication is annexed herewith and marked as Annexure-12.

4.19. That due to repeated requests made by the respondent No.2, the Respondent No.3 (UPSC) with ulterior motive selected the respondent NO.5 to the post of Asstt. Director (Scientific Aids) in NEPA, without taking into consideration the recruitment rule holding the field at the relevant point of time. It is noteworthy to mention here that all sorts of effort have been made by the respondent No.2 to appoint the respondent No.5 though he had no requisite qualification to hold the said post of Asstt. Director (Scientific Aids). The UPSC (Respondent No.3)

Signature

having been entrusted with the job of selecting the candidate for the post of Asstt. Director, the respondent No.2 ought not to have issued such letters (Annexure-12) to the UPSC requesting the selection of the respondent NO.5. This shows the malafide intention of the respondents in interfering in the process of selection, and as such the selection and appointment of the Respondent No.5 to the said post is not at all sustainable in the eye of Law and liable to be set aside and quashed.

4.20. That the applicant begs to state that in the proposal sent by the respondents (Annexure-10) clearly indicates the nature of duties and the responsibilities to be soldered by the Asstt. Director (Scientific Aids) in N.E.P.A. Annexure-11 to the said proposal indicates the duties of the said post of Asstt. Director, (Scientific Aids) in N.E.P.A. which directly falls under the subject "Forensic Science". The respondent No.5 who is B.Sc. in Chemistry, under any circumstance can not be treated to be eligible for holding the post of Asstt. Director (Scientific Aids). Apart from having the basic eligibility criteria, to hold the post of Asstt. Director (Scientific Aids), the respondent No.5 has also does not posses the desirable qualification. On the other hand the applicant not only possesses the required qualification that too in Forensic Science- the subject in question, but also, he has got the desirable qualification as prescribed in the recruitment rule. In addition to that the applicant has got the added qualification of "Post Graduate Diploma in Computer Application from Madurai Kamraj University and cleared the examination conducted by the University Grants Commission- National Eligibility for Lectureship in Forensic Science. On the other hand the applicant has got 8 years of working experience in the following subjects ;

Skumar

- (i) Forensic Science
- (ii) Crime Investigation
- (iii) Law (Minor Acts)
- (iv) Human Rights
- (v) Indian Constitution
- (vi) Criminology & Penology
- (vii) Computer;

to the trainees Police Officer of North Eastern Police Organizations both Basic course and in service courses.

4.21. That the applicant begs to state that in terms of the 2004, recruitment rule, it is clear that the applicant who has got all the required as well as the desirable qualification with required experience, is entitled to get absorption in the post of Asstt. Director (Scientific Aids) in N.E.P.A. The recruitment rule of 2004, clearly indicates the fact that deputation includes the short term contract and the provision for absorption. The sequence mentioned in the said recruitment rule specifies that the case for absorption of short term contract service is required to be considered first, and in the event of failure, the method of direct recruitment is required to be adopted. The recruitment rule also provides the provision for absorption of officers from the same organisation, i.e, NEPA. The applicant who in fact has been holding the said post of Asstt. Director (Scientific Aids) in NEPA in the form of short term contract and he having fulfills all the required criteria, is required to be absorbed. It was the duty of the respondents to consider the case of the applicant first, and thereafter in case of failure, the other method should have been adopted. In the

L. Kumar

fact situation of the case the appointment made to the respondent No. 5, is not at all sustainable and liable to be set aside.

4.22. That the applicant begs to state that presently the respondents have been managing the indoor training programme for basic course by the guest lecturers even after getting the service of the respondent No 5. The weekly programme clearly indicates that the applicant had the better qualification (subject wise) than that of the respondent No 5, to cover the said training programme. The respondent No 5, being only a Chemistry graduate, is presently imparting training to the officers upto the rank of Dy S.P in Forensic Science, without having Forensic Science as a subject. On the other hand the applicant with his educational qualification, as well as experience, is able to impart training not only in Forensic Science, but also in all the subjects excluding the subject "Human Behavior and Police Attitude". In such a circumstances there is no justification to allow the respondent No 5, to continue to hold the post of Asst. Director, (Scientific Aids) and in not considering the case of the applicant for permanent absorption in the post of Asst. Director, (Scientific Aids), in NEPA.

A copy of the Weekly Training programme is annexed herewith and marked as ANNEXURE-13.

4.23. That the applicant begs to state that the recruitment rule of 2004, came in to effect after receiving the Annexure -10, proposal wherein the respondents have made it clear that the post

Skumar

of Asstt Director could not be filled up due to inadequate and impractical recruitment rule prevailing at that point of time. The proposal also indicative of the fact that the said post was manned by ad-hoc official for last 7 years. It was therefore, the concerned authority at the time of framing of the new recruitment rule of 2004, ought to have made certain categorical provision for automatic absorption of such ad-hoc officers. Apart from that the duties and responsibilities as prescribed in the proposal is indicative of the fact that the subject Forensic Science should have been included either as essential or as desirable qualification while framing the recruitment rule of 2004. Having not done so the respondents have shown their non-application of mind and as such necessary amendment is required to be made in the recruitment rule of 2004 to that effect.

4.24. That the applicant begs to state that admittedly he had occasion to serve the respondent for about 8 years of undisputed and unblamish service career and as such the duty cast on the respondents to regularise his service as Asstt. Director (Scientific Aids) in NEPA. It is noteworthy to mention here that there are instances of recruitment even of Group B officers without there being any recruitment rule. In this connection it is stated that one Sri Ramesh Ch. Doundiyal (Hindi Officer) got his initial recruitment as Hindi Instructor, without any advertisement and selection. The recruitment rule prevailing at that point of time provides only method of recruitment through deputation/transfer on deputation, failing which direct recruitment. As he was a fresh entrant to the dept. (NEPA) the respondents could not have appointed said Mr. Doundiyal as Hindi Instructor in NEPA, violating the recruitment rule. The respondents even promoted Mr Doundiyal to the post of Hindi

L. Kumar

Officer, subsequently, without there being the recruitment rule as well as sanctioned post etc, for the said post of Hindi Officer. It is also pertinent to mention here that Mr Doundiyal acquired the desirable qualification to hold the post of Hindi Instructor, i.e, B.Ed, subsequently. This shows that the respondents have measurably failed to take in to consideration any of the recruitment rules including the recruitment in question and appointed persons as per their own sweet will. In such circumstances the action/inaction on the part of the respondents are not at all sustainable and liable to be set aside and quashed.

4.25. That the applicant begs to state that the action of the respondents in ignoring his case for regular absorption to the post of Asstt Director, (Scientific Aids) in NEPA is not at all sustainable and liable to be set aside. It is stated that the respondents have adopted the method of ad-hocism, as a short cut to the normal recruitment process in recruiting officers which is not at all permissible and liable to be interfered with. It is pertinent to mention here that one Mr P.K.Gurung, got his promotion as Supdt. in NEPA, on ad-hoc basis and ultimately he had to go on retirement on ad-hoc basis though the post is earmarked for deputationist only. The respondents assured the applicant to accommodate him on regular basis but ignoring his case he has been replaced by the respondent No 5, - another deputationist and in the processes he has by now has crossed the upper age limit for any Govt job. The applicant ventilating his grievances has made several representations but apart from assurances nothing has been done so far in the matter. It is under the fact situation of the case, the applicant has come

Signature

under the protective hands of the Hon'ble Tribunal seeking redressal of his grievances.

A copy of the said representation dated 23.12.2005, is annexed herewith and marked as ANNEXURE- 14.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in not absorbing the applicant in the post of Asstt. Director (Scientific Aids) in NEPA, having regards to the length of service as well as the recruitment rule holding the field, and his eligibility, is per-se illegal and arbitrary and same is recruited to be set aside and quashed.

5.2. For that the respondents have violated the recruitment rule in selecting and appointing the respondent No 5 to the post of Asstt. Director (Scientific Aids) in NEPA, and as such same is required to be set aside and quashed.

5.3. For that the respondents have failed to take into consideration the proposal sent for amendment of the recruitment rule of 1996 and prepared the recruitment rule of 2004, and as such same required to be modified accordingly.

5.4. For that the respondents have failed to appreciate the eligibility and requirement of the service of the applicant as Asstt. Director (Scientific Aids) in NEPA, and as such appropriate direction need be issued for his absorption in the said post.

Skumar

5.5. For that the respondents have committed various irregularities in appointing the respondent No 5 to the post of Asstt. Director (Scientific Aids) in NEPA, and ignoring the case of the applicant and as such appropriate direction need be issued for his absorption as Asstt. Director (Scientific Aids) in NEPA.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal and factual at the time of hearing of this case.

6.DETAILS OF REMEDIES EXHAUSTED:

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

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

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

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application

L. L. L.

be admitted, records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant :-

8.1. To set aside and quash the selection and appointment of the respondent of the respondent No 5 to the post of Asstt. Director (Scientific Aids) in NEPA,

8.2. To direct the respondent to consider the case of the applicant for absorption to the post of Asstt. Director (Scientific Aids) in NEPA, from the date of his initial appointment with all consequential service benefits etc.

8.3. To amend the recruitment rule of 2004, suitably incorporating necessary correction/addition in the basic as well as the desirable qualification towards filling up of the post of Asstt. Director (Scientific Aids) in NEPA.

8.4. Cost of the application.

8.5. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondent to allow the applicant to hold the post of Asstt. Director, (Scientific Aids) in NEPA.

L. Kumar

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 266 324121
2. Date : 25.4.06
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

L. Kumar

VERIFICATION

I, Shri Laishram Shyam Kumar, son of late L. Gourahari Singh, aged about 39 years, at present residing at Quarter Type IV, Umsaw- 793123, Meghalaya, do hereby solemnly affirm and verify that the statements made in paragraphs 4.1, 4.2, 4.23, 4.24 are true to my knowledge and those made in paragraphs 4.3-4.22, 4.25..... are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 2nd day of May. of 2006.

Laishram Shyam Kumar
Signature.

Government of India
Ministry of Home Affairs
North Eastern Police Academy
Umsaw, 793 123, Barapani, Meghalaya

No. NEPA/EG/6/90/942-46. Dtd. Umsaw, the 28th May '97.

O_R_D_E_R

72 days
Shri L Shyam Kumar is hereby appointed as Asstt. Director (Scientific Aids) on adhoc basis for a period of 172 days with effect from the forenoon of 28/05/1997 to 15/11/1997 afternoon or till a regular appointment of Asstt. Director (Scientific Aids) is made which-ever is earlier, in the scale of pay of Rs. 2200-75-2800-EB-100-4000/-p.m. plus other allowances as admissible to the Central Government Employees from time to time.

The ad-hoc appointment however will not make Shri L Shyam Kumar entitled to claim any regular appointment.

T. Chandrasekharan
(T Chandrasekharan)
Director

Memo No. NEPA/EG/6/90/942-46. Dtd. Umsaw, the 28th May '97.
Copy to :-

1. The Director (NE.II), Govt. of India, Ministry of Home Affairs, New Delhi - for information pl. The matter relating to the selection of Asstt. Director (Scientific Aids) is under process and likely to take some-time. Services of a Asstt. Director (Scientific Aids) is essential in view of on-going training programme and, therefore, is not obviatable.
2. The RPAO (IB), Shillong-03.
3. The A/cs Section, NEPA, Umsaw, Barapani.
4. Shri L Shyam Kumar, Asstt. Director (Scientific Aids) - this refers to his application dtd. 16/05/1997.
5. Personal file.
6. Office Order File.

T. Chandrasekharan
(T Chandrasekharan)
Director

28/5/97

Continue
up to 2005
Di
Advocate.

-27-

ANNEXURE - 2

35

Government of India
Ministry of DONER
North Eastern Police Academy
Umsaw, 793 123, Umiam, Meghalaya

No.NEPA/Apptt (ADL)/4/99/Vol-II

4160-65

Dt. Umsaw, the 17 Oct. 05.

ORDER

Shri L. Shyam Kumar. is hereby appointed as Assistant Director (Scientific Aids) on ad-hoc basis in the scale of pay of Rs.8000-275-13,500/-p.m. plus other allowances w.e.f. 18/10/2005(FN) to 24/12/2005(AN) for a period of 68 days or till regular appointment is made whichever is earlier.

The ad-hoc appointment will not make him entitled to claim any regular appointment or subsequent appointments as a matter of right.

Further, retention in the service for the period ibid will depend on performance and if performance is found not satisfactory, service will terminated at any time.

(T Pachuan)IPS
Director

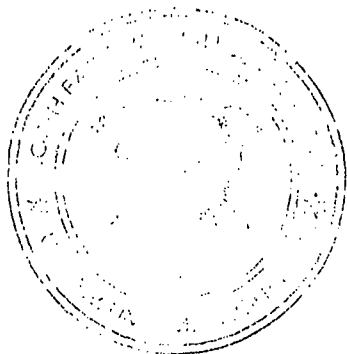
Memo No.NEPA/7Apptt (ADL)/4/99/Vol-II
Copy to:-

4160-65

Dt. Umsaw, the 17 Oct. 05

1. The Dy. Secretary, Deptt. of DONER, Govt. of India, Vigyan Bhavan Annex, Maulana Azad Road, New Delhi-110 011.
2. The Under Secretary, UPSC, Dhoapur House, Shajahan Road, New Delhi-100 011.
3. The RPAO (IB), Shillong-03.
4. The Accounts section, NEPA, Umsaw.
5. Shri L. Shyam Kumar, Asstt. Director (Scientific Aids), NEPA, Umsaw.
6. Personal File.
7. Office Order File.

(T Pachuan)IPS
Director



=====

Attested

Advocate.



- 28 -

ANNEXURE - 3

North Eastern Police Academy
Government of India
Ministry of Home Affairs
Umsaw, 793123 (Umiam)
Meghalaya

Tele No (O) 0364 44290 570290

(R) 0364 44246 570466

Fax No 0364 44290 570464

Dated

10/02/2002

D.O.

NEPA/PAD/20/Part-I/2001-02/5783

TO WHOM IT MAY CONCERN

This is to certify that Shri Laishram Shyam Kumar has been engaged as Guest Lecturer in the North Eastern Police Academy, Umsaw, Meghalaya w.e.f. 20th June 2001 to 29th August 2001. During this period he has been teaching various subjects like Forensic Science (both theory and practical), Crime Investigation and Law to the trainee officers of the rank of Deputy Superintendent of Police and Sub-Inspectors of the North Eastern State Police Organisations attending Basic Training courses with this Academy. In addition, he has also been engaged in various administrative functions of the Academy.

He is a conscientious officer. I wish him all success.



(Umed Singh)

Director

*Attested
Jash
25/2/06*

*General Director
North Eastern Police Academy
Umsaw, Meghalaya*

Attested

Advocate.

North Eastern Police Academy
Government of India
Ministry of D.O.N.E.R.
Umsaw - 793123, Umiam
Ri-Bhoi District, Meghalaya
Tele No. 0364 2570200(O) 0364 2570246 (R)
Fax No. 0364 2570464
Website : <http://www.nepa.nic.in>
Email : director_nepa_umsaw@yahoo.co.in

DO No. NEPA/PAD/20(11-12)/2001/

Dated : 11/1/01

TO WHOM IT MAY CONCERN

This is to certify that Shri Laishram Shyam Kumar was/is working as Assistant Director (Sc. Aids) in North Eastern Police Academy, Government of India, Ministry of D.O.N.E.R, Umsaw, Umiam, Meghalaya on adhoc basis in the scale of pay of Rs.8000-275-13,500/- p.m. as details given below -

1. 172 days w.e.f. 28/5/97 to 15/11/97 (AN)
2. 178 days w.e.f. 24/11/97 to 20/5/98 (AN)
3. 178 days w.e.f. 1/6/98 to 25/11/98 (AN)
4. 179 days w.e.f. 15/12/98 to 11/6/99 (AN)
5. 179 days w.e.f. 18/6/99 to 13/12/99 (AN)
6. 179 days w.e.f. 20/12/99 to 15/6/2000(AN)
7. 179 days w.e.f. 23/6/2000 to 18/12/2000 (AN)
8. 179 days w.e.f. 23/12/2000 to 19/6/2001 (AN)
9. 129 days. W.e.f.25/9/2001 to 31/01/2002 (AN)
10. 179 days w.e.f. 10/2/2003 to 7/8/2003 (AN)
11. 179 days w.e.f. 18/8/2003 to 12/2/2004 (AN)
12. 178 days w.e.f 3/3/2004 to 27/8/2004 (AN)
13. 71 days w.e.f. 15/10/2004 to 24/12/2004 (AN)
14. 88 days w.e.f 11/1/2005 to 8/4/2005 (AN)
15. 179 days 16/4/2005 till date.

Further, it is certified that he is teaching the subjects like Forensic Science, Indian Constitution, Criminology with Penology, Human Rights, Law (Minor Acts), and Crime Investigation. In addition, he has been engaged in various administrative functions of the Academy.

He is a conscientious officer. I wish him all success.

(T Pachuau, IPS)
Director



*Attested
for
27/1/06*

*Assistant Director
North Eastern Police Academy
Umsaw, Umiam, Meghalaya*

*Attested
[Signature]
Advocate.*

Government of India
Ministry of Home Affairs
.....

New Delhi-110001, the 26-11-1996

NOTIFICATION

G.S.R..... In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Assistant Director (Scientific Aids) and Deputy Assistant Director (Police Science) in the North Eastern Police Academy, Darapani namely:-

1. Short title and commencement--(1) These rules may be called the North Eastern Police Academy, Darapani Assistant Director (Scientific Aids) and Deputy Assistant Director (Police Science) Recruitment Rules, 1996.

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

2. Number of post, classification and scales of pay.- The number of the said post, its classification and the scales of pay attached thereto shall be specific in columns 2 to 4 of the Schedule annexed to these rules.

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

4. Disqualification:-- No person--

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

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

Attested



Advocate.

5. Power to relax:—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect of any class or category of persons.

6. Savings:—Nothing in these rules shall affect reservations, relaxation of age limit and other concession required to be provided for the Scheduled Castes, Scheduled Tribes and Ex-servicemen and other categories of persons in accordance with the order issued by the Central Government from time to time in this regard.

-----"Schedule"-----

L. Tochi Hong 31/11
(Smt. L. TOCHHONG)
Director (NEC)
(F.NO.4/15/96-NE.II)

TO

The Manager,
Government of India Press,
Mayapuri, Ring Road,
NEW DELHI.

SCHEDULE

Name of the post	Number of posts	Classification	Scale of pay	Whether selection or non-selection post	Age limit for direct recruits
1	2	3	4	5	6
ASSISTANT DIRECTOR (SCIENTIFIC AIDS)	*1 General Central Services Group A, Gazetted, Non- Ministerial	Rs. 2200-75-2800- EB-100-4000-		Not applicable	Not applicable

* (1996) subject to variation
dependent on workload.

Whether benefit of added years of service admissible under rule 30 of the Central Civil Services (Pension) Rules, 1972.	Educational and other qualifications required for direct recruits.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any,	Method of recruitment, whether by direct recruitment, or by deputation/transfer, percentage of vacancies to be filled by various methods.
7	8	9	10	11
Not applicable	Not applicable	Not applicable	Not applicable	Transfer on deputation

In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.

If a Departmental Promotion Committee exists, what is its composition. Circumstances in which the Union Public Service Commission is to be consulted in making recruitment.

12

13

14

TRANSFER OR DEPUTATION:

Officers under the Central/State Govts./Union Territories.

Not applicable

Consultation with

(a)(i) Holding analogous posts on regular basis;
or

Union Public Service

Commission necessary.

(ii) with 3 years' regular service in posts in the scale of Rs.2000-35000 or equivalent; or

(iii) with 7 years' regular service in posts in the scale of Rs.1640-2900 or equivalent; and

(b) Possessing the following qualifications and experience:-

(i) Senior Secondary Certificate or equivalent with Physics/Chemistry/Biology/Mathematics as subject (s) of study;

(ii) Three years practical experience in a Forensic Science Laboratory.

Period of deputation including period of deputation in another cadre post held immediately preceding this appointment in the same or some other department of the Central Govt. should not be less than three years. The period of deputation should be approved by the Departmental Promotion Committee.

10/17/50

In case of recruitment by promotion/deputation/
transfer, grades from which promotion/deputation/
transfer to be made.

If a Departmental Promotion Committee
exists, what is its composition.

Circumstances in which the
Union Public Service Commis
is to be consulted in making
recruitment.

12

13

14

deputation shall be, not exceeding 56 years, as
on the closing date of receipt of applications.)

)
)
/

NO.4/15/95-NE.II

Dated the 26-11-1996

1. Department of Personnel & Training,
Esstt. (RR) Desk, North Block, New Delhi.
2. Union Public Service Commission, Under Secretary
(RR), Dhoolpur House, Shahjahan Road, New Delhi.
with ref. to their letter NO.3/10(5)/93-PR
dated 6.8.95. (with 3 spare copies)
3. ✓ Director,
North Eastern Police Academy, Umsaw, Barapani,
Shillong-793001. (By Speed Post)
4. Ministry of Law, Legislative Department,
Shastri Bhavan, New Delhi.
5. Official Language Commission,
Bhagwan Das Road,
New Delhi.
6. Guard File/ 4 spare copies.

T. Sachhang 23/11
(Capt. T. Sachhang)
Director (UGC)

TV NETWORKS

PPC (NE) Doodarshan

- PM
4.32 Curtain Raiser
North-East Sports
Festival being
held at Imphal
Harmony: A
Feature
5.30 Sound of Magic:
Serial

Primary (DD-1)

- AM
5.25 Vande Mataram,
Thought for the day,
5.30 Aaradhna
5.45 CIET Programme
6.00 UGC Programme
6.30 IGNOU Prog
7.00 Samachar
7.15 Subah Seva:
Morning Show
8.15 The News
8.30 Subah Seva
continued
9.00 North-East Mirror
Panorama
9.30 UGC Programme
10.00 Tarang
10.30 ETV Programme
11.00 Chaturika:
Telefilm

- PM
12.00 Aural: Serial
12.30 Aparajita: Serial
1.00 Ilinaas: Serial
1.25 Dophar Aankhon
Dekhi
1.30 Waqt Ki Raftar
2.00 Samachar
2.10 The News
2.20 Ghar Sansar
2.30 Aap Ki Shanti
3.00 Gopichand Ki
Amar Kahani
3.30 Tea time
Manoranjan
4.00 Hanhe Jasoor
4.30 Live Show

MATRIMONIAL

ALLIANCE INVITED from a well educated, cultured, good looking preferably teetotaler, well matched groom holding good position. Assamese (Kayastha, kalita, keoti) for a convent educated, fair complexioned girl, post graduate, good looking, smart slim figured, 35 years/156 cm hailing from cultured respectable Assamese family (Guwahati). Contact-D.Haria C/o M. Barua, District Employment Exchange, Dibrugarh-786003. FS

ALLIANCE INVITED for a B.A. music, labia bisharad, Hindi bisharad, good looking, smart, 25 years/5'2". Asstt. teacher (Non-Govt.), Bengali Kayastha girl, working in Gussaignaon Shastri Vidyapith, Caste no bar. Early marriage. Write along with recent coloured full size photograph to Mrs Ashima Sarkar C/o Dr. T.K. Kalita, R.N.B. Civil Hospital, Habrubi, Gossaigaon-783360. FS

FOR SALE

2 BRAND NEW grinding machines -1 no. for spherical & 1 no for cylindrical lense, having 2 spindles in each semi-automatic machine with other accessories. Price Rs. 56,000/- Contact at Diptiz or Foundation Book Centre, Bellola Tirlali. On 22nd & 29th Nov '98 from 8 am to 4 pm for inspection. FS

FOR SALE: Second hand machineries of oil & rice mill like 24 pair Ghannies, two expellers, stream engine, boiler, oil engine, 125 HP, 312 model Tata Truck, 1210-S Model Tata (.) Contact immediately Phone: 03712-21479 and 30504. FS

PROPERTY IN DELHI

"2000 YARD (Approx. 20,000 Sq. ft.) land with boundary wall at Nozabgarh, Delhi, ready for sale. Interested party may kindly contact. Phone 0374-20390 between 9 A.M. to 6 P.M." FS

TO LET

GROUND FLOOR (1550 sq ft) 2nd floor (2600 sq. ft.), newly constructed, front open in the heart of Tezpur Town, ready for rent. Suitable for Bank/Offices etc. Contact Rajaram Tibrewala, Ganesh building, Napaipally, Tezpur, Pin 781003(R)/318.1 (C)

R.C.C. third floor at G.S. Road, Ulubari (2000 sq. ft.) two separate rooms with separate entrance (part or whole) ready for immediate occupation. Private Company preferred, 24 hours running water. Contact Ph No.547703. FS

VEHICLE FOR SALE

ONE FIAT model 1982, excellent condition is for immediate sale. Contact on phone 527823 (Bhangagarh). FS

LAND FOR SALE

1.8 KATHAS of Myadiland in Bersajal (Ghoramara), Bhopalpara, Hatigaon (Near Little Star English School), available for sale. Price 1 (one) Lakh/1000. Contact Phone 630186 (R). FS

LAND FOR SALE

8000 sq. ft. at Mawabul, near Happy Valley, approachable by motorable road. Please contact Phone 250308 from 7.00 a.m. to 9.00 a.m. and 6.00 p.m. to 9.00 p.m.

SITUATION VACANT

One post each of Asstt. Director (Scientific aids), Asstt. Director (Lecturer) and Asstt. Director (Law) are required to be filled up on ad-hoc basis in NEPA as per details given below:-

Asstt. Director (Scientific Aids)- Candidates with qualification Degree/Post Graduate in Forensic Science; with teaching experience. Degree in Law would be preferable.

Asstt. Director (Lecturer) - Post Graduate Degree in Sociology/Psychology/Social Anthropology with two years research/teaching experience in any of the above mentioned subjects.

Asstt. Director (Law) - Degree in Law with two years teaching experience in an institution/College.

Interview on 8th Dec, 1998 at 11.00 hrs with original testimonials.

Venue: Office of the Director, North Eastern Police Academy, Umsaw, Uniam (Meghalaya)

N.I.O.

PRESS NOTICE

The Executive Engineer, Meghalaya Forest Development



Attended

[Signature]
Advocate

SITUATION VACANT

A reputed marketing organization requires 5 nos marketing professional (Field Executives) Graduate who are dynamic performer can grab the opportunity and earn good money+ incentives + Bonus. If determined, can talk in for interview with same, on 26th, 28th and 30th May '99 between 12 PM to 4 PM Pacific Smil C.K. Agarwala, Chenikuthi, Guwahati-3. V/P/4069/1

One post each of Asstt. Director (Scientific Aid), Asstt. Director (Lecturer) and Asstt. Director (Law) are required to be filled-up on ad-hoc basis in NEPA as per details given below :-

Asstt. Director (Scientific Aids) : Candidates with qualification Degree/Post Graduate in Forensic Science with teaching experience. Degree in Law would be preferred.

Asstt. Director (Lecturer) : Post Graduate Degree in Sociology/Psychology/Social Anthropology with two years research experience in any of the above mentioned subjects.

Asstt. Director (Law) : Degree in Law with two years teaching experience in an Institution/College.

Interview on 7th June, 1999 at 1130 hrs. with original testimonials.

Venue : Office of the Director, North Eastern Police Academy, Umsaw (Meghalaya). CD/G/SV/2534/1

Applications are invited within 15 days for the post of Principal in Uttar Kampith Mahavidyalaya (Sr.) Jagara P.O. Jagara Dist. Nalbari Assam (affiliated up to TDC part I) from the intending candidates having Master Degree in Arts/Science/Commerce with atleast 10 years teaching experiences in college and should possess good administrative capacity in Higher Educational Institution. Preference will be given to the candidate having Doctorate Degree or doing Research Work for the Degree of Ph.D. Apply to President, Special body Uttar Kampith Mahavidyalaya (Sr), Jagara, P.O. Jagara, Dist. Nalbari (Assam). SV/P/4064/1

Applications in standard form with all bio-datas and copies of certificates are invited for the post of Stenographer Grade III within 08.07.99. The date of test/ interview is fixed on 15.07.99 at 10.30 a.m. at the Office of the Chief Judicial Magistrate, Morigaon, candidates will appear at their own cost. No further correspondence to the applicants be made in this regard. CD/G/SV/2535/1

SANKARDEV ACADEMY, NALBARI

(A Co-educational Junior College of Science & Arts)

Applications are invited with photostat copies of all educational testimonials from candidates having PG degree for the post of lecturer at consolidated pay and will be received by the Secretary (Post Box No. 8,

Nalbari HPO, 781335) upto 7th June, '99. Particulars of posts: One each in English, Assamese, Physics, Chemistry, Mathematics, Zoology, Botany, Economics, Education, Political Science, Logic & Philosophy, History & Computer Science. SV/P/4063/1

Applications are invited from candidates having latest U.G.C. norms for the post of a Lecturer in the department of History (Ancient Group) against sanctioned post and will be received within 15 days. Apply to Principal & Secretary, J.D.S.G. College, P.O. Bokakhat. SV/P/4060/1

Applications are invited for the post of Assistant Professor in Computer Science & Information Technology. Qualification: B.E. Computer Science/MCA or equivalent. Must have thorough knowledge of Windows 9X/NT, MS-Office, C/C++, Oracle, Developer 2000, Visual Basic, Unix/Linux, Fox Pro, Dbase, Networking and the Internet. Salary: Negotiable. Apply before 31st May 1999. Registrar, NERIM, Parukutty Bhawan, Nabin Nagar, R.G. Baruah Road, Guwahati-24, Phone: 0361 453293/452437. SV/P/4066/1

EDUCATIONAL

Learn Raj Bapnas Mind-Power and English (Spoken, written, phonetic). Faculty Development Centre, Ambari, Lamb Road, Guwahati-781001. Phone: 630078. Edu/P/4026/2

Coaching: Admission going on HS II year Arts and Commerce Logic, Economics, Book-keeping Education contact. Future foundation Rajgarh Road, Phone-540748, 612077, Dr Soroju Das, Course Coordinator. Edu/P/4068/1

LOST

I have lost my certificate (original) Admit Card and Marksheet.

R.C.C. ground floor for Central Govt. Office, Company Executive just near Wireless city-bus stoppage. Contact on 573722 or Rumi Restaurant in Wireless. TL/P/4072/1

LEGAL NOTICE

IN THE GAUHATI HIGH COURT (THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM & ARUNACHAL PRADESH) MA(F) 151 OF 1996

United Bank of India

Appellant

-Vs-

Assam Surgical Products (Pvt) Ltd. & Ors.

Respondents

To, Assam Surgical Products Pvt. Ltd Melachakar, Sibsagar Town, Sibsagar Assam.

Whereas the above named plaintiff has instituted the above appeal against you for realisation of Rs. 14,67,477.00 and other reliefs you are hereby summoned to appear in this Court in person or through counsel on or before 22.6.99 to answer the claim, and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that in default of your appearance on the day mentioned above, the appeal will be heard and determined in your absence.

Given under my hand and the seal of the Court this the 20th day of May, 1999.

Deputy Registrar (I/E) Gauhati High Court Guwahati.

LN/2186/1

BEFORE THE DEBT RECOVERY TRIBUNAL AT GUWAHATI

O.A. 116 OF 1998

United Bank of India.

Applicant

-Vs-

Umatara Tea Company & Ors.

Defendants

Applications are hereby invited from Indian Citizen as defined in Articles 5 to 8 of the Constitution of India for recruitment of the undermentioned posts under the Directorate of Social welfare, Assam, Guwahati-1.

The number of vacant reserved post is 4(four) only at present, all the vacancies are reserved for persons with disabilities i.e. for Blind Candidates and candidates with Low Vision as per "The Persons with Disabilities (Equal Opportunities Protection of Rights and full participation) Act, 1995.

The name of the posts and pay scale are given below:

Name of the posts	No. of post	Pay Scale (revised)
1. Craft Teacher (Instructor)	1	Rs. 3010-6075/- p.m.
2. Music Teacher (Tabla)	1	Rs. 3010-6075/- p.m.
3. Matriculate Teacher	1	Rs. 3010-6075/- p.m.

Signature

Utkal University of Culture

Sardar Patel Hall Complex
Unit-II
Bhubaneswar-751009
Ph: 2535484, Fax: 2535486
Corrigendum to
advertisement published on
24th-30th May 2003 in the
Employment News

Following descriptions are added to those specified in the previous advertisement for recruitment of Professors/Readers/Lecturers Sl. No. 2 South/Southeast Asian Studies. Other Social Sciences and Humanities. Preference will be given to research and publications pertaining to aspects of culture. Sl. No. 4 Orissan Studies Orissan Library/Jungian History. Last date of application extended upto 7th July 2003.

EN 12/75

Registrar

Ordinance Clothing Factory Shahjahanpur Corrigendum

Reference advertisement Number dwp 7150 (S) 2003 published by Employment News in its issue of 3-9 May 2003 regarding filling up the vacancies of paramedical staff. The following amendment may be noted in the vacancy circular.

For	Read
Ward Sahayak Age 30 years	Ward Sahayak Age 32 Years
For	Read
Farmacy Planning Attendant Age 25 Years	Farmacy Planning Attendant Age 27 Years

Eligible candidate may submit their application to the General Manager Ordinance Clothing Factory, Shahjahanpur within 12 days of the publication of advertisement dwp 7150(137)2003

EN 12/75

Government of India North Eastern Police Academy Umsoy, Umlam-751123 (Meghalaya)

One post each of Deputy Director (Indoor) in the scale of pay of Rs. 10,000-22,200/- p.m. Assistant Director (Security) in the scale of pay of Rs. 2000-275-13,500/- p.m. 2 (two) posts of Assistant Director (Law) in the scale of pay of Rs. 2000-275-13,500/- p.m. & 2 (two) posts of Deputy Assistant Director (Police Science) in the scale of pay of Rs. 6500-200-10,500/- p.m. are required to be filled up in this institution as per details given below.

1. Deputy Director (Indoor)

Method of Recruitment

Transfer on deputation (including Short Term Contract).

A. From amongst officers of Central/State Police Organizations
(a) (i) holding analogous posts on regular basis or (ii) with 5 years regular service in the scale of Rs. 3000-13,500 or equivalent and (b) Possessing 3 years' experience of Teaching/Training in Law in Police Training Institute or B. Indian Police Service Officers/Officers of State Judicial Service.

(a) (i) holding analogous posts on regular basis or (ii) with 5 years regular service in the scale of Rs. 6500-13,500 or equivalent, or
C. Officers under the Central/State Governments/Union Territories/College of Recognized Universities.

(a) (i) holding analogous posts on regular basis or (ii) with 5 years' regular service in the scale of Rs. 6000-13,500 or equivalent or (iii) with 8 years regular service in posts in the scale of Rs. 6500-10,500 or equivalent, and (b) Possessing the following Educational qualifications and experience:
(i) Degree in Law from a recognized University or equivalent with 3 years' experience of teaching Law subjects in an Institution/College.

For Armed Forces Personnel

Transfer on Deputation/Re-employment

The Armed Forces Personnel of the rank of Major and above who are due to retire or to be transferred to reserve within a period of one year and possess Degree in Law from a Recognized University or equivalent with 3 years' experience of teaching Law subjects in an Institution/College shall also be considered. If selected, such officers will be given deputation terms upto the date on which they are due for retirement from the Armed Forces; thereafter they may be continued on re-employment terms. In case such eligible officers have been retired or have been transferred to reserve before the actual selection on the post is made, their appointment will be on re-employment basis. (Re-employment upto the age of superannuation with reference to civil posts).

(Period of deputation/contract including period of deputation/contract in another or other post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not exceed 3 years. The maximum age limit for appointment by transfer on deputation (including short-term contract) shall be not exceeding 56 years as on the closing date of the receipt of applications.)

2. Assistant Director (Scientific Aide)

Method of Recruitment

Officers under the Central/State Govts./UTs

(a) (i) holding analogous posts on regular basis or (ii) with 3 years regular service in the scale of Rs. 6500-10,500 or equivalent, or (iii) with 7 years regular service in posts in the scale of pay of 5500-9000 or equivalent, and (b) Possession of the following qualifications and experience:
(i) B.Sc. (Science) or equivalent with Physics/Chemistry in degree.

Mathematics as subject(s) of study (ii) 3 years practical experience in Forensic Science Laboratory.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Govt. shall ordinarily not exceed 3 years. The maximum age limit for appointment by transfer on deputation shall be not exceeding 56 years, as on the closing date of receipt of applications.)

3. Assistant Director (Law)

Method of Recruitment

Transfer on deputation (including Short-Term Contract).

Officers under the Central/State Govts./Recognized Universities/Training Institutes recognized by the Central/State Governments.

(a) (i) holding analogous posts on regular basis or (ii) with three years' regular service in posts in the scale of Rs. 6500-10,500 or equivalent; and (b) possessing the following educational qualifications and experience:
Essential: (i) Degree in Law from a recognized University or equivalent. (ii) Two years' experience of teaching Law in an Institution/College.

For Armed Forces Personnel

Transfer on deputation/Re-employment

The Armed Forces Personnel of the rank of Second Lieutenant and above who are due to retire or who are to be transferred to reserve within a period of one year and having the requisite qualification and experience prescribed shall also be considered. Such person would be given deputation terms upto the date on which they are due to release from the Armed Forces; thereafter they may be continued on re-employment, in case by the time the selection process is finalized, the Armed Forces Personnel retire or age transferred to reserve, they may be appointed on re-employment, if selected.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not exceed three years. The maximum age limit for transfer on deputation (including short-term contract) shall be not exceeding 56 years, as on the closing date of receipt of applications.)

4. Deputy Assistant Director (Police Science)

Method of Recruitment

Transfer on Deputation

Officers of the Central/State Govts./UTs

(a) (i) holding analogous post on regular basis, or (ii) with three years regular service in posts in the scale of Rs. 5,500-2000 or equivalent, or (iii) with eight years regular service in posts in the scale of Rs. 4500-7000/ Rs. 5000-8000 or equivalent, and

(b) possessing three years professional experience in the application of IPC/ CrP/ Evidence Act/ or Act and allied matters on Police Science and Crime Investigation.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Govt. shall ordinarily not exceed 3 years. The maximum age limit for appointment by transfer on deputation shall be not exceeding 56 years, as on the closing date of receipt of applications.)

Application along with Bio-data should reach the undersigned within 60 days from the date of publication along with last 5 years performance reports. While forwarding applications it may kindly be confirmed whether there is any vigilance case and disciplinary proceedings either pending or contemplated against any of the applicants. Applications which are not accompanied by the relevant particulars or otherwise incomplete or received after the last date is over, will not be entertained. The candidates who apply for the post will not be allowed to withdraw their candidature subsequently.

BIO-DATA PROFORMA

(T. Pachay, IPS)

Director

- Name and address in block letter.
- Date of birth (in Christ era).
- Date of retirement under Central/State Govt. rules.
- Educational Qualifications.
- Whether Educational and other qualifications required for the post are satisfied. (If any qualification has been treated as equivalent to the one prescribed in the rules, state the authority for the same.)

Qualification/Experience Required: Qualification/Experience possessed by the officer

Essential (1) (2) (3) (4)

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

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

Office	Instt.	Orgn.	Post held	From To	Scale of pay and basic pay	Nature of duties
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8. Nature of present employment i.e. ad-hoc or temporary or quasi permanent or permanent.

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

(a) The date of initial appointment.

(b) Period of appointment on deputation/contract.

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

10. Additional details about present employment. Please state whether working under:

(a) Central Govt.

(b) State Govt.

(c) Training Institutes recognized by State/Central

(d) Recognized Universities

(e) Autonomous Organization/Public Sector Undertaking

11. Are you in revised scale of pay? If yes, give the date from which the revision took place also indicate the revised scale.

12. Total emoluments per month now drawn.

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

14. Whether belong to SC/ST/OBC.

15. Remarks:

Signature of the candidate

Date:

(i) It is certified that no vigilance case is pending/contemplated against the applicant and he is clear from vigilance angle.

(ii) Integrity of the applicant is certified.

(iii) It is certified no minor/major penalty has been imposed upon the officer during the last 10 years; a list of major/minor penalties imposed upon the officer during the last 10 years is enclosed herewith.

(iv) ACR dossier, original/attested photocopy of the ACRs of the applicant for the last 5 years are enclosed herewith.

(v) It is certified that the particulars furnished by the officer are correct.

(Head of the Department)

EN 12/76

Defence Research & Development Organisation

Terminal Ballistics Research Laboratory, Sector 30, Chandigarh

Applications are invited for the post mentioned below.

S.No.	Name of Post	No. of Post	Pay Scale	Qualification	Age Limit
1.	Admin. Assistant (Hind. Typst)	01 post	3570-75-1350-60-4500	Senior Secondary School Certificate recognized by the Central/State Govt. Typing Speed: Accuracy speed of Typing in Hindi at the speed 25 words per minute. Computerized speed of 6000 key depressions per hour for Data entry in Computer. Desirable: Knowledge of Computer operation or parts in Computer. Course at O Level Proficiency will be given to candidates having knowledge of both Hindi and English Typing.	18 to 25 years (relaxable 10 years for Physically handicapped).

Place of Duty: Chandigarh/Ramgarh Distt. Panchkula (Haryana)

Applications must be handwritten on the pre-printed application form may be sent to the Director, Terminal Ballistics Research Laboratory, Sector 30, Chandigarh-160030 along with attested copies of educational qualifications in chronological order. Age & SC/ST/OBC certificates within one month of the date of advertisement. Candidates called for test interview will have to produce or send educational up-to-date certificates at the time of interview. Candidates who are already working in Central/State Govt./UTs are required to obtain No objection certificate from their employer and attach the same with application form. The crucial date of submission is the age limit 30 Jun 2003.

PROFORMA

Roll No. (To be filled by officer)

(APPLICATION FOR THE POST)

(WRITE THE NAME OF POST APPLIED FOR)

- Name (in Block Letters)
- Father's Husband's Name
- Date of Birth
- Whether belong to SC/ST/OBC? If yes, tick the pre-printed box and attach certificate.
- Whether you are Physically Handicapped? If yes, mention degree/category of disability.
- Address for correspondence.
- Permanent Address
- Choice of speed test, if applicable (please tick mark) Computerized Typing test
- Educational Qualification

Class/Degree/ course passed	Board/ University	Year of passing	Compulsory/ Elective subject	% of marks	Div/Others
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In chronological order from Xth Standard onwards.

Employment Card No. and Name of Employer/Exchange

CERTIFICATE

I hereby declare that the information furnished by me in the application form is correct.

NOTE

Short listed candidates on merit only be called for interview and officers may assume that their names have not been contained in the merit list and no correspondence will be entertained in this regard. Incomplete application will be considered rightly rejected.

dwp 7150(120)2003

EN 12/72

UNDER GARMENTS

For complete Lingerie and Nightwear Solution - One and only. Shah Stores (9863062960).

WRIST WATCH FREE

With any 2(two) Vivtib Garments, only at: Abhinandan, Anitas Shoppe, Wool Plus, Joy Stores & Stylo.

DENTAL & ORAL

For any Dental & Oral problem consult with Dr. B.K. Hazarika B.D.S. (Lucknow) F.D.S, F.I.A.G.P (Cal.) C.C.E.D. (Bomb.) Senior Chief Consultant Advanced Dentistry Guwahati on Saturday 09-10-04 at Bansara Eye Clinic, Laitumkhrach, Shillong. Contact: 2228784, 2544752, 09435014497.

CONSULTATION

Dr. Gwyn Evans, F.R.C.S., (Ortho)- Orthopaedic Surgeon from UK is available at the K.J.P. Synod Hospital for Consultations on Monday, Tuesday, Wednesday and Friday

SITUATION VACANT

One post each of Assistant Director (Law) and Assistant Director (Scientific Aids) will be filled on contract basis on payment of fixed amount of Rs. 12,000/- p.m. Interested candidate may appear for personal interview on 12.10.04 with original testimonials. All terms and conditions of appointment can be obtained from NEPA office.

Director, NEPA

Umsaw, 793123, Umiam, Meghalaya

DIRECTORATE GENERAL ASSAM RIFLES SHILLONG

RE-FLOATATION TENDER NOTICE

No. 1.11011/103/2004-Q/

1. Please refer to this Directorate Tender Notice No. No. 1.11011/103/2004-Q/dt. 26 Mar. 2004.

2. Sealed tenders are hereby invited on behalf of the President of India Union for supply of Hygiene and Chemical item for the period from 01 Nov 2004 to 31 Mar 2005 from original manufacturers or authorised dealer/distributor. The rate should be quoted for the item for the locations as indicated below:

Name of Items	Sch No	No 1 MGAR (Dimapur)	No 2 MGAR (Silchar)	No 3 MGAR (Jorhat)	Total
Bleaching Powder	11	6900 Kgs	2300 Kgs	4025 Kgs	13225 Kgs

3. The rates quoted be inclusive of all taxes. The items should be

TO LET

3 bedroom cottage with attached bathroom kitchen and amenities for rent in Bishnupur, Shillong. Contact: after 4 pm Ph. No: 2222976/98630-22139.

EYE SPECIALIST

Dr. S.K. Bhuyan MS available at Shillong Optical Police Bazar, Thana Road, Shillong-1. Ph: 2225574 every Saturday from 9:00 AM-5PM other days doctor is available from 1 PM-5PM.

FOR SALE

Bajaj Chetak model-1999 Nov. Contact Ph. No: 2580290.

TO LET

Office accommodation only, 3000 Sq.ft. at Upland Road, Laitumkhrach. Contact Ph. No: 2546943.

SCHOOL TUITIONS

'Euphonies' Begins its coaching for Classes XI & XII, Science and Commerce. Call: 2534803.

Nepal troops, rebels killing civilians

KATHMANDU: Both Nepali government troops and Maoist rebels are abducting, torturing and killing ordinary people as an eight-year-old conflict escalates across the impoverished kingdom, a human rights groups said Thursday.

In a report "Between a Rock and a Hard Place: Civilians Struggle to Survive in Nepal's Civil War," Human Rights Watch detailed how innocent people were often faced with untenable choices in a "dirty war" that had killed more than 10,000. "Refusal to provide shelter to the rebels puts villagers at risk from Maoists who are ruthless in their punishments, while providing such support leaves them vulnerable to reprisal attacks from security forces," it said, holding both sides responsible for regular intimidation, extortion, abductions, and disappearances. (PTI)

Car bomb

ISLAMABAD: 40 people were killed and over 100 wounded early Thursday when a car bomb ripped through a gathering of Sunni Muslims in Pakistan's southern Multan city to mark the first death anniversary of a religious leader.

Police said a remote control device probably detonated the car bomb that was parked outside the venue of the commemorative meeting that had started late Wednesday night and continued through early this morning.

Local police chief Talat Mahmood Tariq told reporters that the explosive-laden car was blown up at a time when the congregation of nearly 3,000 people was dispersing at around 0430 hrs close to the morning prayers.

He said, quoting officials of the bomb disposal squad, that the device weighed 6-7

Sadr aide released from US detention

BAGHDAD: A senior aide to anti-US cleric Moqtada al-Sadr, who was held in US custody, has been released from US detention. The arrests triggered widespread protests, a life-threatening conditions, a spokeswoman for Sligo General Hospital said. (Reuters)

LOST & FOUND

A brief case belonging to Nk (GD) Amulya Hajong of SSB was wrongly exchanged with another while travelling by bus on Oct 6. Contact: 2233155.

UGC-NET DEC'04

Classroom coaching for General Paper-I of Faculties of Humanities, Social Sciences etc, commencing 15.10.04 revised syllabus, Comprehensive study material. Explanations. Practice under expert guidance. Full length mock

World's biggest flower stinks up Sydney

SYDNEY: With the aroma of "overripe Camembert cheese on a bed of roadkill" a rare example of the world's largest

Attended

Advocate

No. A15011/1/88-Estt/Vol-II

Dtd March '99

To,

The Joint Secretary (N.E.)
Ministry of Home Affairs
Govt. of India, New Delhi

Sub - Proposal for Amendment of Recruitment Rules of Deputy Director (Indoor) / Assistant Director (Scientific Aids) / Deputy Assistant Director (Police Science).

Sir,

It is to inform you that the North Eastern Police Academy which was set up at Barapani, Meghalaya in the year 1978 based on the proposal almost entirely in line on the recommendations made by the Gore Committee on police training. It is facing a serious crisis in getting suitable faculty support for imparting training to the basic DySP (Probationer) / Sub-Inspector (Cadet) of civil police of the North Eastern States. The present crisis, in addition to other reasons are due to the impractical Recruitment Rules which in the present time have become unattractive to invite suitable trainers on deputation from either police / judicial services / retired Armed Force Personnel. Moreso, NEPA being located in far North east / Isolation from nearest town which is about 25 Kms from Shillong and also with the present turmoil in North East, there is less attraction for officers from the other states to opt for these jobs. You will agree with me that for training the police officers of the states, we require Civil Police Officers as trainers besides other faculties from the other branches. I would say without hesitation that the best suited trainers would be the officers who have served these North Eastern State and having field experiences.

It has been our bitter experiences, that even getting retired person, as a guest lecturer / consultant is difficult as the incentives is not very attractive. The other drawback for not getting the state police officers is the disparity in the scale of pay in the same training centre. Where officers from Central Police Organisations (CPO's) like CRPF / BSF draw their central pay, the state police officers are given their state pay with negligible percentage of deputation / training allowance.

Hence, it is for these cumulative reasons that on number of occasion against the advertisement of the posts, the response from the Civil Police was nil. As such these posts of Civil Police officers have been filled up from CPO's to keep the post existing. Against the two posts of Deputy Director, there is only one police officer of rank of Addl. Supdt. of Police (Dy. Director, Indoor) who is also to be repatriate soon. Even all the posts of Assistant Directors ^{are} lying vacant for want of suitable volunteers. Also against the 3 (three) posts of Deputy Assistant Director, 1 (one) post is filled up by Central Reserve Police Force (CRPF) officer and other filled up by the officer from National Crime Record Bureau (NCRB). The officer from NCRB is also likely to be repatriate on May '99. One post of Deputy Assistant Director is lying vacant for suitable candidate. Thus, the Academy will be left with no officer after their repatriation.

The post of Assistant Director (Scientific Aids) which could not be filled up for the last 7 (seven) years inspite of several wide circulations is managed on adhoc appointment basis. The faculty of this post is required to train the trainees about the utility of scientific evidence in Crime Investigation. This subject needs to be given more weightage in training the basic officers, especially when the crime are becoming more sophisticated in the present time. It was quite astonishing that this post which required to train police officers of the rank of DySP who are mostly post graduate. The essential qualification in the approve R/R of the said post had been kept as passed 10+2 qualifications. This certainly requires an amendment as far as the qualification and recruitment is concerned. The recruitment for this post also being very selective (transfer on deputation) only needs to be more broad based and as such the earlier proposed R/R needs to be revised to include field / service from where suitable candidate can be recruited. Here I strongly recommend the provision of direct recruitment as prevailing in the recruitment rule of Assistant Director (Lecturer) NEPA in similar scale.

Contd 2/-

Attested

[Signature]
Advocate.

This year the Academy is having the responsibility of training about 100 (hundred) trainee officers of the 7 (seven) North Eastern States for the Basic Course which would last for complete 12 (twelve) months. Beside this Basic Course we have the commitment to train In-service officers in many other course discipline during different period of the year. The North Eastern Police Academy cannot shun this great responsibility on the ground of lack of adequate trainers. Further, the shortage of trainers as felt every year due to impractical R/R which does no longer attract willing and suitable trainer, is greatly hampering the training in the Police Academy and as such the existing proposed R/R needs to be revised / amended to include field / service from where suitable candidate can be recruited.

Therefor, there is an inescapable requirement for amendment of R/R so that we may get suitable and willing police officers to be appointed as trainers. Having, no other additional mode of procedure for appointment to select trainers for the police training institute, it would be advisable to make an effort for broad basing the selection procedure of selecting state police officers / other experts with adequate field experience which is essential for the Police Training Academy.

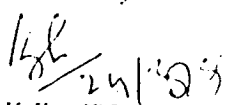
It is therefore requested that Department of personnel and training / the Union Public Service Commission may kindly approve making necessary amendments in the earlier R/R permitted by Government of India, Ministry of Personnel, Public Grievances and pensions (Department of Personnel and Training) OM No. 14017/ 2/97-Estt (RR) dated the 25th May, 1998. We propose to amend the R/R to make it more broad-base by including the enclosed additional mode of recruitment as indicated against the post.

I would further like to add that in addition to the amendment of recruitment rules of the post indicated, if the existing provision for re-employment for the Armed Force Personnel, could also be extended to the State Police officers in the post of Dy. Director (indoor) and Dy. Asstt. Director (Police Science), we may get state police officers who have taken voluntary retirement / willing to take voluntary retirement for re-employment for the said posts. Here I would like to make a mention that any Armed Force personnel through possessing a Degree in Law cannot teach civil police related subjects in the Indoor training as their job is totally inconsistent with the department related to. Hence, at any given point of time we can never get such a candidate for this post from the Army.

It is therefore requested that UPSC may please be moved for approving different mode of recruitment, as given in the proposed Recruitment Rules. The provision of re-employment of State Police officer upto the age of superannuation with reference to Civil post could be kept as an additional means for selection on failure of getting suitable candidate by transfer on deputation / re-employment as laid down for Armed Force Personnel.

I, therefore propose to fill up the above sanctioned posts by the method of recruitment as indicated against these posts as per revised annexure - I (A,B,C) which may please be approved and intimated.

Yours faithfully


(K K Jha, IPS)
Director

Copy to :-

Under Secretary (R.R.) UPSC, Dholpur House, New Delhi for information.

RECRUITMENT RULES OF ASSISTANT DIRECTOR (SCIENTIFIC AIDS) FOR NORTH EASTERN POLICE ACADEMY, UMSAW, MEGHALAYA.

1. Name of Post : Assistant Director (Scientific Aids)
2. Number of Posts : 1(one) Subject to variation
3. Classification : General Central Service Group A Gazetted.
Non-ministerial
4. Scale of Pay : Rs 8000-375-13,500/-
5. Whether Selection or Non - selection : Not applicable.
6. Age limit for Direct Recruitment : Not exceeding 35 years. (Relaxable for Government servant upto 5 years, ST/SC upto 5 years/OBC upto 3 years or orders issued by Central Government).
Note :- The crucial date for determining the age limit shall be closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in N.E. States, Ladakh region of Jammu & kashmir State, Lahual & Spirit District and Pangi Sub-division of Himachal Pradesh, Andaman & Nicobar Islands and Lakshadweep.
7. Whether benefit of added years of service admissible under Rule 30 of the CCS (pension) Rules, 1972. : Not applicable.
8. Educational & other qualification required for direct recruitment. : **Essential**:- (i) Minimum Second class Master Degree in Forensic Science/Physics/Chemistry / Biology.
(ii) Minimum two years working experience in Forensic Science Laboratory or two years teaching experience in training institute in the field of Forensic Science.
Note :- 1. Qualifications are relaxable at the discretion of UPSC in case of candidates otherwise well qualified.
II The qualification(s) regarding experience is/are relaxable at the discretion of UPSC in case of candidate otherwise well qualified.
Desirable : Candidate possessed additional qualification (s) like Degree in Law/Master Degree in Sociology/others Police related subject .
9. Whether age & educational qualification prescribed for direct recruits will apply in case of promotees. : Not applicable
10. Period of probation, if any : 2(Two) years for direct recruits.
11. Method of recruitment whether by direct recruitment. or by promotion or by deputation / transfer and percentage of the vacancies to be filled by various methods. : By Transfer on Deputation/ transfer failing which Direct recruitment.

12.

In case of recruitment by promotion/deputation /transfer. grades from which promotion/deputation/ transfer to be made.

: Transfer on Deputation/Absorption(including short term contract/Failing which by Direct Recruitment: Officers under the Central/ State Govts/ UTs/ Training Institutes recognised by the central Governments
(a) (i) holding analogous posts on regular basis ; or
(ii) with 3 years' regular service in posts in the scale of Rs. 6,500 - 10,500/-or equivalent ; Three years teaching and practical experience in Forensic Science Institute and possessing experience of teaching / training in all branch / division of Forensic Science ; or
(iii) With 7 years regular service in posts in scale of Rs. 5500 - 9000 /- or equivalent and 7 years' teaching and practical experience in Forensic Science ; and possessing experience of teaching / training in all branch / division of Forensic Science.

(b) Possessing the educational qualifications and experience prescribed for direct recruits : Essential:

(i) Minimum Second Class Master Degree in Forensic Science/Physics/Chemistry/Biology

(ii) Minimum two years working experience in Forensic Science Laboratory or two years teaching experience in training institute in the field of Forensic Science.

Notes: I. Qualification are relaxable at the discretion of UPSC in case of candidate otherwise well qualified

II. The qualification(s) regarding experience is/are relaxable at the discretion of UPSC in case of candidate otherwise well qualified.

Desirable: Candidate having additional qualification like Degree in Law/Master Degree in Sociology/others Police related subjects are desired.

Note :- Only Central / State Government / Union territory, Government employees are eligible for transfer on deputation.

13.

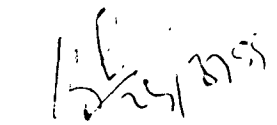
If a Departmental Promotion Committee exists what is its composition .

: Group 'A' DPC for considering confirmation ;
1. Director, North Eastern Police Academy : Chairman
2. Director/Dy. Secretary , Ministry of Home Affairs : Member.

14.

Circumstances in which the Union Public Service necessary.

: Consultant with Union Public Service Commission



(K K Jha, IPS)

Director

North Eastern Police Academy

Umsaw, Meghalaya -793123

Tele. No. - 64290 (Office)/

64246 (Residence)

Signature of the Officer Sending the proposal

-45-

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ANNEXURE - II

Form to be filled by the Ministry / Department while forwarding proposals to the Ministry of Home Affairs and the Union Public Service Commission for framing / Amendment Recruitment Rules for the posts.

1. (a) Name of Posts : Assistant Director (Scientific Aids)
(b) Name of Ministry / Department : North Eastern Police Academy.
(c) No. of Posts : 1(one)
(d) Scale of Pay : Rs 8000-375- 13000/-
(e) Class & Service to which the posts belong (of MHA Notification No. 20/16/60 – Estt (A) dated 13.3.1962) : Group 'A' Gazetted, General Central Service.
(f) Ministerial or non-ministerial (of FR.9 (17)) : Non-ministerial.
2. Appointing Authority : Ministry of Home Affairs, Govt of India
3. Duties of the posts in detailed
 - ✓ 1. To teach Forensic Science covering subject like Finger print, Footprint, Questioned Document & Investigation, Ballistics, Toxicology, Explosives, Chemical Analysis, Serology etc. (✱)
 - ✓ 2. To set papers, conduct test etc. in Forensic Science.
 - ✓ 3. To prepare and update training notes in the field of Forensic Science.
 - ✓ 4. To guide the trainees on their project assignments.
 - ✓ 5. To prepare lesson plans etc. and keep abreast on the latest advances in Forensic Science and related subjects.
 - ✓ 6. To assist Dy. Director (Indoor) in indoor training programme.
 - ✓ 7. To look after the Academy FSL and conduct practical classes.
 - ✓ 8. Such other duties entrusted to him by Director from time to time.

BSC/chemistry

4. Describe briefly the method(s) adopted for filling the posts hitherto.

Transfer on deputation
: Not yet filled up

5. Method(s) of recruitment proposed

: Transfer on deputation/Absorption (including short term contract)/Direct Recruitment.

6. Of promotion is proposed as a method of recruitment -

: Not applicable

(a) Designation & No. of the posts proposed to be included in the field of promotion.

: Not applicable

(b) Number of years of qualifying service proposed to be fixed before persons in the field become eligible for promotion (of MHA OM No. 1/5/58-RPS dated 26/2/1958).

: Not applicable

(c) Percentage of vacancies in the grade proposed to be filled by promotion.

-do-

(d) Reasons for proposing the percentage in (c) above.

-do-

(e) Have recruitment rules been framed for the post proposed in the field of promotion? If framed in consultation with the commission, please quote Commission's reference No. If consultation with Commission was not required, please attach a copy of rules framed.

-do-

(f) If recruitment rules were not framed for the posts in the field of promotion-

: Post not yet filled up.

i) Please indicate briefly the method of recruitment actually adopted for filling the posts.

-do-

Please also state the percentage of vacancies filled by each of the methods.

ii) Please state briefly the educational qualification possessed by the persons in the field of promotion.

: Not applicable

iii) In case the feeder posts are filled by promotion, the recruitment rules for the still lower posts (including the lowest post to which the direct recruitment is one of the methods of recruitment may be furnished.

-do-

(g)(i) Is the promotion to be made on selection or non selection basis?

: Not applicable

(ii) Reasons for the proposal in (i) above.

: --

(h) If a DPC exists, what is its composition ?

Group 'A' DPC

1. Director, North Eastern Police Academy : Chairman.

2. Director/Dy. Secretary, MHA : Member

(i) Indicate if the feeder posts are having promotion channels other than the one under consideration.

7. If promotion is not proposed as method, please state why it is not considered desirable/possible / necessary.

As there is no cadre of indoor instructors in the Academy, promotion is not possible. There is no other higher post sanctioned against Forensic Science other than single post of Assistant Director (Scientific Aids).

8. If direct recruitment is proposed as a method of recruitment (of MHA OM No. 2/45/55-RPS dtd. 8/10/55, please state)

(a) The percentage of vacancies proposed to be filled by direct recruitment.

This is a single post.

(b) Indicate if there are any promotional avenues for the direct recruits

Not at the present stage.

(c) i) Age for direct recruits (MHA OM NO. 2/41/59-RPS dtd. 3/12/1959).

Upto 35 years

ii) Is age relaxable for Govt. servants?

As per normal rules

(d) Educational & other qualifications required for direct recruits. (It may be please noted that the essential qualifications prescribed are relaxable on commission's discretion in case of candidate otherwise well qualified).

(i) Essential

(i) Minimum Second class Post Graduate Degree in Forensic Science/Physics/Chemistry/Biology from recognised University or equivalent
(ii) Minimum two years working experience in Forensic Science Laboratory or two years teaching experience in training institute in the field of Forensic Science.

(ii) Desirable

(i) Candidate possessed Degree in Law/ Master Degree in Sociology/other Police Related subject.

(e) Whether essential qualification to be prescribed are in accordance with any Act(s)? If so, please quote the relevant Act(s) under which it is necessary and also supply relevant extracts from the Act(s).

No

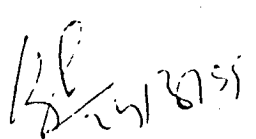
- (f) Has the post been advertised by the Commission in the past? If so, please quote Commission's reference No. : No.
9. If direct recruitment is not proposed as a method, please state why it is not considered desirable/ possible/ necessary. : Does not arise.
10. i) If promotion & direct recruitment are both proposed as methods of recruitment will the educational qualifications proposed for direct recruits apply in case of promotions? : Not applicable.
 ii) If not, to what extent are the educational qualifications proposed to be relaxable in case of promotion. : -do-
11. (a) Is deputation/transfer proposed as a method of recruitment? If so, please state the reasons for the proposal. Please state clearly whether deputation or transfer or both are proposed. : By transfer deputation/Absorption/ (including short term contract/Direct recruitment.
 (b) The percentage of vacancies proposed to be filled by this method : This is a single post.
 (c) The period of which deputation will be limited : 2 to 5 years
 (d) The names of the posts of grades or services etc. from which deputation/transfer is proposed (of MHA OM No. 2/25/60-Estt(D) dtd. 19/8/1960) : From the Central/State Forensic Science with minimum 3 years regular service in the pay scale of Rs. 6500-200-10500/- or 7 years regular service in the pay scale of Rs. 5500-9000/-
12. (a) If any of the methods is proposed fail, by what methods are such vacancies proposed to be filled : Cannot visualise any method.
 (b) Whether recruitment rules relate to a post which has been upgraded from group 'C' to group 'B' to group 'A' or within the same group? If so, whether the necessary provision or initial constitution has been proposed. : Does not arise.
 (c) Whether the recruitment rules relate to a post which is proposed to be down graded? If so, whether necessary safeguards have been suggested in respect of the existing incumbents of that post? : No.

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- (a) Special circumstances, if any other than those covered by the rules in which Commission may be required to be consulted. : No.
- (b) Whether the Deptt. of Personnel & Training have concurred in the proposal? : No.
- (c) Whether the Deptt. of Pension & Public Grievances have concurred in for the grant of benefit of added years or service under the Pension Rules? : No.
14. If these proposals are being sent in response to any reference from the Commission, please quote Commission's reference number. : No.

15. Name, Address & Telephone numbers of the Ministry's representatives with whom these proposals may be discussed if necessary, for clarification/early decision.

Director, North Eastern Police Academy
Umsaw, Barapani-793123, Meghalaya.
Telephone No. 64290(Office) /
64246(Residence).


(K. K. Jha, IPS)
Director

Signature of the Officer sending the proposals
Tel. No. 64290(Office)/64246(Residence).

REVISED ANNEXURE - III

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FORM TO BE FILLED BY THE MINISTRY / DEPARTMENT WHILE FORWARDING PROPOSAL TO THE DEPARTMENT OF PERSONNEL AND TRAINING AND THE UNION PUBLIC SERVICE COMMISSION FOR AMENDMENT APPROVED RECRUITMENT RULES AS A SPECIAL CASE FOR NORTH EASTERN POLICE ACADEMY.

- | | |
|--|---|
| 1. Name of the Post | : Assistant Director (Scientific Aids) |
| 2. Name of the Ministry / Department | : Govt. of India, Ministry of Home Affairs, NE II |
| Reference No. under which Commission's advice on recruitment rules was conveyed. | : North Eastern Police Academy, Barapani, Meghalaya
: MHA Fax No. 6/1/99-NE Dtd.6/1/99.* |
| Date of Notification of the original rules and amendments (copy of the original rules and subsequent amendments should be enclosed, duly flagged and referenced) | : Govt. of India, MHA notification vide order No. MHA No.F.No.4/15/96-NE dtd.26/11/96.
No subsequent amendment made till date. |

SNo. Provision in the approved R/R

Revised provision proposed

Detail Reasons in Support of the amendment

1. Rs. 2200- 4000/-

1. Rs. 8000-275-13500/-

Transfer on Deputation

Transfer on Deputation/Absorption

Officers under the Central/State Govts./UTs :

(including short term contract /Direct recruitment : (A)Officers under the Central/State Govts./UTs -

(a)(I) Holding analogous posts on regular basis;or

(a)(I) Holding analogous posts on regular basis;or

(ii) With 3 years regulars service in posts in the scale of Rs. 6500-10500/- or equivalent; or

(ii) With 3 years' regular service in posts in the scale of Rs.6500-10500/- or equivalent and 3 years' teaching and practical experience in Forensic Science; or

(iii) With 7 years regular service in posts in the scale of pay Rs.5500-9000/- or equivalent ; and

(iii) With 7 years regular service in posts in scale of Rs.5500-9000/- and having 7 years' teaching and practical experience in Forensic Science.

(b) Possessing the following qualifications and experience:

(b) Possessing the following qualifications and experience:

(i)Senior Secondary Certificate or equivalent with physics /chemistry /biology as subject(s) of study.

(i)Master Degree in Forensic Science/Physics/Chemistry/Biology

(ii) Three years practical experience in Forensic Science Laboratory.

(ii) Experience in teaching both theory and practical in the field of Forensic Science covering subjects like Serology,

(Period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/department of Central Govt. shall ordinary not exceed 3 years. The maximum age limit for appointment by transfer on deputation(including short term contract) shall be not exceeding 56 years as on the closing date of the receipt of application.

Toxicology, Ballistics, Explosive Analysis, Chemical Analysis, Fingerprint/Footprint, Questioned Document, Forensic Odontology and other related subjects.

(B) DIRECT RECRUITMENT :

Age : Not exceeding 35 years

The reason for amendment of R/R to the existing one are under :

i)The provision in the approved R/R (existing) is selective, where the selection process is basically only Transfer on deputation.

(ii) The other Institutions/Departments not willing to release the expert from their laboratory due to shortage of man power.

(iii) The incentive given in Training centre is not attractive as there is no monetary benefit. The only incentive is 10 % of deputation allowance with 5 % of training allowance.

(iv)Expert from the Forensic Science laboratory is expert only in a particular branch/division. For police training centre imparting basic training to DySP(Probs.)/S.I(Cadets) and other in-service courses we prefer M.Sc. in Forensic Science who can teach all the subjects covered in forensic science.

(v)Not able to get volunteers from the North East due to shortage of FSL expert in State FSL/Institute.

(vi) The previous approved R/R has not mention teaching experience which is essential for training institute.

(vii) North Eastern Police Academy being isolately located about 25 Kms. away from the nearest town of Shillong

(Relaxable for Govt. servant upto 5 years/ST & SC upto 5 years and OBC upto 3 years or as per order issued by Central Government.

Essential Qualifications:

(i) Minimum Second Class Master Degree in Forensic Science/Physics/Chemistry/Biology.

(ii) Minimum two years working experience in Forensic Science Laboratory or two years teaching experience in training institute in the field of Forensic Science.

Desirable: (1) Candidate possessed Degree in Law/Master Degree in Sociology/other police related subject are desirable

NOTE:

Qualification are relaxable at the discretion of UPSC in case of candidate otherwise qualified.

in far north east does not attract willing /suitable trainers from other states.

(viii) The important factor which does not attract the volunteers to the training centre could be many, but the main factor being that the officers of the state are not given Central scale of pay.

(ix) In order to attract experience officers the mode of recruitment needs to be revised./amended to include field service from where suitable candidate can be recruited.

(xii) For this the revised provision proposed in the R/R has been broad based by transfer on deputation (including short term contract)/ Direct recruitment.

Name, Address and Telephone number of the Ministry's : representatives with whom this proposals may be discussed if necessary, or clarification / early decision:

: Director,
North Eastern Police Academy,
Umsaw, Barapani-793123
Meghalaya.
Telephone No. 64290(Office)
64246(Residence).

(K. K. Jha, IPS)
Director

Signature of the Officer sending the proposal
Tele No. 64290(Office) /
64246(Residence)

SANCTION STRENGTH VIS - A - VIS PRESENT VACANCIES

Sl. No.	Name of the Post	Sanctioned Strength	Vacancy	Date of vacancy	Name of Recruitment	Attempt Made for Recruitment	Remarks
1.	Deputy Director (Indoor)	1	1	07/04/92	Transfer on Deputation / Transfer on Deputation - Re-employment for Armed Force Personnel	2 (Twice)	None selected as the Candidates did not qualify.
2.	Assistant Director (Scientific Aids)	1	1	02/06/93	Transfer on Deputation only.	4 (Fourth)	-do-
3.	Deputy Assistant Director (Police Science)	3	1	05/10/98	Transfer on Deputation only.	1 (Once)	-do-

24/12/99
 Dy. Director
 North Eastern Police Academy
 Imphal

HIERARCHY OF NORTH EASTERN POLICE ACADEMY

DIRECTOR -1

JOINT DIRECTOR -1

DEPUTY DIRECTOR
(Adjutants) -1

DEPUTY DIRECTOR
(Indoor) -1

1. ASSTT.DIRECTOR
(Scientific Aids) -1

2) ASSTT.DIRECTOR
(Law) -2

3) ASSTT.DIRECTOR
(Lecturer) -1

4) HINDI
OFFICER-1


1) Dy.ASSTT.DIRECTOR
(Police Science) -1

2)Dy.ASSTT.DIRECTOR
(Police Science) -1

1) MEDICAL OFFICER -1

2) Dy.ASSTT.DIRECTOR
(Police Science) -1

PAY SCALE (revised): (Page 2)


24/8/2019
Dy. Director
North Eastern Police Academy
Umserw 793123 Umiam
Meghalaya

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REVISED SCALE OF PAY

Sl No	POST	SCALE
1)	DIRECTOR	Rs 16,400-150-20,000/-
2)	JOINT DIRECTOR	Rs 14,300-400-18,300/-
3)	Dy DIRECTOR (Adjutants)	Rs 10,000-325-15,200/-
4)	Dy DIRECTOR (Indoor)	Rs 10,000-325-15,200/-
5)	ASSISTANT DIRECTOR (Scientific Aids)	Rs 8000-275-13500/-
6)	ASSISTANT DIRECTOR (Law)	Rs 8000-275-13500/-
7)	ASSISTANT DIRECTOR (Lecturer)	Rs 8000-275-13500/-
8)	MEDICAL OFFICER	Rs 8000-275-13500/-
9)	Dy ASSISTANT DIRECTOR	Rs 6500-200-10500/-
10)	HINDI OFFICER	Rs 6500-200-10500/-

7-15/155

Director
North Eastern Police Academy
Unsway, Barapada

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✓ **DEPUTY DIRECTOR (INDOOR) :**

Nature of duties-

- 1) To supervise the Basic indoor training for DySP(Probationers) & Cadet Sub Inspector which extends for 12 months.
- 2) To impart training (both theory & practicals) in Crime Investigation to Basic Trainee Officers and In-service training officers attending in various courses in the Academy.
- 3) To impart training in police related subjects like Police Regulations, Police Acts, Maintenance of Law & Order etc.
- 4) To guide the trainees on their project assignments.
- 5) To set papers, conduct test etc in the above subjects and update training programme.
- 6) To work as Course Director for the in-service Courses like Refresher Course, Advanced Intelligent, Investigation & Interrogation Course and various courses.
- 7) To assist Director in training programme.
- 8) To co-ordinate the functioning of all faculty members and such other duties entrusted to him by the Director from time to time.

DEPUTY ASSISTANT DIRECTOR (Police Science):

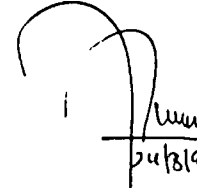
Nature of duties

- 1) To impart training(both theory & practicals) in Police Science to the trainees officers (DySP Probs., Cadets S.I) and in-service training officers attending in various course in the Academy.
- 2) To impart training in police related subjects like Police Station Management, Police Station record & registration, Crime Prevention, function of PS, etc.
- 3) To impart training in simulation exercise/case diary/charge sheet etc.
- 4) To set papers, conduct test etc. in Police Science for Basic Trainees officer.
- 5) To prepare and update training programme for DySP(Probs.), Cadet S.I as well as for other courses.
- 6) To guide the trainees on their project assignments.
- 7) To assist Dy. Director(Indoor) & Assist. Director in training programme.
- 8) Other duties entrusted to him by Director from time to time.

ASSISTANT DIRECTOR (Scientific Aids) :

Nature of duties-

- 1) Subject co-ordinator for Forensic Science.
- 2) To impart training (both theory & practicals) in Forensic Science to DySP(Probationers), Cadet Sub Inspector and trainees attending various courses in the Academy covering subjects like Documents Examination, Serology, Ballistics, Explosives Analysis, Chemical Analysis, Toxicology, Fingerprint/footprint, Forensic Odontology and other related subjects etc. He will also be responsible to organise & conduct course in computer.
- 3) To set papers, conduct test etc. in Forensic Science for DySP(Probs.), Sub Inspector and others trainees attending various courses.
- 4) To prepare and update training notes, handouts, training aids for DySP(Probs.), S.I (Cadets) as well for other courses.
- 5) To guide the trainees on their project assignments.
- 6) To prepare lesson plans, etc. and keep abreast on the latest advances in Forensic Science and related subjects.
- 7) To assist Dy. Director(Indoor) in indoor training programme.
- 8) To look after the Academy Forensic Science Laboratory.
- 9) Such other duties entrusted to him by Director from time to time


24/3/99
Dy. Director
North Eastern Police Academy
Umiam 781 003 Umiam
Meghalaya

SCHEDULE

Name of post	Number of posts	Classification	Scale of pay	Whether selection by merit or selection cum-seniority or non-selection post	Age limit for direct Recruitment
1	2	3		5	6
Assistant Director (Scientific Aids)	01* (2003) Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non-Ministerial	Rs. 8000-275-13500	Not applicable	Not exceeding 35 years Note 1 : Relaxable for government servant's upto 5 years in accordance with the instructions or orders issued the Central Government. Note 2 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands, or Lakshadweep).
Whether benefit of added years of service admissible	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation.		
7	8				10
No	Essential : (i) Master's Degree of a recognized university or equivalent. (ii) Three years' experience in investigation of cases in Forensic Disciplines in a	Not applicable			1 year for direct recruits

Attested
MSW
27/1/05

8.

Forensic Science Laboratory of Central Govt./State Govts./Union Territories or three years' teaching experience in Training Institute in the field of Forensic Science.

Note 1: Qualifications are relaxable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified.

Note 2: Qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Desireable: Master's Degree in Sociology/Master's Degree in Criminology/ Bachelor's Degree in Law of a recognized university or equivalent.

Method of recruitment whether by Direct Recruitment or by Promotion or by Deputation/Absorption and percentage of the posts to be filled by various methods

In case of recruitment by Promotion/Deputation/Absorption, grades from which Promotion/Deputation/Absorption to be made

11

12

Deputation (including Short term Contract)/Absorption including which by direct recruitment.

Deputation (including short term contract)/Absorption : Officers of the Central/State Govts./Union Territories/Recognized Research Institutions/Universities/Public Sector Undertakings/Semi-Govt./Statutory or Autonomous Organizations ;

(a) (i) Holding analogous posts on regular basis in the parent cadre/department; Or

(*)

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(ii) With five years' service in the grade rendered after appointment thereto on regular basis in the scale of pay of Rs. 6500-10500 or equivalent in the parent cadre/department; and

(b) Possessing the educational qualifications and experience prescribed for Direct recruits under Col. 8

Note: Only officers of the Central Government/State Governments/Union Territories are eligible for consideration for appointment on absorption.

(Period of deputation/contract including the period of deputation/contract in another cadre post held immediately preceding this appointment in the same or some other organization/Department of the Central Government shall ordinarily not exceed 3 years. The Maximum age limit for appointment by deputation (including short term contract)/Absorption shall be not exceed 56 years, as on the closing date of receipt of applications).

If a Departmental Promotion Committee exists, what is its composition

Circumstances in which Union Public Service Commission is to be consulted in making recruitment

13

14

Group 'A' Departmental Promotion Committee for considering confirmation:—

1. Director, North Eastern Police Academy —Chairman
2. Principal, Police Training School, Shillong —M.P.
3. Deputy Secretary, North Eastern Council, Shillong —Member

Consultation with Union Public Service Commission is necessary for filling the post and amending and relaxing any provision of these Recruitment Rules.

Name of post	Number of post	Classification	Scale of pay	Whether selection by merit or selection cum-seniority or non-selection post	Age limit for Direct Recruitment
1	2	3	4	5	6
Assistant Director (Law)	02* (2004) * Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non-Ministerial	Rs. 8000-275-13500	Not applicable	Not exceeding 35 years Relaxable for government servants upto 5 yrs. in with the instructions or orders issued by the Central Government. Note: The crucial date for determining

the age limit shall be the closing date for receipt of applications from candidates in India. (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).

Whether benefit of added years of service admissible

Educational and other qualifications required for direct recruits

Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees

Period of probation, if any

7

8

9

10

No

Essential

(i) Bachelors' Degree in Law from a recognized university or equivalent. Not app

(ii) Three years' practical experience at the Bar or three years' experience in Teaching Law in Training Institute/ Recognized Law College.

Note 1: Qualifications are relaxable at discretion of the Union Public Service Commission in case of candidates otherwise well qualified.

Note 2 : Qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection the Union

1 yr. for direct recruits & promotees.

8

Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

700/2002

Method of recruitment whether by Direct Recruitment or by Promotion or by Deputation/Absorption and percentage of the posts to be filled by various methods

In case of recruitment by Promotion/Deputation/Absorption grades from which Promotion/Deputation/Absorption to be made

10

11

12

50% promotion/deputation including short-term contract.
50% Direct Recruitment.

Composite Method

Officers of the Central/State Govts./Union Territories/Recognized Research Institutions/Universities/Public Sector Undertakings/Semi-Govt./Statutory or Autonomous Organizations:

- (a) (i) Holding analogous posts on regular basis in the parent cadre/department; OR
- (ii) With five years' service in the grade rendered after appointment thereto on regular basis in posts in the scale of pay of Rs. 6500-10500 or equivalent in the parent cadre/department; and
- (b) Possessing the educational qualifications and experience prescribed for Direct Recruits under Col. 8

2. The Departmental Deputy Assistant Director (Police Science) with five years' regular service in the grade shall also be considered along with outsiders. In case he is selected for appointment to the post the same shall be deemed to have been filled by promotion.

Note : Where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years whichever is less and have successfully completed their probation period or promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service.

(The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion. Period of deputation/contract including the period of deputation/contract in another ex-cadre post held immediately preceding this appointment in the same or some other organization/Department of the Central Government shall ordinarily not exceed three years. The maximum age limit for appointment by deputation (including short-term contract) shall be not exceeding 56 years, as on the closing date of receipt of applications).

In Departmental Promotion Committee exists, what is its composition

Circumstances in which Union Public Service Commission is to be consulted in making recruitment

13

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Group 'A' Departmental Promotion Committee for considering confirmation) :—

1. Director, North Eastern Police Academy —Chairman
2. Principal, Police Training School, Dillong —Member
3. Deputy Secretary, North Eastern Council, Dillong. —Member

Consultation with Union Public Service Commission is necessary for filling the post and amending and relaxing any provision of these Recruitment Rules.

Name of post	Number of post	Classification	Scale of pay	Whether selection by merit or seniority or non-selection	Age limit for direct recruitment
--------------	----------------	----------------	--------------	--	----------------------------------

1	2	3	4	5	6
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Deputy Director (Indoor)	01 (2003) * Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non-Ministerial	Rs. 10000-325-152000	Not applicable	Not applicable
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Whether benefit of added years of service admissible	Educational and other qualification required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any
--	--	---	-----------------------------

7	8	9	10
---	---	---	----

Not applicable	Not applicable	Not applicable	Not applicable
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Method of recruitment: Whether by direct recruitment or by promotion or by deputation/absorption and percentage of the post to be filled by various methods	In case of recruitment, notice deputation/absorption, grades from which promotions to be made
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Composite method-Deputation Plus Promotion

The Departmental officer possessing the requisite qualifying service in the grade shall also be considered along with outsiders and in case he is selected for appointment to the post the same shall be deemed to have been filled by promotion.

Composite Method

Officers under the Central/State Govts./Union Territories/Recognized Research Institutions/Universities/Public Sector Undertakings/Semi Govt./Statutory or Autonomous Organizations

- (a) (i) Holding analogous posts on regular basis in the parent cadre/department; OR
- (ii) With five year's service in the grade rendered after appointment thereto on regular basis in posts in the scale of pay Rs. 8000-13500 or equivalent in the parent cadre/department; and

- (b) Possessing the following educational qualifications and experience:

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- A(i) Bachelor's degree in Law of a recognized university or equivalent.
 (ii) Five years' legal experience at the Bar or five years' experience in teaching law in Training Institute/Recognized Law College.

OR

- B.(i) Master's degree in Law from a recognized university or equivalent.
 (ii) Five years' legal experience at the Bar or three years' teaching experience in Training Institute/Recognized Law College.

2. The Departmental Assistant Director (Law) with five years' regular service in the grade shall also be considered along with outsiders and in case he is selected for appointment to the post the same shall be deemed to have been filled by promotion.

Note : Where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have completed such qualifying/eligibility service.

(The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion. Period of deputation/contract including period of deputation/contract in another ex-cadre post held immediately preceding this appointment in the same or other organization of the Central Government shall ordinarily not exceed 12 months. The maximum age limit for appointment by deputation (including short term contract) shall be not exceed 56 years, as on the closing date of receipt of applications).

If a Departmental Promotion Committee exists, what is its composition

Circumstances in which Union Public Service Commission is to be consulted in making recruitment

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Not applicable

Consultation with Union Public Service Commission necessary for filling the post and amendment/relaxation of any provision of these Rect. Rules.

Name of post	Number of post	Classification	Scale of pay	Whether selection by merit or selection cum-seniority or non-selection post	Age limit for Direct Recruitment
1	2	3	4	5	6
Dy. Assistant Director (Police Science)	02* (2004) * Subject to variation dependent on workload.	General Central Service Group 'B' Gazetted, Non-Ministerial	Rs. 6500/- 10500/-	Not Applicable	Not exceeding 30 years Note 1: Relaxable for government servant's upto 5 yrs in accordance

304961/04-3

with the instructions or orders issued by the Central Government.

Note 2: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India. (And not closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).

Whether applicant is added by direct recruitment	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any
7	8	9	10
No	<p>Essential</p> <p>(i) Bachelors Degree in Law or Master's Degree in criminology from a recognized university or equivalent.</p> <p>(ii) Two year's practical experience at the Bar or two year's teaching experience in Police Training Institutes.</p> <p>Note 1 : Qualifications are relaxable at discretion of the Union Public Service Commission in case of candidates otherwise well qualified.</p> <p>Note 2 : Qualification(s) regarding experience is/are relaxable at the discretion</p>	Not applicable	2 years for direct recruits

of the Union Public Service Commission in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods.

In case of recruitment by promotion/deputation/absorption, grades from which promotion/deputation/absorption to be made

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Deputation (including short-term contract)/Absorption failing which by direct rectt.

Deputation (including short-term contract)/Absorption
Officers under the Central/State Govts./Union Territories/Recognized Research Institutions/Universities/Public Sector Undertakings/Semi-Govt./Autonomous or Statutory Organizations:

- (a) (i) Holding analogous posts on regular basis in the parent cadre/department; OR
- (ii) With three years' service in the grade rendered after appointment thereto on regular basis in posts in the scale of Rs. 5500-9000 or equivalent in the parent cadre/department; OR
- (iii) With six years' service in the grade rendered after appointment thereto on regular basis in posts in the scale of Rs. 5000-8000 or equivalent in the parent cadre/department; and
- (b) Possessing the educational qualifications and experience prescribed for direct recruits under Col. 8.

Note : Only officers of the Central Government/State Govts./Union Territories are eligible for being considered for appointment on absorption basis.

(Period of deputation/contract including period of deputation/contract in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Govt. shall ordinarily not exceed three years. The maximum age limit for appointment by deputation (including short term contract/absorption shall be not exceeding 56 years as on the closing date of receipt of applications).

पुष्टि के सम्बन्ध में निदेश करने के लिए विनोदनीय प्रोन्नति समिति

पदों को भरने की स्थिति में भर्ती के नियमों में शिथिलता और किसी तरह के बदलाव के लिए संघ लोक सेवा आयोग से परामर्श करना आवश्यक।

1. निदेशक, पूर्वोत्तर पुलिस अकादमी —अध्यक्ष
2. प्रिंसिपल पुलिस ट्रेनिंग स्कूल, शिलाँग —सदस्य
3. उप-सचिव, पूर्वोत्तर परिषद्, शिलाँग —सदस्य

[सं. पूर्वोत्तर परिषद्/नेपा/17/2003]

राजीव माथुर, उप सचिव

पाद टिप्पणी :—सहायक निदेशक (विधि) के भर्ती नियम, 1995 सा.का.नि. 309 दिनांक 1-7-1995, तथा उप-सहायक निदेशक (पुलिस विज्ञान) सहायक निदेशक (वैज्ञानिक साधन) तथा उप-निदेशक (इनडोर) सा.का.नि. 546 दिनांक 7-12-1996, सा.का.नि. 286 दिनांक 13-7-1996, को प्रकाशित किया गया था। संसोधित सा.का.नि. दिनांक

NORTH EASTERN COUNCIL SECRETARIAT

New Delhi, the 8th September, 2004

ORDER—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of the North Eastern Police Academy, Barapani, Deputy Assistant Director (Police Science), Assistant Director (Law), Assistant Director (Scientific Aids) and Deputy Director (Indoor) Recruitment Rules, 1995 and 1996 except as respects done omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the above posts in the North Eastern Police Academy, Barapani namely :—

1. Short title and commencement.—(1) These rules may be called The North Eastern Police Academy, Barapani, Deputy Assistant Director (Police Science), Assistant Director (Law), Assistant Director (Scientific Aids) and Deputy Director (Indoor) Recruitment Rules, 2004.

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

2. Application. —These rules shall apply to the posts specified in column '1' of the Schedule annexed to these rules.

3. Number, classification and scale of pay.—The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns of the said Schedule.

6. Method of recruitment, age limit, qualification etc.—The method of recruitment age limit, qualifications and other matters relating to the said posts shall be as specified in columns of the said Schedule.

6. Disqualifications.—No person,—

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

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

shall be eligible for appointment for any of the said post :

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

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

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

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ANNEXURE - 12

North Eastern Police Academy
Government of India
Ministry of DONER
Umsaw, 793 123 Umiam, Meghalaya

No. NEPA/Apptt(ADSA)/6/99/4818

Dtd. Umsaw, the 7 Nov '04.

To,

Shri K. Sampath,
Under Secretary (ADT-3)
UPSC, Dholpur House,
Shajahan Road,
New Delhi-11.

Sub:- Filling up the post of Assistant Director (Scientific Aids) on deputation.

Sir,

Please refer this office letter No. NEPA/Apptt(ADSA)/6/99/2778 dt. 17/08/2004 (copy enclosed) on the subject mentioned above and intimate the present position of the case.

R5 It will be highly appreciated, if you could kindly look into the matter and select Shri P. Sharma, who is having vast experience in the field of Forensic Science and also attended various professional courses in reputed institutions of the country. His case was already strongly recommended for selection/appointment vide letter under reference.



Yours faithfully,

(T Pachuau, IPS)
Director

Di
Advocate.

Weekly Indoor Training Programme for 29th Basic Course DySP (P) & C/SI
Week Ending as on 22/4/06 Week No. 16

ANNEXURE - 13

Section 'A'					Section 'B'		
Day/Date	Session	Topic	Faculty	CS	Topic	Faculty	CS
Monday 17/4/06	0830 - 0910	Science & Technology ✓	BD	21	CrPC	TRB	48
	0915 - 0955	Cr PC ✓	TRB	52	Forensic Science	PS	16
	1000 - 1040	Fundamental Rights ✓	Joint Director		Fundamental Rights	Joint Director	
	1100 - 1140	Fundamental Rights ✓	Joint Director		Fundamental Rights	Joint Director	
	1145 - 1225	Maintenance of law & order ✓ (part)	SA	10	I E Acts	JKM	24
	1230 - 1310	Forensic Science ✓	PS	20	Maintenance of law & order	LS	05
Tuesday 18/4/06	0830 - 0910	I E Acts ✓	JKM	23	Cr PC	TRB	49
	0915 - 0955	Cr Pc ✓	TRB	53	Human Rights	KRC	01
	1000 - 1040	Maintenance of law & order ✓	SA	11	Forensic Science	PS	16
	1100 - 1140	Maintenance of law & order ✓	LS	10	I E Acts	JKM	25
	1145 - 1225	Human Rights	KRC	01	Human Beh. & Police Attitude ×	GC	13
	1230 - 1310	Forensic Science	PS	21	Maintenance of law & order	LS	06
Wednesday 19/6/06	0830 - 0910	Forensic Science	PS	22	Science & Technology	BD	28
	0915 - 0955	Human Beh & Police Attitude ×	GC	15	CrPC	TRB	50
	1000 - 1040	Cr PC	TRB	54	Forensic Science	PS	17
	1100 - 1140	Maintenance of law & order	LS	11	Maintenance of law & order	SA	05
	1145 - 1225	Human Rights	KRC	02	I E Acts	JKM	25
	1230 - 1310	I E Acts	JKM	24	Forensic Medicine	Dr.	24
Thursday 20/4/06	0830 - 0910	Police manual	LS	41	Forensic Science	PS	18
	0915 - 0955	I E Acts	JKM	25	CrPC	TRB	51
	1000 - 1040	Cr Pc	TRB	55	Human Beh. & Police Attitude ×	GC	14
	1100 - 1140	Maintenance of law & order	SA	12	I E Acts	JKM	26
	1145 - 1225	Forensic Science	PS	23	Human rights	KRC	02
	1230 - 1310	Human Rights	KRC	03	Forensic Medicine	Dr.	25
Friday 21/4/06	0830 - 0910	IPC	JKM	14	Maintenance of law & order	SA	06
	0915 - 0955	Human Beh. & Police Attitude ×	GC	16	CrPC	TRB	52
	1000 - 1040	Cr PC	TRB	56	Forensic Science	PS	19
	1100 - 1140	Police Manual	LS	42	IPC	JKM	16
	1145 - 1225	Forensic Science	PS	24	Human Rights	KRC	03
	1230 - 1310	Forensic Medicine	Dr.	23	Police Manual	LS	28
Saturday 22/4/06	0830 - 0910	Forensic Science	PS	25	Hindi ×	RCD	14
	0915 - 0955	Human Rights	KRC	04	CrPC	TRB	53
	1000 - 1040	Cr PC	TRB	57	Police Manual	LS	29
	1100 - 1140	IPC	JKM	15	Forensic Science	PS	20
	1145 - 1225	Police Manual	LS	43	Maintenance of law & order	SA	07
	1230 - 1310	Forensic Medicine	Dr.	24	IPC	JKM	17


Faculty

1. Joint Director : Shri P.R.S. Vijay Raj, Joint Director
2. GC : Ms. Gehabati Chanambam, AD (L)
3. Dr. : Dr. Sanjib Gogoi, M.O.
4. PS : Shri P. Sharma, AD (Sc. Aids)
5. JKM : Shri J.K. Mishra, AD (Law)
6. RCD : Shri Ramesh Chandra, H.O.

7. ~~KRC~~ : Shri K.R. Chhetry, Retd. S.P., Guest Faculty
8. TRB : Shri T.R. Biswas, Retd. DySP, Guest Faculty
9. LS : Shri LivingStone, nsp.
10. SA : Shri Suresh Anthony, Insp.
11. BD : Shsri Babu Daniel, ASI

Attested

Director


 (T. Pachhau, IPS)
 Director

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ANNEXURE- 14

To,

The Director,
North Eastern Police Academy,
Umsaw-793123, Meghalaya.

Dated 23/12/2005

Subject : **Representation for Absorption/Regularisation in the post of Assistant Director(Scientific Aids) in North Eastern Police Academy.**

Sir,

With reference to the above cited subject, I would like to state as follows.

That, I was appointed as Assistant Director(Scientific Aids) in North Eastern Police Academy w.e.f. 28th May 1997 on adhoc basis for a period of 6(six) months, since then I am continuing in the same post till date with breaks in between. During the breaks I have also worked as Guest Lecturer.

That, for the past 8(eight) years I have been rendering a sincere and dedicated service to the Academy by imparting training in the subject of Forensic Science from 17th Basic Course to 28th Basic Course both Sub-Inspector and Deputy Superintendent of Police and In-service Courses.

That, I am also imparting training in the subjects like Criminology, Human Rights, Law(Minor Acts), Crime Investigation, Constitution of India and Computer to the Basic Courses and In-service courses trainees as well, as the Academy has very limited faculty. Also, I am maintaining the Academy Forensic Science Laboratory without the help of Laboratory Assistant.

That, besides imparting in training to the trainees attending the various courses, I have also been engaged various other duties assigned to me from time to time to the satisfaction of the Authority.

That, before my joining in the Academy, the classes were managed by Guest Lecturers. However, it was discontinued as it distorts rhythms and continuity which are vital for sound and effective training. Since 11(eleven) years or more the Academy has tried to fill up the post on regular basis but failed.

That, I have joined the Academy with a hope and expectation for rendering a continuous dedicated service on regular basis. Unfortunately, despite the fact that there is a regular vacancy of the post, the post is not advertised till date.

[Signature]
Advocate

Page 1 Contd.

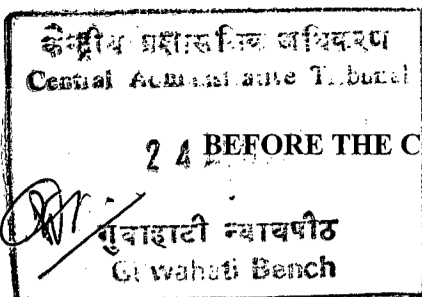
That, since North Eastern Police Academy is located in a remote area , I had a very limited opportunity for seeking employment elsewhere and unfortunately while serving for a long periods in the said post my academic age is over and now there is no any chance or alternative of securing any other employment in the related field at this stage. Besides, I am the only earning member of my family.

Therefore, I humbly request the Authority to kindly recommend me for absorption/regularization in the post of Assistant Director(Scientific Aids) in consultation with the Ministry Development of North Eastern Region (DONER) and Union Public Service Commission(UPSC), New Delhi and allow me to continue my service in the Academy.

Yours faithfully,



LAISHRAM SHYAM KUMAR
North Eastern Police Academy,
Umsaw- 793123, Meghalaya.



GUWAHATI BENCH

O.A. No. 106/2006/539

IN THE MATTER OF

L. Shyam Kumar

...Applicant

Versus

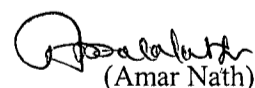
Union of India & Ors.

...Respondents

SHORT REPLY ON BEHALF OF RESPONDENT NO. - 4 UNION PUBLIC SERVICE COMMISSION TO THE ORIGINAL APPLICATION OF THE APPLICANT.

I N D E X

S.No	Particulars	Annexure	Page No.
1	Reply of Respondent No. 4, UPSC		1-13
2	A copy of the Recruitment Rules, 1996 for the post of Assistant Director (Scientific Aids)	Annexure R-4/1	14-20
3	A Copy of Bio-data of Shri P. Sharma	Annexure R-4/2	21-27
4	A copy of the notified RRs of 2004 for the post of Assistant Director (Scientific Aids)	Annexure R-4/3	28-53
5.	A copy of the DOP&T OM No. 22011/3/75-Estt(D) dated 29.10.1975	Annexure R-4/4	54-55
6.	A copy of the DOP&T OM No. 39021/5/83-Estt (B) dated 9 th July 1985,	Annexure R4/5	56-59
7.	A copy of the DOP&T OM No. 28036/8/87 -Estt(D) dated 30.3.1988	Annexure R-4/6	60-65
8.	A copy of the DOP&T OM No. 28036/1/2001-Estt(D) dated 23.7.2001	Annexure R-4/7	66-69


(Amar Nath)

Under Secretary, UPSC

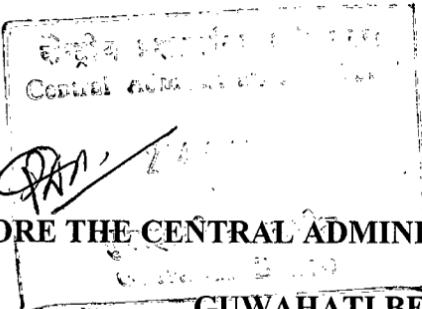
New Delhi
The 11th August, 2006

Through

Ms. Usha Das,
Addl. Central Govt. Standing Counsel
Guwahati

Filed by
the Respondent No. 4
through
Usha Das
Addl. Secy
24/8/06

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**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No. 106/2006/539

IN THE MATTER OF

L. Shyam Kumar

...Applicant

Versus

Union of India & Ors.

...Respondents

**SHORT REPLY ON BEHALF OF RESPONDENT NO. - 4 UNION PUBLIC
SERVICE COMMISSION TO THE ORIGINAL APPLICATION OF THE
APPLICANT.**

MOST RESPECTFULLY SHOWETH:

I, AMAR NATH, serving as Under Secretary in the Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi -110069, am authorized to file the present reply on behalf of Respondent No. 4. The Deponent is also fully acquainted with the facts of the case as gathered from official records and deposed below:

2. That the Deponent has read and understood the contents of the Original Application and in reply, a submission is made as under:

3. PRELIMINARY SUBMISSIONS

3.1 The Union Public Service Commission being a Constitutional Body under Articles 315 to 323 part XIV Chapter-II of the Constitution discharge their functions,

Contd..

duties and Constitutional obligations assigned to them under Article 320 and other relevant Articles of the Constitution of India as per the Rules and Regulations in force.

3.2 Article 320 of the Constitution mandates the UPSC to render its advice to the Govt. inter alia on appointment to the Civil Posts by transfer on deputation/transfer (absorption) basis. For making appointment by deputation/transfer(absorption), the Ministries/Departments are required to issue a vacancy circular to all the field sources mentioned in the Recruitment Rules. Simultaneously, an advertisement is also to be published in the Employment News. The Ministries/Departments are further required to send complete proposals to the UPSC within three months from the closing date to make selection. The UPSC has to function within the parameters of Recruitment Rules. They have to ensure that the Ministries/Departments conform to the conditions laid down in the RRs and the guidelines issued by the Department of Personnel & Training. The applications of all the candidates who apply in response to the vacancy circular/advertisement are considered. But the candidates who satisfy the requirements of the RRs and are found eligible, are asked to appear before the Selection Committee for making selection. Selection is made on the basis of ACRs available, Bio Data and the performance of candidates during the Personal Talk.

3.3 That the applicant has no locus standi in this case. He had not applied for the post in question. In view of this the applicant has no right to agitate the selection of the Respondent No. 5 before this Hon'ble Tribunal.

4. **CONTENTIONS OF THE APPLICANT**

(i) That the Respondent No.5 does not possess the required qualification as per the RRs and his (Applicant) claim for absorption in the post of Assistant Director (Scientific Aids) has been ignored.

(ii) That the recruitment rules of the post of Assistant Director (Scientific Aids) framed in 2004 in supersession of the recruitment rules of 1995 and 1996 are not in order since they do not provide any protection to the service rendered by the applicant and the prescribed qualifications are not in order.

(iii) That the respondents notified the recruitment rules on 26.11.1996 for the post of Asstt. Director (Scientific Aids) and that these recruitment rules are defective because entry qualifications viz. Senior Secondary Certificate is not in accordance with the requirements/duties of the post.

(iv) That the respondents also felt it necessary to amend the recruitment rules of 1996 and correspondence was made with UPSC to amend the recruitment rules.

(v) That in March, 1999, respondent No. 2 forwarded a proposal stating that recruitment rules of 1996 were impractical taking into consideration the duties and responsibilities of the post. The difficulties and past experiences of the Department were highlighted and the Department requested for amendment of the said rules in consultation with UPSC, also highlighting the inadequacy of the entry qualification as 10 + 2 for a post which carries the duties of training police officers upto the rank of DSP.

(vi) That the respondents published a gazette notification on 20.10.2004 and the new recruitment rules provide deputation (including short term contract)/ absorption failing which by direct recruitment and the essential qualifications for direct recruitment is Master's degree of a recognized university, the desirable qualification being Master's degree in Sociology/Criminology or Bachelor's Degree in Law.

(vii) That the concerned authority at the time of framing recruitment rules of 2004 ought to have made certain provision for automatic absorption of ad-hoc officers.

(viii) That Forensic Science should have been included either as essential or desirable qualification while framing recruitment rules of 2004.

(ix) That respondents have failed to take into consideration the proposal sent for amendment of recruitment rules of 1996 and prepared the recruitment rules of 2004 and as such the same are required to be modified accordingly.

5 FACTS OF THE CASE

5.1 The provision of the Recruitment Rules notified in 1996 to fill up the post Asstt. Director (Scientific Aids) are as under :

A By transfer on deputation.

B. Field/source and eligibility requirements :

Officers under the Central/State Govts/Union Territories.

- (a) (i) holding analogous posts on regular basis; or
- (ii) with 3 years regular service in posts in the scale of Rs.2000-3,500/- (revised Rs. 6,500-10,500) or equivalent; or
- (iii) with 7 years regular service in posts in the scale of pay of Rs.1,640-2,900/- (revised Rs. 5,500-9,000) or equivalent; and
- (b) Possessing the following qualifications and experience:-
- (i) Senior Secondary Certificate or equivalent with Physics/Chemistry/Biology/ Mathematics as subject (s) of study.
- (ii) 3 years practical experience in a Forensic Science Laboratory.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Govt. shall ordinarily not to exceed 3 years. The maximum age limit for appointment by transfer on deputation shall be, not exceeding 56 years, as on the closing date of receipt of applications.)

A copy of the Recruitment Rules is annexed hereto and marked as Annexure R-4/I.

5.2 North Eastern Police Academy issued a circular on 27.5.2003 and published an advertisement in Employment News dated 21-27 June, 2003. A proposal for filling up the post of Asstt. Director (Scientific Aids) was received in March, 2004 from the North Eastern Police Academy wherein the Academy informed that bio-data of only one candidate viz Shri Purushottam Sharma was received. The candidate, in his bio-data, has furnished the following information:

Educational Qualification	<p>(A) B.Sc.</p> <p>(B) AIC(AIC by examination is Recognised as equivalent to M. Sc. in Chemistry with special papers).</p> <p>I) Analysis of drugs and Pharmaceuticals.</p> <p>II) Analysis connected with Forensic Chemistry.</p> <p>C) Ph. D. (Synopsis of thesis submitted to Punjabi University Patiala to carry out research work on the topic " Microchemical and toxicological studies of modern tranquillising drugs related to Phenothiazines").</p>
5 years experience in the field of Chemistry out of which three years	24 years & 8 months working experience in the field of Forensic

R. Pal Singh

Must be in FSLs/CFSLs.	Chemistry in the National Institute of Criminology and Forensic Science.
------------------------	--

5.3 The candidate also meets the requirement of qualifying service, he is working as Sr. Scientific Assistant (Chemistry) in the scale of 5500-9000 in the National Institute of Criminology and Forensic Science, Delhi since 3.1.1989. Thus he has rendered more than 7 years service in the prescribed scale. A copy of his bio-data is annexed at R-4/2.

5.4 A meeting of the Selection Committee (Personal Talk) was held on 23.12.2004. On the basis of the assessment of available ACRs, Bio-data and by holding Personal Talk with Shri Purushottam Sharma, he was found suitable for appointment to the post of Assistant Director (Scientific Aids) in the North Eastern Police Academy, Meghalaya in the grade of Rs.8000-13,500/- on transfer on deputation basis.

5.5 That in March, 1999, Respondent No.2 forwarded a proposal to the Commission stating that RRs of 1996 were impractical, taking into consideration the duties and responsibilities of the post. The proposal was considered in the Commission and the approval thereof was conveyed to Respondent No. 2. The amended RRs have since been notified. A copy of the notified RRs of 2004 is annexed at R-4/3.

6. REPLY TO CONTENTIONS

That Shri Purshottam Sharma had applied in response to the vacancy circular/advertisement of the North Eastern Police Academy.

6.1 That Shri P. Sharma has the required qualifications and experience prescribed in the RRs, 1996. His qualifications and experience are tabulated below for perusal of the Hon'ble Tribunal :-

Qualification and experience prescribed	Qualification and experience
---	------------------------------

	possessed by the officer, which are equivalent to or higher than the Qualification prescribed.
Senior secondary certificate or equivalent with Physics/Chemistry/Biology/mathematics as subjects of study(s)	(i) B.Sc. (ii) AIC(AIC by examination is recognised as equivalent to M.Sc. in Chemistry with special papers) (a) Analysis of drugs & pharmaceuticals (b) Analysis connected with Forensic Chemistry. (iii) Ph.D. (Synopsis of thesis submitted to Punjabi University, Patiala to carry out research work on the topic "Micro-chemical and toxicological studies of modern tranquillising drugs related to phenothiazines.")
Three years experience in a Forensic Science Laboratory	Working in the chemistry division of the National Institute of Criminology and Forensic Science since 19.2.1980. Also attended various professional courses and trainings. Besides these, he has also visited various laboratories for delivering lectures and holding demonstrations.

6.2 That Sh. P. Sharma possesses the requisite educational qualification and experience as per the RRs in force at that time. He was, therefore, rightly held eligible and called for Personal Talk.

6.3 That as regards appointment of the applicant as Assistant Director (Scientific Aids) on adhoc basis is concerned, it is respectfully submitted that the applicant has been appointed on ad-hoc basis by Respondent No.2 without consulting UPSC and has been allowed to continue in such ad-hoc appointment in violation of statutory Recruitment Rules. In so far as, the Commission are concerned they had no role to play in engagement of the applicant by the Respondent No.2 as Asstt. Director (Scientific Aids) on ad-hoc basis without being appointed in accordance with the statutory Recruitment Rules.

6.4 An office Memorandum No. 22011/3/75-Estt.(D) was issued by the Department of Personnel and Administrative Reform (now Department of Personnel and Training) on 29.10.1975 laying down, inter-alia, that whenever an appointment is made on ad-hoc basis, the fact that the appointment is ad-hoc and that such appointment will not bestow on the person a claim for regular appointment, should be clearly spelt out in the orders of appointment and it should be made clear that the service rendered on ad-hoc basis in the grade concerned will not count for the purpose of seniority in that grade and for eligibility for promotion to next higher grade. The said O.M. also impressed upon the Ministries/Departments that they should ensure that ad-hoc appointments are not continued for an indefinite period and that early steps are taken so that the persons appointed on ad-hoc basis are replaced by persons approved for regular appointment in accordance with the prescribed procedure for making such regular appointments as early as possible. A copy of the above Office Memorandum is annexed herewith as **Annexure R-4/4**. These instructions have been reiterated by the Department of Personnel and Training from time to time. In their **O.M. No. 39021/5/83-Estt.(B)** dated 09.07.1985, the DOP&T impressed upon the Ministries/Departments that ad-hoc appointments can be made only in those cases where the person appointed is not likely to hold the post for a period of more than one year and that if the vacancy that has arisen is of such a nature that it is likely to last for more than a year, appointment should not be made except in consultation with the Commission, as per Recruitment Rules. It was further made clear in the said instructions that in those cases where it is found that the person appointed without consulting the UPSC will have to hold the post for a period exceeding one year, then a request will have to be made to the UPSC to fill the post on regular basis and there is no provision for approval by UPSC for any appointment initially made without consulting them. A copy of the said O.M. dated 9.7.1985 is annexed herewith as Annexure R-4/5. As per subsequent instructions dated 30.3.1988 issued by the said Department, it was again made clear that the Ministries/Departments are required to fill all posts only in accordance with the prescribed procedure and Recruitment Rules on a regular basis and they are required to

Contd..

ensure that all appointments made on ad-hoc basis are limited to posts which cannot be kept vacant until regular candidates become available. These instructions contain details about the compelling circumstances under which ad-hoc appointments can be made and the conditions for making ad-hoc appointments. A copy of O.M. dated 30.03.1988 is also annexed as **Annexure R-4/6**.

6.5 That a further O.M. No. 28036/1/2001-Estt. (D) dated 23.7.2001 has also since been issued by the DOP&T reiterating the earlier instructions issued by them from time to time that an ad-hoc appointee has to be replaced by a regularly selected candidate as per provisions of the recruitment rules and in accordance with the prescribed procedure at the earliest possible and in no case such an officer should be regularized. In this detailed O.M., the DOP&T have taken strong exception to the manner in which frequent ad-hoc appointments are made by the Ministries/Departments and these ad-hoc appointments are continued for long periods. The DOP&T have laid down strict guidelines for regulating the ad-hoc appointments for guidance and compliance. A copy of this O.M. is also annexed as Annexure R-4/7.

6.6 That a meeting of the Selection Committee (Personal Talk) was held on 23.12.2004. On the basis of available ACRs, Bio-Data and performance during the Personal Talk, Shri P. Sharma was found suitable by Selection Committee for appointment to the post of Assistant Director (Scientific Aids) on deputation basis. The SCM was presided over by a Member of the Commission, which is a Constitutional Authority. Two eminent persons from the concerned field also assisted the Selection Committee in finalizing the selection. The applicant did not apply in response to the vacancy circular/advertisement and hence there was no question of considering him for the post in question. Moreover, the RRs of 1996 provided for filling up the post on transfer on deputation only. The applicant's claim that he should have been considered for absorption in the post of Assistant Director (Scientific Aids) is unjustified and contrary to the Recruitment Rules, 1996.

Contd..

6.7 That a number of judgments have been passed by various Hon'ble Courts including the Hon'ble Supreme Court in different cases holding that it is not within the province of the Hon'ble Tribunal to sit in judgment over the assessment of the DPC/Selection Committee save in the rarest of the rare cases where findings of the DPC/Selection Committee may be tainted with malice. In the case of Nutan Arvind vs. UOI & Another [(1996)2 SUPREME COURT CASES 488], Hon'ble Supreme Court held that, "When a high level Committee had considered the respective merits of the candidates, assessed the grading and considered their cases for promotion, this court cannot sit over the assessment made by the DPC as an appellate authority". In the case of UPSC vs. H.L. Dev & Others (AIR 1988 SC 1069), the Apex Court held that - "How to categorize in the light of the relevant records and what norms to apply in making the assessment are exclusively the functions of the Selection Committee. The jurisdiction to make the selection is vested in the Selection Committee". In the case of Dalpat Abasaheb Solanke vs. B. S. Mahajan (AIR 1990 SC 484), the Hon'ble Supreme Court held that "It is needless to emphasize that it is not the function of the court to hear appeals over the decisions of the Selection Committee and to scrutinize the relative merits of the candidates. Whether candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject." In the case of Anil Katiyar vs. UOI & other [1997(1)SLR 153], the Hon'ble Supreme Court held that - "Having regard to the limited scope of judicial review of the merits of a selection made for appointment to a service or a civil post, the Tribunal has rightly proceeded on the basis that it is not expected to play the role of an appellate authority or an umpire in the acts and proceedings of the DPC and that it could not sit in judgment over the selection made by the DPC unless the selection is assailed as being vitiated by malafides or on the ground of its being arbitrary. It is not the case of the appellant that the selection by DPC was vitiated by malafides.

Att. Arvind

6.8 That the issue of regularization/absorption of ad-hoc employees has been considered in several judgments of the Hon'ble Supreme Court of India. In the case of R. N. Manjundappa vs. T. Thimmaiah & others (AIR 1972 SC 1767), the Apex Court observed that regularization is not itself a mode of recruitment and any act in the exercise of executive power of the government cannot override rules framed under Article 309 of the Constitution. In the case of State of Orissa Vs Sukanti has observed that assuming that their having served for long years is a valid reason for regularisation, that without any thing more, will not meet the requirement of the action being in public interest and what has been done under the impugned orders is to regularise the illegal entry into service as if the Rules were not in existence. In another case of K. C. Joshi Vs Union of India (AIR 1991 SC 284), the Apex Court observed that the ad-hoc appointees cannot be put on a higher pedestal over the candidates who stood the test of merit and became successful in a competitive recruitment and secured ranking according to the merit in the approved list of candidates. In the case of State of Haryana and others Vs Piara Singh and other (1992 SC 2130), the Hon'ble Supreme Court observed that direction to regularise ad-hoc appointments, Work-charged employees would only result in encouraging the unhealthy practice of back door entry and what cannot be done directly cannot be allowed to be done in such indirect manner. In the case of Dr. M. A. Haque Vs. Union of India (1993 2 SCC 213), the Hon'ble Supreme Court held that the Recruitment Rules made under Article 309 of the Constitution have to be followed strictly and not in breach. If a disregard of the rules and the bypassing of the Public Service Commissions are permitted, it will open a back-door for irregular recruitment without limit. In the case of Dr. Arundhati A Pargaonkar & another Vs State of Maharashtra (AIR 1995 SC 962), the Apex Court has held that a continuous service by itself do not give rise to the claim of regularisation.

6.9 That the Constitution Bench of the Hon'ble Supreme Court in their judgement dated 10.4.2006 in Appeal (Civil) No. 3595-3612/1999-Secretary, State of Karnataka Vs Uma Devi & Ors. with C.A. No. 1861-2063/2001, 3849/2001, 3520-3524/2002 &

C.A. No. 1968/2006 arising out of SL (C) No. 9103-9105/2001 has made it explicitly clear that regular appointment must be the rule and there is no fundamental right in those who have been employed on daily wages, or temporarily or on contractual basis to claim that they have a right to be absorbed in service. The Supreme Court have also clarified that "regularisation, if any already made, but not subjudice, need not be reopened based on this judgement, but there should be no further by-passing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme. Further, the Supreme Court has also clarified that "those decisions which direction running counter to what we have held herein, will stand denuded of their status as precedents." As such, the issue of regularisation/absorption of applicant of his service in the post of Asstt. Director (Scientific Aids) in NEPA stands settled as his continuation in the said post on ad-hoc basis has not been in accordance with the statutory Recruitment Rules and, therefore, he has no case in view of the above judgement of the Hon'ble Supreme Court.

7. In view of the submission made above, it is respectfully submitted that the applicant has not been able to make out any case for grant of any relief and he is not entitled to any relief, as claimed or otherwise.

8. It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss this Original Application with costs as against the answering respondent.


Deponent

(अमर नाथ)
(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

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VERIFICATION

I, Amar Nath, Under Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi 110069 do hereby verify that the contents of this short reply are true and correct to my knowledge as derived from the official records of the Union Public Service Commission. No part of the affidavit is false and no material information has been suppressed or concealed.

Verified at New Delhi on this 11th day of August 2006.


Deponent

New Delhi

Dated 11.8.2006

(अमर नाथ)
(AMAR NATH)
अवर सचिव/Under Secretary
सर्व लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

Annerure

R-4/1

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Government of India
Ministry of Home Affairs
.....

New Delhi-110001, the 26-11-1996

NOTIFICATION

G.S.R..... In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Assistant Director (Scientific Aids) and Deputy Assistant Director (Police Science) in the North Eastern Police Academy, Darapani namely:-

1. Short title and commencement-- (1) These rules may be called the North Eastern Police Academy, Darapani Assistant Director (Scientific Aids) and Deputy Assistant Director (Police Science) Recruitment Rules, 1996.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. Number of post, classification and scales of pay.- The number of the said post, its classification and the scales of pay attached thereto shall be specific in columns 2 to 4 of the Schedule annexed to these rules.
3. Method of recruitment, age limit, qualifications etc.- The method of recruitment to the said post, age limit, qualifications and other matters relating thereto shall be as specified in columns 5 to 14 of the said Schedule.
4. Disqualification:- No person--
 - (a) who has entered into or contracted a marriage with a person having a spouse living, or
 - (b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to the said post:

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

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Attested

10/3/2004

Attested

(अमर नाथ)
(AMAR NATH)

वर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

20 / 86-24 (13)

5. Power to relax:—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect of any class or category of persons.

6. Savings:—Nothing in these rules shall affect reservations, relaxation of age limit and other concession required to be provided for the Scheduled Castes, Scheduled Tribes and Ex-servicemen and other categories of persons in accordance with the order issued by the Central Government from time to time in this regard.

(Smt. L. TOCHONG)
Director (NEC)
(F.NO.4/15/96-NE.II)

TO

The Manager, Government of India Press,
Mayapuri, Ring Road,
NEW DELHI.

Attested

(AMAR NATH)
Under Secretary
Union Public Service Commission
New Delhi

NO. 3/15/93-ND.II

Dated the 26-11-1993

1. Department of Personnel & Training,
Secy. (RR) Desk, North Block, New Delhi.
2. Union Public Service Commission, Under Secretary
(RR), Dholpur House, Shahjahan Road, New Delhi.
With ref. to their letter NO.3/10(5)/93-PR
dated 6.8.95. (with 3 spare copies)

3. Director,
North Eastern Police Academy, Umsaw, Barapani,
Shillong-793001. (By Speed Post)

4. Ministry of Law, Legislative Department,
Sachri Bhavan, New Delhi.

Official Language Commission,
Rajmou Das Road,
New Delhi.

Guard File/ 4 spare copies.

Asachong 21/11
(Sd/-) Asachong.
Director (RR)

Attested

10/3/2004

Attested

Amarnath
(AMAR NATH)
Under Secretary
Union Public Service Commission
New Delhi

SCHEDULE
Name of the post Number of posts Classification Scale of pay Whether selection or non-selection post Age limit direct rec

1 2 3 4 5 6

ASSISTANT DIRECTOR (SCIENTIFIC AIDS) 1 General Central Services Group A, Gazetted, Non-Ministerial Rs. 2200-75-2800-
E8-100-4000- Not applicable Not applicable

* (1996) subject to variation dependent on workload.

Attested

(AMAR NATH)
उप सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commissioner
नई दिल्ली/New Delhi.

Attested
21/10/2004

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-2-

Whether benefit of added years Educational and other of service admissible under qualifications required rule 30 of the Central Civil Services (Pension) Rules, 1972 for direct recruits.

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees

Period of probation, if any, Method of recruitment, whether by direct recruitment, or deputation/transfer, percentage of vacancies to be filled by various methods

Not applicable

Not applicable

Not applicable

Not applicable Transfer on deputation

Attested
10/3/2004

Attested
(AMAR NATH)
Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

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case of recruitment by promotion/deputation/
transfer from grades from which promotion/deputation/
transfer to be made.

If a Departmental Promotion Committee Circumstances in which the
exists, what is its composition. Union Public Service Comm
is to be consulted in mat
recruitment.

12

TRANSFER ON DEPUTATION:

Officers under the Central/State Govts./Union Territories.

Not applicable

(a)(i) Holding analogous posts on regular basis;
or

Union Public Service

(ii) with 3 years regular service in posts in the
scale of Rs.2000-3500 or equivalent; or

Consider necessary.

(iii) with 7 years regular service in posts in
the scale of Rs.1640-2900 or equivalent; and

Attected

(b) Possessing the following qualifications and
experience:-

(i) Senior Secondary Certificate or equivalent with
Physics/Chemistry/Biology/Mathematics as
subject (s) of study;

(अमर नाथ)
(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

(ii) Three years practical experience in a Forensic
Laboratory.

Attected

2/10/3/2004

of deputation including period of deputation
in another ex-xadre post held immediately
before this appointment in the same or some
other department of the Central Govt.
should not be less than three years. The

In case of recruitment by promotion/deputation/
transfer, grades from which promotion/deputation/
transfer to be made.

If a Departmental Promotion Committee
exists, what is its composition.

Circumstances in which the
Union Public Service Comm
is to be consulted in ma
recruitment.

12

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deputation shall be, not exceeding 55 years, as
on the closing date of receipt of applications.)

Attested

Attested
10/3/2004

(अमर नाथ)
(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

Annexure

(R-4/2)

-92-

(2)

The Secretary
UPSC, Shilpini House
Shikhar Road
New Delhi.

Subj: - Regarding attending Personal talk on 28/12/04 for
the Post of Asstt Director (S.A.) at North Eastern
Police Academy, Imphal, Meghalaya, and Disputations

Sir,

Kind reference is invited vide letter no NEPA/APPT/
AD(SA)/6/88/4 dt 28/11/04 under signed by Sh.

AP/11/4

T. Paehuan, IPS, Director, North Eastern Police
Academy, Ministry of DNER, Imphal, 793123,
Umiam, Meghalaya. The Personal talk to be
held on 28/12/04 for the Post of Asstt Director (S.A.)
at NEPA.

It is submitted that, I shall attend
Personal talk on 28/12/04. In this connection
I am submitting four copies of my Bio data
for your reference. The same may be sent
to Shri Amarnath, Under Secretary (ADP-3) UPS
New Delhi.

Thanking you

Yours faithfully
Sharnap
15/12/04
P. Sharnap

L N S N, NICS, Sec-2
Pohim, Delhi-6,
Attested

(Amarnath)
(AMAR NATH)

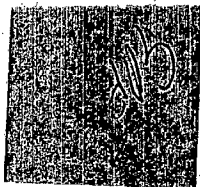
अवर सचिव/Under Secretary

Union Public Service Commission
नई दिल्ली/New Delhi.

1536/04-ADP-3
21/12/04

Mr. Sharnap
21/12/04





BIO-DATA PROFORMA

1. Name and Address

: PURUSHOTTAM SHARMA
C-167 (1st floor), Sector -1,
Avantika, Rohini
Delhi-110085

2. Date of birth

5th September 1955.

3. Date of retirement under
Central/State Govt. Rules

September 2015

4. Education Qualification

A) B.Sc.

B) A.I.C. (A.I.C. by examination is Recognised as equivalent to M.Sc. in Chemistry With special papers.

I) Analysis of drugs and Pharmaceuticals

II) Analysis Connected with Forensic Chemistry.

C) Ph.D. (Synopsis of thesis submitted to Punjabi University Patiala to carry out research work on the topic

"Microchemical and toxicological studies of modern tranquillizing drugs related to Phenothiazines".

To be
Referenced

5. Whether Education and other qualification required for the post are satisfied (if any qualification has been treated as equivalent to the one prescribed in the rules, state the authority for the same:- Yes.

Qualification /Experience
required

Qualification/Experience
Possessed by the officer

I) Holding Analogous post on
On regular basis.

Not Applicable

II) With three year regular service
In post in the pay scale of
Rs. 2000-3200/3500 (pre-revised)
III) With 7 year regular service in
The pay scale of Rs 1640-2900
(pre revised)

Not Applicable

14 Years in the scale pay scale
of Rs. 1640-2900. (pre revised)

Essential

I) possessing sr. secondary certificate
Or equivalent with physics/chemistry/
Biology/Mathematics of study

AIC (AIC by examination is equivalent to
M.Sc. in chemistry by govt. of india as per G.O.
f. 18-36/57-L.5 dated 19-

II) 5 years experience in the field of
Chemistry out of which three years
Must be in FSLs/CFSLs.

24 years & 8 months working experience
in the field of Forensic Chemistry in the
National Institute of Criminology and
Forensic Scien

To be
Referenced

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary

संघ लोक सेवा आयोग

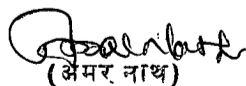
Union Public Service Commission

नई दिल्ली/New Delhi

Professional courses/ training attended by me

Name of relevant Training Programme	Organisation where received with duration
1) Bio-Assay of Drugs according to the methods prescribed in Indian Pharmacopoeia	Central Indian Pharmacopoeia Laboratory Ghaziabad from 23/7/84 to 28/7/84
2) Training of trainer course for trainers in customs, Excise, Police & other Drug Enforcement Organisations.	Dte of Training & Central Excise in New Delhi from 9/5/88 to 14/5/88
3) Short Term Course on "Trace Analysis for Forensic Scientist"	Central Forensic Science Laboratory Hyderabad from 20/3/89 to 23/3/89.
4) Training programme on high performance thin layer Chromatography	-----Do-----from 26/7/93 to 30/7/93
5) Analysis of Explosions residues and practical demonstration of diffusions of live Bomb.	Forensic Science Laboratory, Agara From 25/7/94 to 29/7/94.
6) Analysis of petroleum products as related to Forensic Science.	Indian Institute of Petroleum, Dehradun From 8/8/94 to 11/8/94.
7) Application of GC-MS technique in the analysis of drugs and poisons.	Central Drug Research Institute, Lucknow From 24/8/94 to 24/8/94.
8) 4 th course on office automation and PC operation.	National Crime Record Bureau, New Delhi From 19/5/97. To 30/5/97.
9) Training Programme for Analysis of oil and Fats.	Food Research and Standardisation Laboratory, Ghaziabad from 11/11/97 to 12/11/97.
10) Capsule Course on Improvised Explosive devices.	Indo-Tibetan Border Police Academy Mussorie, From 20/8/98 to 22/8/98.
11) Workshop on Instrumental Methods of Analysis.	Indian Institute of Chemical Technology Hyderabad, from 16/11/98 to 26/11/98.
12) Course on Forensic Science Aspects of Fire and Arson Investigation.	Defence Institute of Fire Research, Delhi From 18/11/99 to 23/11/99.
13) Fundamental Principles and Laboratory Techniques in Chemical analysis of poisons.	Industrial Toxicological Research Centre, Lucknow, from 6/4/99 to 17/4/99
14) Introduction to Explosives and their Identification.	High Energy Material Research Laboratory, Defence R & D Organisation, Pune, from 24/6/99 to 17/6/99.
15) Capsule Course on Identification and handling of Explosives.	Indo-Tibetan Border Police Academy, Mussorie from 24/6/99 to 27/6/99.
16) Training Programme on Forensic Chemistry and Toxicological analysis	Forensic Science Laboratory, Agara, from 12/7/99 to 16/7/99.

Attested


(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary
सर्व लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

7. Please state clearly Whether in the light of entries made by you above, You meet the requirement of the post :- Yes, I meet the requirement of the post as, I have all tools, techniques, information and knowledge, for the post of Asstt. Director (Scientific Aid)

8. Details of employment in chronological order, enclose a seprete sheet dully authenticated by your signature, if the space below is insufficient.

Office/Instt/Orgn.	Post held	From	To	Scale of pay	Nature of duties
National Institute of Criminology and Forensic Science Delhi.	Laboratory assistant (chemistry)	19-2-80	2-1-89	RS. 1320-2040	Indenting of chemicals and glassware. Imparting Theoretical and practical Demostration for the analysis connected with forensic chemistry to scientific personnel of forensic science laboratories in the class organised for professional courses and also assisting A.D. (chemistry) and Addl. Director in Research work in chemistry.
--Do-----	Senior Scientific Assistant (Chemistry)	3-1-89	Til 1 Da te	Rs. 5500-9000. Basic Rs.7700/	**

--Do -- --Do -- 3-1-2000 -- Rs. 6500-10,500/-
Rs. 8100/-

**** Nature of duties**

a) Teaching and Training:- I have been working in chemistry division of National Institute of criminology and forensic science since 1980. Since than, I have been assisting the Addl. Director and Assistant Director in various coursses in the field of forensic chemistry and toxicology and undertaking practical demonstration and delivering lecture in theory classes for the participants of the following courses :-

- 1) Diploma in Forensic Toxicology
- 2) Post-Graduate Diploma in Forensic Chemistry and Toxicology.
- 3) Certificate Course in Chromatographic techniques in forensic science.
- 4) Certificate Course in Forensic chemistry including toxicology.
- 5) Certificate Course on explosives and explosions residues Analysis.

The participants of these courses are scientist nominated from all central and state forensic science laboratories possessing minimum M.Sc. degree in chemistry or B.Sc. with five years experience.

Practical demonstration of different test carried out in forensic chemistry division of the institute shown to all the participants of criminal justice functionaries, including students of various universities.

Attested

(Amar Nath)
(AMAR NATH)

अवर सचिव/Under Secretary
सर्व लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

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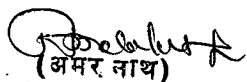
b) Study visits to following laboratories for lecture-cum demonstration and attachment, accompanying the officers trainees attending different professional courses in the institute: -

- 1) Central drug research institute, Lucknow.
- 2) Industrial toxicology Research centre, Lucknow.
- 3) National chemical laboratory, Pune.
- 4) Explosives research and development laboratory, Pune.
- 5) Bhabha atomic research centre, Trombay, Mumbai.
- 6) Indian institute of petroleum, Dehradun.
- 7) National geophysical research institute, Hyderabad.
- 8) Indian institute of technology, New Delhi.
- 9) Indian oil corporation research centre, Faridabad.
- 10) National institute of pesticides formulations and technology, Gurgaon.
- 11) Central cellular and molecular biology, Hyderabad.
- 12) All India institute of medical science, New Delhi.
- 13) University college of medical science, Delhi.
- 14) Vimta laboratory Ltd. Hyderabad.
- 15) Indian national scientific documentation centre, New Delhi.
- 16) National information centre, New Delhi.
- 17) Govt. examiner of questioned document, Shimla.
- 18) Terminal ballistics research laboratory, Chandigarh.
- 19) National crime record bureau, New Delhi.
- 20) Central insecticides laboratory, Faridabad.
- 21) Prevention and food adulteration laboratory, Delhi.
- 22) Centre for biotechnology, Delhi.
- 23) Central revenue control laboratory, Delhi.
- 24) Finger print bureau, Delhi police, Delhi.
- 25) Various Central and State forensic science laboratory.
- 26) National security guard, Manesar.
- 27) Indian institute of chemical technology, Hyderabad.
- 28) Diffence institute of fire research, Delhi.
- 29) Centre for explosives and environmental safety, Delhi.
- 30) Indian Pharmacopoeia laboratory, Ghaziabad.
- 31) Food research and standardisation laboratory, Ghaziabad.

c) In the course of discharging my duties, I have used highly sophisticated instruments like:-

- a) High performance thin layer chromatography.
- b) High performance liquid chromatography.
- c) Gas liquid chromatography.
- d) Atomic absorption spectrophotometer.
- e) Ultra - Violet spectrophotometer
- f) FT-IR spectrophotometer
- g) Photochemical reactor.
- h) Assisting sr. officer in operating GC-MS equipment.

Attested


(अमर नाथ)
(AMAR NATH)
अवर सचिव/Under Secretary
सर्व लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

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d) Member of professional society:-

a) Life member of Indian Science Congress Association, Calcutta.

b) Life member of Indian Academy of Forensic Science, Calcutta.

c) Indian Association of Medicoligal Experts, New Delhi.

e) Ever since VIIIth five year plan, I have been associated with formulations of research projects financed by department of science and technology in the areas of forensic chemistry, toxicology, and biochemistry and other related areas. The project includes drafting of plan proposals with various objective, year wise schedule, target and achievements including its financial aspects, in addition monitoring and evaluations of these projects were also undertaken on regular basis. The title of the project as follows.

I) Study of metabolites of drugs and poisons.

II) Application of antigen and antibody technique in forensic toxicology.

III) Chemical and biological study of lectines.

f) Assisted to Assistant Director (chemistry) in various cases received for consultation/examination from various Govt. agency connected to forensic chemistry and toxicology including explosives.

I) Identification of ink on a document in Smt. Indra Gandhi murder case.

II) In a case registered under NDPS case i.e. seizure made by BSF at international border for drug identification and quantification.

III) Explosions of "HAND GRANADE" stated to be made in china at international border and delayed symptoms of poisons in effected person.

IV) Poisoning of sniffer dogs of National security guard.

V) Explosives received from NSG.

VI) Mass poisoning of loom workers at Bhiwandi, Mumbai.

VII) Illicit trade of Aryurvedic preparations, orrisa.

VIII) Judicial enquiry from Kerla. In a case of road accident and fire.

IX) Detection and quantification of blood alcohol from Delhi Police.

X) Identification of ink on a document from UPSC, New Delhi.

XI) Identification of ink on a document from controller of examination, Roorki university.

XII) Detection of paper gum from CISE.

XIII) Establishment of National Bomb Data centre at National security Guard, Manesar, including analysis of post explosion residues received from various parts of country.

g) Administrative work:-

a) About 20 years experience of indenting and procurement of equipments, chemicals and glasswares etc. for the laboratory.

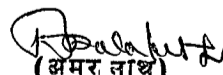
b) More than 11 years experience for assisting in evaluation and selection of suitable highly sophisticated instruments for chemistry laboratory.

c) In appreciation of work, Director, NICFS has commended my extra and outstanding work please see annexure-A.

h) Survey:-

a) Collected sewage water samples from sewage water treatment plants of Delhi for the estimation of DBS by Drug dye complexometry under the project.

Attested


(AMAR NATH)

अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

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(27)

b) Survey of various black printing inks in india for their charaterizations and individualisation.

i)Research/Publication:-

a)Paper entitled prevention of chemical break down of alkaline phenolphthalin in trape cases, in Indian Journal of Criminology and criminalistics in Jan-Jun 1988.

b)Analysis of opiates alkaloides in pilli mitte, published in SAARC workshop on forensic science october 4-7,1995, Deptt. Of forensic science ,Punjabi University, Patiala.

j)Conference attended:-

a)Forensic Science Forum of the 82nd Indian Science Congress (January 3-8 1995,Calcutta).

b)Scientific meeting of Indian academy of forensic 3-4 october 1996,at Delhi.

c)Forensic Science Forum of the 84th Indian Science Congress (January, 3-8, 1997, Delhi.)

d)Forensic Science Forum of the 85th Indian Science congress (January 3-8, 1998,Hyderabad)

e)Forensic Science Forum of the 86th Indian Science Congress (January 3-7, 1999 Chennai).

f)Forensic Science Forum of the 88th Indian Science Congress (January 3-7,2001 at Delhi)

8)Nature of present employment i.e. ad hoc or temporary or permanent :-
Permanant.

9) In case the present employment is held on deputation /contract basis . please state:-
Not applicable

10)Additional details about present employment ,please state whether working under :-
Central Government.

11)Are you in revised scale of pay? If yes, give the date from wich the revision took place and also indicates the Pre-revised scale :-

I am in the revised scale Dated-3-1-89-5500-10000/- and my pre-revised scale was Rs.

1640-2900/- & Presently get A.C.P. in the scale of Rs 6500-10,500/- &

12)Total emoluments per months now drawn:- Rs 14,714/- Present Basic Pay Rs 8100/-

13)Additional information ,If any ,wich you would like to mention in the support of your suitability for the post enclose a seprate sheet ,if the space is insufficient:-

All my previous Additional Director and head of Forensic Faculty has appreciated my work and a certificate is issued by them may be seen at Annexure-B.

Moreover my experience of working in National level Institute has developed sufficient confidence to assist the criminal justice system, wich made me fit and suitable for holding the post of Asstt. Director (Scientific Aid) in Police Academy.

14)Whether belong to SC/ST/OBC:- Not applicable

15)Remarks,

Date

Signature of Candidate

Attested

(AMAR NATH)

अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

Annexure

R-4/3

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Annexure R-4/3

रजिस्ट्री सं० डी० एल० (एन) 04/0007/2003-05

REGD. NO. D. L. (N) 04/0007/2003-05



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 43] नई दिल्ली, अक्टूबर 17—अक्टूबर 23, 2004 शनिवार/आश्विन 25—कार्तिक 1, 1926
No. 43] NEW DELHI, OCTOBER 17—OCTOBER 23, 2004 SATURDAY/ASVINA 25—KARTIKA 1, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) और केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा विधि के अंतर्गत बनाए और जारी किए गए साधारण सांविधिक नियम (जिनमें साधारण प्रकार के आदेश, उप-नियम आदि सम्मिलित हैं)
General Statutory Rules (Including Orders, Bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the Administrations of Union Territories)

कार्मिक, लोक-शिकायत और पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 13 अक्टूबर, 2004

सा.का.नि. 366.—अखिल भारतीय सेवाएं अधिनियम, 1951 (1951 का 61) की उपधारा 3 के साथ-पठित उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, संबंधित राज्य सरकारों से परामर्श के पश्चात्, अखिल भारतीय सेवाएं (अध्ययन अवकाश) विनियमावली, 1960 में संशोधन करते हुए पुनर्द्वारा निम्नलिखित विनियम बनाती है, अर्थात् :—

- (1) इन विनियमों का नाम अखिल भारतीय सेवाएं (अध्ययन अवकाश) संशोधन विनियमावली, 2004 है।
- (2) ये शासकीय राजपत्र में प्रकाशन की तारीख से लागू होंगे।
2. अखिल भारतीय सेवाएं (अध्ययन अवकाश) विनियमावली, 1960 के विनियम 3 के उप विनियम 4 के खंड (ii) के लिए निम्नलिखित प्रतिस्थापन किया जाए, अर्थात् :—
“(ii) जो उस तिथि से तीन वर्ष के अन्दर अधिवर्षिता की आयु प्राप्त करने वाला हो किन्तु विधि को, अधवकाश पूरा करने के बाद उसका काम पर लौटना संभावित हो”।

3049 GI/2004

(2075)

Attested

(अमर नाथ)
(AMAR NATH)

सचिव/Under Secretary

संघ लोक सेवा आयोग

Union Public Service Commission
नई दिल्ली/New Delhi

प्राद्विष्टानुसार मुद्रित एवं प्रकाशित किया गया है।
 के सा.का.नि. संख्या 666 के द्वारा प्रकाशित किए गए थे और उत्तरवर्ती संशोधन निम्नलिखित

क्र. सं.	दिनांक	सा.का.नि. संख्या	दिनांक
1.	16-7-62	965	21-7-62
2.	7-12-64	1747	12-12-64
3.	4-10-67	1595	28-10-67
4.	16-7-69	1746	26-7-69
5.	9-11-71	1857	11-12-71
6.	11-1-72	840	25-1-72
7.	16-5-72	666	10-6-72
8.	14-12-72	1617	30-12-72
9.	15-11-75	2779	13-12-75
10.	28-10-75	2691	22-11-75
11.	1-10-77	1393	22-10-77
12.	4-10-80	1673	18-10-80
13.	22-12-1981	6	2-1-82
14.	25-11-1983	930	10-12-83
15.	25-10-1985	1040	9-11-85
16.	23-6-1986	496	15-7-86
17.	23-7-1986	584	9-8-86
18.	6-6-1989	658(ई.)	30-6-89
19.	6-2-92	70	22-2-92
20.	23-2-98	57	14-3-98
21.	24-1-01	74	24-7-01

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 13th October, 2004

G.S.R. 366. In exercise of the powers conferred by Sub-section (1) read with Sub-section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the concerned State Governments, hereby makes the following regulations further to amend the All India Services (Study Leave) Amendment, 1960, namely:—

- (1) These regulations may be called the All India Services (Study Leave) Amendments Regulations, 2004.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In regulation 3 of the All India Services (Study Leave) Regulations, 1960, in sub-regulation (4), for clause (ii), the following shall be substituted, namely:—

“(ii) who is due to reach the age of superannuation within three years from the date on which he is expected to return to duty after the expiry of leave”.

[No. 11020/02/2003-AIS-III]

G.C. PANDEY, Under Secy.

Footnote: The principal regulation were published vide number G.S.R. 666, dated the 18th June, 1960 and subsequently amended vide:—

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary

सर्व लोक सेवा आयोग

Union Public Service Commission

नई दिल्ली/New Delhi

S. No.	Notification Number	Date	G.S.R. No.	Date
1.	102/61-AIS-III	16-7-62	965	21-7-62
2.	102/63-AIS-III	7-12-64	1747	12-12-64
3.	102/66-AIS-III	4-10-67	1595	28-10-67
4.	102/69-AIS(III)	16-7-69	1746	26-7-69
5.	102/13/68-AIS(III)	9-11-71	1857	11-12-71
6.	102/71-AIS(III)	11-1-72	840	25-1-72
7.	102/72-AIS(III)	16-5-72	666	10-6-72
8.	102/72-AIS(III)	14-12-72	1617	30-12-72
9.	102/20/75-AIS(III)	15-11-75	2779	13-12-75
10.	102/74-AIS(III)	28-10-75	2691	22-11-75
11.	102/20/77-AIS(III)	1-10-77	1393	22-10-77
12.	102/20/24/79-AIS(III)	4-10-80	1673	18-10-80
13.	102/20/4/81-AIS(III)	22-12-1981	6	2-1-82
14.	102/20/18/83-AIS(III)	25-11-83	930	10-12-83
15.	102/20/27/83-AIS(III)	25-10-85	1040	9-11-85
16.	102/20/21/84-AIS(III)	23-6-86	496	15-7-86
17.	102/20/10/84-AIS(III)	23-7-86	584	9-8-86
18.	102/17/38/87-AIS(III)	6-6-89	658(E)	30-6-89
19.	102/20/9/91-AIS(III)	6-2-92	70	22-2-92
20.	102/20/14/97-AIS(III)	23-2-98	57	14-3-98
21.	102/20/17/2000-AIS(III)	24-1-01	74	24-7-01

सचिवालय पूर्वोत्तर परिषद

नई दिल्ली, 8 सितम्बर, 2004

रा.का.नि. 367.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, पूर्वोत्तर पुलिस अकादमी, बारापानी में उप-सहायक निदेशक (पुलिस विज्ञान), सहायक निदेशक (विधि), सहायक निदेशक (वैज्ञानिक साधन) तथा उप-निदेशक (इनडोर) भर्ती नियम 1955 तथा 1996 के विनियमन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम, पूर्वोत्तर पुलिस अकादमी बारापानी में उप-सहायक निदेशक (पुलिस विज्ञान), सहायक निदेशक (विधि) सहायक निदेशक (वैज्ञानिक साधन) तथा उप-निदेशक (इनडोर) भर्ती नियम, 2004 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. लागू करना.—ये नियम इससे उपायुक्त अनुसूची के स्तम्भ 1 में विनिर्दिष्ट पदों को लागू होंगे।

3. पद संख्या, वर्गीकरण और वेतनमान.—उक्त पदों की संख्या, उसका वर्गीकरण और उसका वेतनमान वह होगा जो इन नियमों से उपायुक्त अनुसूची के स्तम्भ (1) से स्तम्भ (14) में विनिर्दिष्ट हैं।

4. भर्ती की पद्धति, आयु-सीमा और अर्हताएं आदि.—उक्त पदों पर भर्ती की पद्धति, आयु-सीमा, अर्हताएं और उससे संबंधित अन्य बातें वे होंगी जो अनुसूची में विनिर्दिष्ट हैं।

5. निरर्हताएं.—वह व्यक्ति,—

(क) जिसने ऐसे व्यक्ति से जिसका पति या जिसकी पत्नी जीवित है, विवाह किया है, या

(ख) जिसने अपने या अपनी पत्नी के जीवित रहते हुए किसी व्यक्ति से विवाह किया है,

उक्त पदों पर नियुक्ति के पात्र नहीं होंगे।

Attested

(अमर नाथ)

(AMAR NATH)

जूनियर सचिव/Under Secretary

सर्व लोक सेवा आयोग

Union Public Service Commission

नई दिल्ली/New Delhi

(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

1. अर्हताएं, अन्यथा सुअर्हित, अभ्यर्थियों की दशा में संघ लोक सेवा आयोग के विवेकानुसार शिथिल की जा सकती हैं।

टिप्पण :

2. अनुभव संबंधी अर्हता (अर्हताएं) संघ लोक सेवा आयोग के विवेकानुसार अनुसूचित जातियों और अनुसूचित जनजातियों के अभ्यर्थियों की दशा में तब शिथिल की जा सकती हैं। जब चयन के किसी प्रक्रम पर संघ लोक सेवा आयोग की यह राय है कि उनके लिए आरक्षित रिक्तियों को भरने के लिए अपेक्षित अनुभव रखने वाले उन समुदायों के अभ्यर्थियों के पर्याप्त संख्या में उपलब्ध होने की सम्भावना नहीं है।

वांछनीय : किसी मान्यता प्राप्त विश्वविद्यालय से सामाजिक विज्ञान/अपराध विज्ञान में स्नातकोत्तर डिग्री, विधि में स्नातक डिग्री या इसके समतुल्य।

भर्ती की प्रकृति : भर्ती सीधे होगी या प्रोन्नति द्वारा या प्रतिनियुक्ति/स्थानान्तरण द्वारा भरी जाने वाली रिक्तियों की प्रतिशतता

प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण/अन्तर्लयन द्वारा भर्ती की दशा में वे श्रेणियां जिनसे प्रोन्नति/प्रतिनियुक्ति/स्थानान्तरण/अन्तर्लयन किया जायेगा

11

प्रोन्नति/प्रतिनियुक्ति जिसके अन्तर्गत अल्पकालिक संविदा भी है के लिए 50%, सीधी भर्ती के लिए 50%।

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प्रतिनियुक्ति पर स्थानान्तरण जिसके अन्तर्गत अल्पकालिक संविदा भी है स्थानान्तरण केन्द्रीय सरकार, राज्य सरकारों, संघ राज्य क्षेत्रों, मान्यताप्राप्त अनुसंधान संस्थाओं, विश्वविद्यालयों, केन्द्र सरकार के उपक्रमों, अर्धसरकारी स्वायत्त संस्थाओं के अधीन ऐसे अधिकारी :-

(क) 1. नियमित आधार पर अपने कैडर या विभाग में सदृश पद धारण किए हैं, या जिन्होंने 6500-10500 रुपये या समतुल्य वेतनमान वाले पदों पर 5 वर्ष नियमित सेवा की हो।

2. सीधी भर्ती के लिए जिनके पास स्तम्भ 8 की अर्हताएं और अनुभव हैं।

(ख) विभागीय उपसहायक निदेशक (पुलिस विज्ञान)

जिनकी 5 वर्ष की नियमित सेवा हो, बाह्य अभ्यर्थियों के साथ नियुक्त किए जाने के पात्र होंगे और यदि विभागीय अधिकारियों का चयन हो जाता है तो यह पद पदोन्नति द्वारा भरा माना जाएगा।

टिप्पण : जहां ऐसे कनिष्ठ व्यक्तियों के संबंध में जिन्होंने अपनी अर्हक/पात्रता सेवा पूरी कर ली है। प्रोन्नति के लिए विचार किया जा रहा हो वहां उनसे ज्येष्ठ व्यक्तियों के संबंध में भी विचार किया जाएगा। परंतु यह तब जबकि उनके द्वारा अपेक्षित अर्हक/पात्रता सेवा से एक वर्ष से अधिक से कम न हो और उन्होंने अपनी परीक्षा अवधि सफलतापूर्वक पूरी की हैं।

पोषक प्रवर्ग के ऐसे विभागीय अधिकारी, जो प्रोन्नति की सीधी पंक्ति में हैं, प्रतिनियुक्ति पर नियुक्ति के लिए विचार किए जाने के पात्र नहीं होंगे। इसी प्रकार प्रतिनियुक्ति व्यक्ति प्रोन्नति द्वारा नियुक्ति के लिए विचार किए जाने के पात्र नहीं होंगे।

प्रतिनियुक्ति की अवधि/संविदा जिसके अन्तर्गत केन्द्रीय सरकार के उसी या किसी अन्य संगठन/विभाग में इस नियुक्ति से ठीक पहले धारित किसी अन्य काडर बाह्य पद पर प्रतिनियुक्ति की अवधि है साधारणतया तीन वर्ष से अधिक नहीं होगी। प्रतिनियुक्ति पर स्थानान्तरण जिसमें अल्पकालिक संविदा भी शामिल है के लिए आयु सीमा आवेदन प्राप्त करने की अन्तिम तिथि को 56 वर्ष से अधिक नहीं होगी।

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यदि विभागीय प्रोन्नति सामान्य हो तो उम्मीदवारों से

भर्ती करने में किन परिस्थितियों में संघ लोक सेवा
आयोग से परामर्श किया जाएगा

14

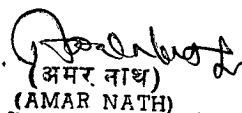
पुष्टि के सम्बन्ध में विचार करने के लिए विभागीय प्रोन्नति समिति :

1. निदेशक, प्रोन्नति प्रोन्नति अध्यापक	—अध्यक्ष	पदों को भरने की स्थिति में भर्ती के
2. प्रिंसिपल प्रोन्नति प्रोन्नति अध्यापक	—सदस्य	नियमों में शिथिलता और किसी तरह
3. उप-प्रिंसिपल प्रोन्नति प्रोन्नति अध्यापक	—सदस्य	के बदलाव के लिए संघ लोक सेवा
		आयोग से परामर्श करना आवश्यक।

1	2	3	4	5	6
महायक निदेशक (विधि)	2*	साधारण केंद्रीय सेवा "क", के अन्तर्गत राजपत्रित, परम विद्यमान अनुसूचित जाति में है	8000-275- 13500 रु.	लागू नहीं होता	35 वर्ष से अधिक नहीं केन्द्रीय सरकार द्वारा जारी किए गए अनुदेशों या आदेशों के अनुसार सरकारी सेवकों के लिए 5 वर्ष तक शिथिल की जा सकती हैं टिप्पण : आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो असम, मेघालय, अरुणाचल प्रदेश, मिजोरम, मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू- कश्मीर राज्य के लद्दाख खंड, हिमाचल प्रदेश के लाहौल और स्पीति जिले तथा चम्पा-जिले के पांगी उपखंड, अंदमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।)

7	8	9	10
नहीं	आवश्यक : (i) किसी मान्यताप्राप्त विश्वविद्यालय से विधि में स्नातक डिग्री या इसके समतुल्य (ii) किसी न्यायालय में 3 वर्ष तक नियमित रूप से कार्य करने का अनुभव या किसी प्रशिक्षण संस्था/किसी मान्यताप्राप्त विधि कोष में 3 वर्ष तक पढ़ाने का अनुभव। टिप्पण : 1. अर्हताएं, अन्यथा सुअर्हित, अभ्यर्थियों की दशा में संघ लोक सेवा आयोग के विवेकानुसार शिथिल की जा सकती हैं। 2. अनुभव संबंधी अर्हता (अर्हताएं) संघ लोक सेवा आयोग के विवेकानुसार अनुसूचित जातियों और अनुसूचित जनजातियों के अभ्यर्थियों की दशा में तब शिथिल की जा	लागू नहीं होता	सीधी भर्ती किए जाने वाले व्यक्तियों या प्रोन्नत व्यक्तियों को एक वर्ष

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सकती हैं। जब चयन के किसी प्रक्रम पर संघ लोक सेवा आयोग की यह राय है कि उनके लिए आरक्षित रिक्तियों को भरने के लिए अपेक्षित अनुभव रखने वाले उन समुदायों के अभ्यर्थियों के पर्याप्त संख्या में उपलब्ध होने की सम्भावना नहीं है।

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प्रतिनियुक्ति पर स्थानान्तरण/जिसके अन्तर्गत अल्पकालिक संविदा/अन्तर्लयन भी हैं जिसके असंपन्न होने पर सीधी भर्ती।

प्रतिनियुक्ति पर स्थानान्तरण जिसके अन्तर्गत अल्पकालिक संविदा/अन्तर्लयन भी है स्थानान्तरण केन्द्रीय सरकार, राज्य सरकारों, संघ राज्यों क्षेत्रों, मान्यताप्राप्त अनुसंधान संस्थाओं, विश्वविद्यालयों केन्द्र सरकार के उपक्रमों, अर्धसरकारी स्वायत्त संस्थाओं, सांविधिक संस्थाओं के अधीन ऐसे अधिकारी :—

(क) 1. नियमित आधार पर अपने कैडर या विभाग में सदृश पद धारण किए हैं, या जिन्होंने 6500-10500 रुपये या समतुल्य वेतनमान वाले पदों पर 5 वर्ष नियमित सेवा की हो।

2. सीधी भर्ती के लिए जिनके पास स्तम्भ 8 की अर्हताएं और अनुभव हैं।

टिप्पण : केवल केन्द्रीय सरकार, राज्य सरकारों और संघ राज्यों क्षेत्रों के अधिकारी ही अन्तर्लयन आधार पर नियुक्ति के पात्र होंगे।

प्रतिनियुक्ति की अवधि/संविदा जिसके अन्तर्गत केन्द्रीय सरकार के उसी या किसी अन्य संगठन/विभाग में इस नियुक्ति से ठीक पहले धारित किसी अन्य कैडर बाह्य पद पर प्रतिनियुक्ति की अवधि है साधारणतया तीन वर्ष से अधिक नहीं होगी। प्रतिनियुक्ति पर स्थानान्तरण जिसमें अल्पकालीन संविदा भी शामिल है, के लिए आयु सीमा आवेदन प्राप्त करने की अन्तिम तिथि को 56 वर्ष से अधिक नहीं होगी।

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समूह 'क' की पुष्टि के सम्बन्ध में विचार करने के लिए विभागीय प्रोन्नति समिति

- | | |
|---|----------|
| 1. निदेशक, पूर्वोत्तर पुलिस अकादमी | —अध्यक्ष |
| 2. प्रिंसिपल पुलिस ट्रेनिंग स्कूल, शिलांग | —सदस्य |
| 3. उप-सचिव, पूर्वोत्तर परिपद, शिलांग | —सदस्य |

पदों को भरने की स्थिति में भर्ती के नियमों में शिथिलता और किसी तरह के बदलाव के लिए संघ लोक सेवा आयोग से परामर्श करना आवश्यक।

1	2	3	4	5	6
उप-निदेशक (अन्तरंग)	1*	साधारण केन्द्रीय सेवा, "क", कार्यभार के आधार पर परिवर्तन किया जा सकता है	10000-325- 15200 रु.	लागू नहीं होता	लागू नहीं होता।
7	8	9	10		
लागू नहीं होता	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता		

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संयुक्त विधि प्रतिनियुक्ति पर स्थानान्तरण या पदोन्नति विभागीय अधिकारी जिनके पास अपेक्षित आवश्यक योग्यता हो, बाह्य अभ्यर्थियों

संयुक्त विधि केन्द्रीय सरकार, राज्य सरकारों, संघ राज्यों क्षेत्रों, मान्यताप्राप्त अनुसंधान संस्थाओं, विश्वविद्यालयों केन्द्र सरकार के उपक्रमों, अर्ध-सरकारी स्वायत्त संस्थाओं, सांविधिक संस्थाओं के अधीन ऐसे अधिकारी :

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के साथ नियुक्त किए जाएंगे और यदि विभागीय अधिकारियों के लिए हो जाता है तो भरा माना जायेगा।

जिनके पास निम्न शैक्षिक अर्हताएं और अनुभव हो।

- i. किसी मान्यताप्राप्त विश्वविद्यालय से स्नातक डिग्री या उसके समतुल्य।
- ii. जिन्होंने किसी न्यायालय में 5 वर्ष का व्यावहारिक कार्य का अनुभव या किसी प्रशिक्षण संस्थान में निम्न विषय पढ़ाने का 5 वर्ष का अनुभव या किसी मान्यताप्राप्त विधि महाविद्यालय में 5 वर्ष पढ़ाने का अनुभव या
- iii. किसी मान्यताप्राप्त विश्वविद्यालय से स्नातकोत्तर डिग्री या समतुल्य या किसी न्यायालय में 3 वर्ष का व्यावहारिक कार्य का अनुभव या किसी मान्यताप्राप्त प्रशिक्षण संस्थान/विधि महाविद्यालय में 3 वर्ष पढ़ाने का अनुभव।
- iv. विभागीय सहायक निदेशक (विधि) जिनकी 5 वर्ष की नियमित सेवा हो, बाह्य अभ्यर्थियों के साथ नियुक्ति किए जाने के पात्र होंगे और यदि विभागीय अधिकारियों का चयन हो जाता है तो यह पद प्रोन्नति द्वारा भरा माना जायेगा।

टिप्पण : जहां ऐसे कनिष्ठ व्यक्तियों के संबंध में जिन्होंने अपनी अर्हक/पात्रता सेवा पूरी कर ली है, प्रोन्नति के लिए विचार किया जा रहा हो वहां उनसे ज्येष्ठ व्यक्तियों के संबंध में भी विचार किया जाएगा। परंतु यह तब जबकि उनके द्वारा अपेक्षित अर्हक/पात्रता सेवा से एक वर्ष से अधिक से कम न हो और उन्होंने अपनी परीक्षा अवधि सफलतापूर्वक पूरी की है।

पोस्ट प्रवर्ग के ऐसे विभागीय अधिकारी, जो प्रोन्नति की सीधी पंक्ति में हैं, प्रतिनियुक्ति पर नियुक्ति के लिए विचार किए जाने के पात्र नहीं होंगे। इसी प्रकार प्रतिनियुक्त व्यक्ति प्रोन्नति द्वारा नियुक्ति के लिए विचार करने जाने के पात्र नहीं होंगे।

प्रतिनियुक्ति की अवधि/संविदा जिसके अन्तर्गत केन्द्रीय सरकार के उसी या किसी अन्य संगठन/विभाग में इस नियुक्ति से ठीक पहले धारित किसी अन्य कैडर बाह्य पद पर प्रतिनियुक्ति की अवधि है साधारणतया तीन वर्ष से अधिक नहीं होगी। प्रतिनियुक्ति पर स्थानान्तरण जिसमें अल्पकालीन संविदा भी शामिल है, के लिए आयु सीमा आवेदन प्राप्त करने की अन्तिम तिथि को 56 वर्ष से अधिक नहीं होगी।

लागू नहीं होता।

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पदों को भरने की स्थिति में भर्ती के नियमों में शिथिलता और किसी तरह के बदलाव के लिए संघ लोक सेवा आयोग से परामर्श करना आवश्यक।

1	2	3	4	5	6
उप-सहायक निदेशक (पुलिस विज्ञान)	3*	साधारण केन्द्रीय सेवा, "क", राजपत्रित, अननुसचिवीय	6500-200-10500 रु.	लागू नहीं होता	30 वर्ष से अधिक नहीं केन्द्रीय सरकार द्वारा जारी किए गए अनुदेशों या आदेशों के अनुसार सरकारी सेवकों के लिए 5 वर्ष तक शिथिल की जा सकती हैं।
					टिप्पण : आयु-सीमा अवधारित करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों से आवेदन प्राप्त करने के लिए नियत की गई अंतिम तारीख होगी। (न कि वह अंतिम तारीख जो असम, मेघालय, अरुणाचल प्रदेश,

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

मिजोरम, मणिपुर, नागालैंड, त्रिपुरा, सिक्किम, जम्मू व कश्मीर, राज्य के लद्दाख, खंड, हिमाचल प्रदेश के लाहौल और स्पीति जिले तथा चम्बा-जिले के पांगी उपखंड, अंडमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।

7	8	9	10
नहीं	<p>आवश्यक :</p> <p>(i) किसी मान्यताप्राप्त विश्वविद्यालय से विधि में स्नातक डिग्री या इसके समतुल्य या किसी मान्यताप्राप्त विश्व-विद्यालय से अपराध विज्ञान में स्नातकोत्तर डिग्री या इसके समतुल्य</p> <p>(ii) किसी न्यायालय में 2 वर्ष तक नियमित रूप से कार्य करने का अनुभव या किसी पुलिस प्रशिक्षण संस्थान में 2 वर्ष तक पढ़ाने का अनुभव।</p> <p>टिप्पण :</p> <p>1. अर्हताएं, अन्यथा सुअर्हित, अभ्यर्थियों की दशा में संघ लोक सेवा आयोग के विवेकानुसार शिथिल की जा सकती हैं।</p> <p>2. अनुभव संबंधी अर्हता (अर्हताएं) संघ लोक सेवा आयोग के विवेकानुसार अनुसूचित जातियों और अनुसूचित जनजातियों के अभ्यर्थियों की दशा में तब शिथिल की जा सकती हैं जब चयन के किसी प्रक्रम पर संघ लोक सेवा आयोग की यह राय है कि उनके लिए आरक्षित रिक्तियों को भरने के लिए अपेक्षित अनुभव रखने वाले उन समुदायों के अभ्यर्थियों की पर्याप्त संख्या में उपलब्ध होने की सम्भावना नहीं है।</p>	लागू नहीं होता	सीधी भर्ती किये जाने वाले व्यक्ति या प्रोन्नत व्यक्ति के दो वर्ष।
11	12		
प्रतिनियुक्ति पर स्थानान्तरण जिसके अन्तर्गत अल्पकालिक संविदा/अन्तर्लयन भी हैं जिसके असफल होने पर सीधी भर्ती।	<p>प्रतिनियुक्ति पर स्थानान्तरण जिसके अन्तर्गत अल्पकालिक संविदा/अन्तर्लयन भी हैं स्थानान्तरण केन्द्रीय सरकार, राज्य सरकारों, संघ राज्यों क्षेत्रों, मान्यता प्राप्त अनुसंधान संस्थाओं, विश्वविद्यालयों केन्द्र सरकार के उपक्रमों, अर्ध-सरकारी स्वायत्त संस्थाओं, सार्वजनिक संस्थाओं के अधीन ऐसे अधिकारी :</p> <p>(क) 1. नियमित आधार पर अपने कैडर या विभाग में सदृश पद धारण किए हैं, या जिन्होंने 5500-9000 रु. या समतुल्य वेतनमान वाले पदों पर 3 वर्ष नियमित सेवा की हो, या जिन्होंने 5000-8000 रु. या समतुल्य वेतनमान वाले पदों पर 8 वर्ष नियमित सेवा की हो।</p> <p>2. सीधी भर्ती के लिए जिनके पास स्तम्भ 8 की अर्हताएं और अनुभव हैं।</p> <p>टिप्पण : केवल केन्द्रीय सरकार, राज्य सरकारों और संघ राज्यों क्षेत्रों के अधिकारियों के अन्तर्लयन आधार पर नियुक्ति के पात्र होंगे।</p> <p>प्रतिनियुक्ति की अवधि/संविदा जिसके अन्तर्गत केन्द्रीय सरकार के उसी या किसी अन्य संगठन/विभाग में इस नियुक्ति से ठीक पहले धारित किसी अन्य कैडर बाह्य पद पर प्रतिनियुक्ति की अवधि है साधारणतया तीन वर्ष से अधिक नहीं होगी। प्रतिनियुक्ति पर स्थानान्तरण जिसमें अल्पकालीन संविदा भी शामिल है, के लिए आयु सीमा आवेदन प्राप्त करने की अन्तिम तिथि को 56 वर्ष से अधिक नहीं होगी।</p>		

304362/04-2

Attested

(अमर नाथ)
(AMAR NATH)

उप सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi.

पुष्टि के सम्बन्ध में विचार करने के लिए विभागाय प्रोन्नति समिति

पदों को भरने की स्थिति में भर्ती के नियमों में शिथिलता और किसी तरह के बदलाव के लिए संघ लोक सेवा आयोग से परामर्श करना आवश्यक।

- | | |
|-------------------------------------|----------|
| 1. निदेशक, पूर्वोत्तर पुलिस अकादमी | —अध्यक्ष |
| 2. प्रिंसीपल पुलिस अधिकारी, शिलांग | —सदस्य |
| 3. उप-सचिव, पूर्वोत्तर परपद, शिलांग | —सदस्य |

[सं. पूर्वोत्तर परिपद/नेपा/17/2003]

राजीव माथुर, उप सचिव

पाद टिप्पणी : सहायक निदेशक (विधि) के कर्तव्य नियम, 1995 सा.का.नि. 309 दिनांक 1-7-1995, तथा उप-सहायक निदेशक (पुलिस विज्ञान) सहायक निदेशक (वैज्ञानिक साधन) तथा उप-निदेशक (इनडोर) सा.का.नि. 546 दिनांक 7-12-1996, सा.का.नि. 286 दिनांक 13-1-1996, का प्रकाशित किया गया है। संसोधित सा.का.नि. दिनांक

NORTH EASTERN COUNCIL SECRETARIAT

New Delhi, the 8th September, 2004

G.O.R. 30—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of the North Eastern Police Academy, Barapani, Deputy Assistant Director (Police Science), Assistant Director (Law), Assistant Director (Scientific Aids) and Deputy Director (Indoor) Recruitment Rules, 1995 and 1996 except as respects done omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the above posts in the North Eastern Police Academy, Barapani namely :—

1. Short title and commencement.—(1) These rules may be called The North Eastern Police Academy, Barapani, Deputy Assistant Director (Police Science), Assistant Director (Law), Assistant Director (Scientific Aids) and Deputy Director (Indoor) Recruitment Rules, 2004.

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

2. Application. —These rules shall apply to the posts specified in column 1 of the Schedule annexed to these rules.

3. Number, classification and scale of pay.—The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns of the said Schedule.

6. Method of recruitment, age limit, qualification etc.—The method of recruitment age limit, qualifications and other matters relating to the said posts shall be as specified in columns of the said Schedule.

6. Disqualifications.—No person,—

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

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

shall be eligible for appointment for any of the said post :

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

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

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

Attested

(अमर नाथ)
(AMAR NATH)

उप सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

SCHEDULE

Name of post	Number of posts	Classification	Scale of pay	Whether selection by merit or selection cum-seniority or non-selection post	Age limit for direct Recruitment
1	2	3	4	5	6
Assistant Director (Scientific Aids)	01* (2003) * Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non-Ministerial	Rs. 8000-275-13500	Not applicable	Not exceeding 35 years Note 1 : Relaxable for government servant's upto 5 years in accordance with the instructions or orders issued the Central Government. Note 2 : The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands. or Lakshadweep).
by					
Whether benefit of added years of service admissible	Educational and other qualifications required for direct recruits		Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees		Period of probation.
7	8		9		10
No	Essential ; (i) Master's Degree of a recognized university or equivalent. (ii) Three years' experience in investigation of cases in Forensic Disciplines in a		Not applicable		1 year for direct recruits

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

Forensic Science Laboratory of Central Govt./State Govts./Union Territories or three years' teaching experience in Training Institute in the field of Forensic Science.

Note 1: Qualifications are relaxable at the discretion of the Union Public Service Commission in case of candidates otherwise well qualified.

Note 2: Qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Desireable: Master's Degree in Sociology/Master's Degree in Criminology/ Bachelor's Degree in Law of a recognized university or equivalent.

Method of recruitment whether by Direct Recruitment or by Promotion or by Deputation/Absorption and percentage of the posts to be filled by various methods

In case of recruitment by Promotion/Deputation/Absorption, grades from which Promotion/Deputation/Absorption to be made

11

12

Deputation (including Short Term Contract)/Absorption filling which by direct recruitment.

Deputation (including short term contract)/Absorption :
Officers of the Central/State Govts./Union Territories/Recognized Research Institutions/Universities/Public Sector Undertakings/Semi-Govt./Statutory or Autonomous Organizations :
(a) (i) Holding analogous posts on regular basis in the parent cadre/department; Or

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary

संघ लोक सेवा आयोग

Union Public Service Commission
नई दिल्ली/New Delhi

(ii) With five years' service in the grade rendered after appointment thereto on regular basis in the scale of pay of Rs. 6500-10500 or equivalent in the parent cadre/department; and

(b) Possessing the educational qualifications and experience prescribed for Direct Recruits under Col. 8

Note : Only officers of the Central Government/State Governments/Union Territories are eligible for being considered for appointment on absorption basis.

(Period of deputation/contract including the period of deputation/contract in another ex-cadre post held immediately preceding this appointment in the same or some other organization/Department of the Central Government shall ordinarily not exceed 3 years. The Maximum age limit for appointment by deputation (including short term contract)/Absorption shall be not, exceed 56 years, as on the closing date of receipt of applications).

If a Departmental Promotion Committee exists, what is its composition

Circumstances in which Union Public Service Commission is to be consulted in making recruitment

13

14

Group 'A' Departmental Promotion Committee for considering confirmation :—

1. Director, North Eastern Police Academy —Chairman
2. Principal, Police Training School, Shillong —Member
3. Deputy Secretary, North Eastern Council, Shillong —Member

Consultation with Union Public Service Commission is necessary for filling the post and amending and relaxing any provision of these Recruitment Rules.

Name of post	Number of post	Classification	Scale of pay	Whether selection by merit or selection cum-seniority or non-selection post	Age limit for Direct Recruitment
1	2	3	4	5	6
Assistant Director (Law)	02* (2004) * Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non-Ministerial	Rs. 8000-275-13500	Not applicable	Not exceeding 35 years Relaxable for government servants upto 5 yrs. in with the instructions or orders issued by the Central Government. Note : The crucial date for determining

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

the age limit shall be the closing date for receipt of applications from candidates in India. (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir State, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).

Whether benefit added by way of admissibility	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any
7	8	9	10
No	<p>Essential</p> <p>(i) Bachelors' Degree in Law from a recognized university or equivalent.</p> <p>(ii) Three years' practical experience at the Bar or three years' experience in Teaching Law in Training Institute/ Recognized Law College.</p> <p>Note 1: Qualifications are relaxable at discretion of the Union Public Service Commission in case of candidates otherwise well qualified.</p> <p>Note 2 : Qualification(s) regarding experience is/are relaxable at the discretion of the Union Public Service Commission in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection the Union</p>	Not applicable	1 yr. for direct recruits & promotees.

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary
राष्ट्र लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Method of recruitment whether by Direct Recruitment or by Promotion or by Deputation/Absorption and percentage of the posts to be filled by various methods

In case of recruitment by Promotion/Deputation/Absorption grades from which Promotion/Deputation/Absorption to be made

10

11

12

50% promotion/deputation including short-term contract.
50% Direct Recruitment.

Composite Method

Officers of the Central/State Govts./Union Territories/Recognized Research Institutions/Universities/Public Sector Undertakings/Semi-Govt./Statutory or Autonomous Organizations:

- (a) (i) Holding analogous posts on regular basis in the parent cadre/department; OR
- (ii) With five years' service in the grade rendered after appointment thereto on regular basis in posts in the scale of pay of Rs. 6500-10500 or equivalent in the parent cadre/department; and
- (b) Possessing the educational qualifications and experience prescribed for Direct Recruits under Col. 8

2. The Departmental Deputy Assistant Director (Police Science) with five years' regular service in the grade shall also be considered along with outsiders and in case he is selected for appointment to the post the same shall be deemed to have been filled by promotion.

Note : Where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years whichever is less and have successfully completed their probation period or promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service.

(The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion. Period of deputation/contract including the period of deputation/contract in another ex-cadre post held immediately preceding this appointment in the same or some other organization/Department of the Central Government shall ordinarily not exceed three years. The maximum age limit for appointment by deputation (including short-term contract) shall be not exceeding 56 years, as on the closing date of receipt of applications).

Attested

(अमर नाथ)

(AMAR NATH)

Under Secretary

संघ लोक सेवा आयोग

Union Public Service Commission

नई दिल्ली/New Delhi

1. If a Departmental Promotion Committee exists, what is its composition

Circumstances in which Union Public Service Commission is to be consulted in making recruitment

Group 'A' Departmental Promotion Committee (for considering promotion):—

1. Director, North Eastern Police Academy —Chairman
2. Principal, Police Training School, Shillong —Member
3. Deputy Secretary, North Eastern Council, Shillong. —Member

Consultation with Union Public Service Commission in necessary for filling the post and amending and relaxing any provision of these Recruitment Rules.

Name of post	Number of posts	Classification	Scale of pay	Whether selection by merit or selection cum-seniority or non-selection post	Age limit for direct recruitment
1	2	3	4	5	6
Deputy Director (Indoor)	01 (2003) * Subject to variation dependent on workload.	General Central Service Group 'A' Gazetted, Non-Ministerial	Rs. 10000-325-152000	Not applicable	Not applicable
Whether benefit of added years of service admissible	Educational and other qualification required for direct recruits		Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees		Period of probation, if any
7	8		9		10
Not applicable	Not applicable		Not applicable		Not applicable
Method of recruitment by direct recruitment or by promotion or by deputation/absorption and percentage of the post to be filled by various methods	Whether In case of recruitment by promotion/deputation/absorption, grades from which promotion/deputation/absorption to be made				
11	12				

Composite method-Deputation Plus Promotion

The Departmental officer possessing the requisite qualifying service in the grade shall also be considered along with outsiders and in case he is selected for appointment to the post the same shall be deemed to have been filled by promotion.

Composite Method

Officers under the Central/State Govts./Union Territories/Recognized Research Institutions/Universities/Public Sector Undertakings/Semi Govt./Statutory or Autonomous Organizations

- (a) (i) Holding analogous posts on regular basis in the parent cadre/department; OR
- (ii) With five year's service in the grade rendered after appointment thereto on regular basis in posts in the scale of pay Rs. 8000-13500 or equivalent in the parent cadre/department; and

- (b) Possessing the following educational qualifications and experience:

Attested

(AMAR NATH)

Under Secretary

संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

- A(i) Bachelor's Degree in Law of a recognized university or equivalent.
(ii) Five years' practical experience at the Bar or five years's experience in teaching Law in Training Institute/Recognized Law College.

OR

- B.(i) Master's Degree in Law from a recognized university or equivalent.
(ii) Five years' practical experience at the Bar or three years' teaching experience in teaching Law in Training Institute/Recognized Law College.

2. The Departmental Assistant Director (Law) with five years' regular service in the grade shall also be considered along with outsiders and in case he is selected for appointment to the post the same shall be deemed to have been filled by promotion.

Note : Where juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years whichever is less, and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have completed such qualifying/eligibility service.

(The departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion. Period of deputation/contract including period of deputation/contract in another ex-cadre post held immediately preceding this appointment in the same or other organization/department of the Central Government shall ordinarily not exceed 3 years. The maximum age limit for appointment by deputation (including short term contract) shall be not exceed 56 years, as on the closing date of receipt of applications).

If a Departmental Promotion Committee exists, what is its composition

Circumstances in which Union Public Service Commission is to be consulted in making recruitment

13

14

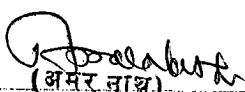
Not applicable

Consultation with Union Public Service Commission necessary for filling the post and amendment/relaxation of any provision of these Rect. Rules.

Name of post	Number of post	Classification	Scale of pay	Whether selection by merit or selection cum-seniority or non-selection post	Age limit for Direct Recruitment
1	2	3	4	5	6
Dy. Assistant Director (Police Science)	03* (2004) * Subject to variation dependent on workload.	General Central Service Group 'B' Gazetted, Non-Ministerial	Rs. 6500-200-10500	Not Applicable	Not exceeding 30 years Note 1: Relaxable for government servant's upto 5 yrs in accordance

304961/04-3

Attested


(अमर नाथ)
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with the instructions or orders issued by the Central Government.

Note 2: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India. (And not closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).

Whether benefit of added years of service admissible	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any
7	8	9	10
No	<p>Essential</p> <p>(i) Bachelor's Degree in Law or Master's Degree in criminology from a recognized university or equivalent.</p> <p>(ii) Two year's practical experience at the Bar or two year's teaching experience in Police Training Institutes.</p> <p>Note 1 : Qualifications are relaxable at discretion of the Union Public Service Commission in case of candidates otherwise well qualified.</p> <p>Note 2 : Qualification(s) regarding experience is/are relaxable at the discretion</p>	Not applicable	2 years for direct recruits

Attested

(Signature)
(AMAR NATH)

अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

of the Union Public Service Commission in the case of candidates belonging to Scheduled Castes or Scheduled Tribes. If at any stage of selection the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.

Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods

In case of recruitment by promotion/deputation/absorption, grades from which promotion/deputation/absorption to be made

11

12

Deputation (including short-term contract)/Absorption failing which by direct rectt.

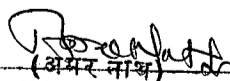
Deputation (including short-term contract)/Absorption
Officers under the Central/State Govts./Union Territories/Recognized Research Institutions/Universities/Public Sector Undertakings/Semi-Govt./Autonomous or Statutory Organizations:

- (a) (i) Holding analogous posts on regular basis in the parent cadre/department; OR
- (ii) With three years' service in the grade rendered after appointment thereto on regular basis in posts in the scale of Rs. 5500-9000 or equivalent in the parent cadre/department; OR
- (iii) With six years' service in the grade rendered after appointment thereto on regular basis in posts in the scale of Rs. 5000-8000 or equivalent in the parent cadre/department; and
- (b) Possessing the educational qualifications and experience prescribed for direct recruits under Col. 8.

Note : Only officers of the Central Government/State Govts./Union Territories are eligible for being considered for appointment on absorption basis.

(Period of deputation/contract including period of deputation/contract in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Govt. shall ordinarily not exceed three years. The maximum age limit for appointment by deputation (including short term contract/absorption shall be not exceeding 56 years as on the closing date of receipt of applications).

Attested


(अमर नाथ)

(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

If a Departmental Promotion Committee exists, what is its composition

Circumstances in which Union Public Service Commission is to be consulted in making recruitment

14

Group 'B' Departmental Promotion Committee for considering candidates

1. Director, Eastern Police Academy —Chairman
2. Principal, Training School, Shillong —Member
3. Deputy Secretary, North Eastern Council, Shillong —Member

Consultation with Union Public Service Commission is necessary for filling the post and relaxing any provision of these recruitment rules.

[F. No. NEC/NEPA/17/2003]

RAJEEV MATHUR, Dy. Secy.

Footnote.—The Recruitment Rules, 1995 for the post of Assistant Director (Law) was published vide GSR No. 309 dated 1-7-1995 and Recruitment Rules, 1996 for the posts of Deputy Assistant Director (Police Science), Assistant Director (Scientific Aids), Deputy Director (Indoor) were published vide GSR No. 546 dated 7-12-96, 286 dated 13-7-96 respectively and amended vide GSR No. No.

Recruitment Rules, 1995 for the post of Assistant Director (Law) was published vide GSR No. 309 dated 1-7-1995 and Recruitment Rules, 1996 for the posts of Deputy Assistant Director (Police Science), Assistant Director (Scientific Aids), Deputy Director (Indoor) were published vide GSR No. 546 dated 7-12-96, 286 dated 13-7-96 respectively and amended vide GSR No. No.

राष्ट्रीय जनसंख्या आयोग

नई दिल्ली, 20 सितंबर, 2004

सा. का. नि. 309 — संविधान की धारा 340 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति जी, राष्ट्रीय जनसंख्या आयोग के भर्ती नियम, 2003 (समूह व, ग तथा घ के पद) के अंग्रेजी पाठ में निम्नलिखित शुद्धि-पत्र जारी करते हैं जिनमें उनका पैरा (अनुच्छेद) 6 निम्न प्रकार से पढ़ा जाएगा :—

‘जहाँ केन्द्रीय सरकार का यह मत है कि यदि ऐसा करना आवश्यक या समयोजित होगा तो इससे संबद्ध कारणों का लिखित रिकार्ड रखकर तथा संघ लोक सेवा आयोग के समक्ष प्रस्तुत करके, इन नियमों के किसी भी प्रावधानों में किसी भी श्रेणी अथवा कोटि के व्यक्तियों के लिए, आदेश द्वारा छूट दी जा सकती है।’

[सं. ए-12023/5/02—एन सी पी]

राजकुमार परमार, अवर सचिव

टिप्पणी — मुख्य नियमों को, राष्ट्रीय जनसंख्या आयोग की अधिसूचना संख्या ए-12023/5/02-एन. सी. पी. द्वारा अधिसूचित किया गया था जो सा.का.नि. सामान्य सेवा नियम) 434 के अन्तर्गत भारत के राजपत्र में दिनांक 13 दिसंबर, 2003 को प्रकाशित किए गए थे।

NATIONAL COMMISSION ON POPULATION

New Delhi, the 20th September, 2004

G.S.R. 168.— exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby issues the following corrigendum to the English version of National Commission on Population (Groups 'A', 'B' 'C' and 'D' Posts) Recruitment Rules, 2003 in which Para 6 thereof shall be read as under :—

‘Where the Central Govt. is of the opinion that it is necessary or expedient to do so, it may, by order and have reasons to be recorded in writing, and in consultation with Union Public Service Commission relax any of the provisions of these rules with respect of any class or category of persons’.

[No. A-12023/5/02-NCP]

R. K. PARMAR, Under Secy.

Note: The Principal Rules were notified vide National Commission on Population notification No A-12023/5/02-NCP dated 18th November, 2003, published in the Gazette of India dated 11th December, 2003 under G.S.R. No. 434.

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 7 अक्टूबर, 2004.

सा. का. नि. 369.—केन्द्रीय सरकार, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग II, खण्ड 3, उपखण्ड (i) तारीख 16 जुलाई, 1977 को सा. का. नि. सं. 922 तारीख 16 जुलाई, 1977 द्वारा प्रकाशित भारत का शत्रु सम्पत्ति अधिनियम (भारत) नियम, 1977 को तत्काल प्रभाव से विखंडित करती है।

[फा. सं. 12/33/2003-ई आई एण्ड ई पी]

राज सिंह, निदेशक

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 7th October, 2004

G. S. R. 369.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Central Government hereby rescinds the Custodian of Enemy Property for India (Recruitment) Rules, 1977, published in the Gazette of India, Part II, Section 3, Sub-section (i) on 16th July, 1977, vide G.S.R. No. 922 dated the 16th July, 1977 with immediate effect.

[F. No. 12/33/2003-EI & EP]

RAJ SINGH, Director

कृषि मंत्रालय

(कृषि और सहकारिता विभाग)

शुद्धिपत्र

नई दिल्ली, 24 सितम्बर, 2004

सा. का. नि. 370.—भारत के राजपत्र के भाग II खण्ड-3, उप-खण्ड (i) तारीख 17 जनवरी, 2004 में प्रकाशित भारत सरकार, कृषि मंत्रालय, कृषि और सहकारिता विभाग की तारीख 30 दिसम्बर, 2003 अधिसूचना सं. सा. का. नि. 16 में,—

पृष्ठ 46 पर पंक्ति में "2003" के स्थान पर "2004" पढ़ें।

[फा. सं. 12018/1/2001-ई.ए.]

राज कुमार, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

CORRIGENDUM

New Delhi, the 24th September, 2004

G. S. R. 370.—In the notification of the Government of India in the Ministry of Agriculture, Department of Agriculture and Cooperation, No. G.S.R. 16 dated the 30th December, 2003, published in the Gazette of India, Part-II, Section-3, Sub-section (i) dated the 17th January, 2004,—

(i) at page 47, for the figures "2003", read "2004";

(ii) at page 48, in the Schedule, against Column 5, for the words "Whether Selection by merit or selection-cum-seniority or Non-selection post" read "Whether selection or Non-selection post".

[F. No. 12018/1/2001-SEA]

RAJKUMAR, Under Secy

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary

सचिव लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

नई दिल्ली, 8 अक्टूबर, 2004

1. — राज्य, संघ, संघीय क्षेत्रों के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और कृषि और सहकारिता विभाग के अधिनियम, 1990 के अंतर्गत तब तक उनका संबंध स्टाफ कार्डाइवर (साधारण श्रेणी) के पद से है, उन बातों के सिवाय ऐसे अधिनियमों से किया गया है, या करने का लोप किया गया है, कृषि मंत्रालय (कृषि और सहकारिता विभाग) में स्टाफ कार्डाइवरों की पदवृत्ति का विनियमन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—
- नाम और प्रारम्भ. — (1) इन नियमों का संक्षिप्त नाम, कृषि और सहकारिता विभाग स्टाफ कार्डाइवर (साधारण श्रेणी) में प्रकाशित की शर्तों को प्रवृत्त होंगे।
2. वर्गीकरण और वेतनमान. — उक्त पद की संख्या, उसका वर्गीकरण और उसका वेतनमान वह होगा, जो इन नियमों से 2 से संलग्न में विनिर्दिष्ट हैं।
3. भर्ती की पद्धति, आयु-सीमा और अर्हताएं आदि. — उक्त पद पर भर्ती की पद्धति, आयु-सीमा और उससे संबंधित अन्य बातें वे स्तंभ 5 में संलग्न में विनिर्दिष्ट हैं।
4. अर्हता. — वह व्यक्ति —
- (अ) जो व्यक्ति जिसका नाम या जिसकी पत्नी जीवित है, विवाह किया है, या अपने पति या अपनी पत्नी के जीवित रहते हुए किसी व्यक्ति से विवाह किया है, अनुचित पात्र नहीं होगा ;
- (ब) यदि सरकार को यह समाधान हो जाता है कि ऐसा विवाह ऐसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीय विधि के करने के लिए अन्य आधार हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकेगी।
5. शिथिल करने की शक्ति. — जहां केन्द्रीय सरकार की यह राय है कि ऐसा करना आवश्यक या समीचीन है, वहां वह उसके लिए जो भी, इन विनियमों के किसी उपबंध को किसी वर्ग या प्रवर्ग के व्यक्तियों की बाबत, आदेश द्वारा शिथिल कर सकेगी।
6. व्यापकता. — इन नियमों की कोई बात, ऐसे आरक्षणों, आयु-सीमा में छूट और अन्य रियायतों पर प्रभाव नहीं डालेगी, जिनका केन्द्रीय सरकार द्वारा इस संबंध में समय-समय पर निकाले गए आदेशों के अनुसार अनुसूचित जातियों, अनुसूचित जनजातियों, भूतपूर्व सैनिकों और अन्य विशेष प्रवर्ग के व्यक्तियों को प्रदान किया जा रहा है।

अनुसूची

पद का नाम	पद संख्या	वर्गीकरण	वेतनमान	योग्यता के आधार पर चयन अथवा चयन सह प्येष्ठता या अचयन	सेवा में जोड़े गए वर्षों का फायदा केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के नियम 30 के अधीन अनुज्ञेय है या नहीं
1	2	3	4	5	6
स्टाफ कार्डाइवर (साधारण श्रेणी)	6* (104)	साधारण केन्द्रीय सेवा, समूह 'ग', (अराजपत्रित, अननुसूचित)	3050-75-3950-80-4590 रु.	लागू नहीं होता	नहीं

सीधे भर्ती किए जाने वाले व्यक्तियों के लिए आयु-सीमा

सीधे भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित शैक्षिक और अन्य अर्हताएं

7. 27 वर्ष से अधिक नहीं (केन्द्रीय सरकार द्वारा जारी किए गए अनुदेशों या आदेशों के अनुसार सरकारी सेवकों के लिए 35 वर्ष तक शिथिल हो जा सकती है।)

टिप्पण 1 : आयु-सीमा अंगीकार करने के लिए निर्णायक तारीख भारत में अभ्यर्थियों को आवेदन प्राप्त करने के लिए निर्धारित की गई अंतिम तारीख होगी।

आवश्यक :

- (i) मोटरकारों के लिए विधिमाम्य चालन अनुज्ञापत्र रखता हो।
- (ii) मोटर यांत्रिकी का ज्ञान (अभ्यर्थी वाहनों में छोटी-मोटी खराबियों को दूर करने के योग्य होना चाहिए।)

Attested

(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

(यदि वह अंतिम तारीख जो असम, मेघालय, अरुणाचल प्रदेश, मिजोरम, गणिपुर, त्रिपुरा, सिक्किम, जम्मू-कश्मीर राज्य के लद्दाख खंड, हिमाचल प्रदेश के लद्दाख और स्पीति जिले तथा चम्पा-जिले के पांगी उपखंड, अंडमान और निकोबार द्वीप या लक्षद्वीप के अभ्यर्थियों के लिए विहित की गई है।)

टिप्पणी 2: रोजगार कार्यालयों के माध्यम से की जाने वाली नियुक्ति की दशा में, आयु-सीमा अनिवार्य करने के लिए निर्णायक तारीख वह अंतिम तारीख होगी जिस पर रोजगार कार्यालयों से नाम भेजने के लिए कहा गया है।

वांछनीय :

(i) 8वीं कक्षा उत्तीर्ण।

(ii) होमगार्ड्स/सिविल स्वयंसेवक के रूप में तीन वर्ष का अनुभव।

सीमा भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षिक अर्हताएं प्रोन्नत व्यक्तियों की दशा में लागू होंगी या नहीं।

परिवीक्षा की अवधि, यदि कोई हो।

भर्ती की पद्धति : भर्ती सीधे होगी या प्रोन्नति द्वारा या प्रतिनियुक्ति/आमेलन द्वारा तथा विभिन्न पद्धतियों द्वारा भरे जाने पदों की प्रतिशतता

10

11

लागू नहीं होता

दो वर्ष

प्रतिनियुक्ति/आमेलन/पुनर्नियोजन द्वारा, जिनके न हो सकने पर सीधी भर्ती द्वारा।

प्रोन्नति/प्रतिनियुक्ति/आमेलन द्वारा भर्ती की दशा में वे श्रेणियां जिनसे प्रोन्नति/प्रतिनियुक्ति/आमेलन किया जाएगा

12

प्रतिनियुक्ति/आमेलन :—

कृषि और सहकारिता विभाग (जिसके अंतर्गत विभाग से संबद्ध अधीनस्थ कार्यालय भी है) में ऐसे नियमित डिस्पैच राइडर/तिपहिया स्कूटर चालक (समूह 'ग' और समूह 'घ') कर्मचारियों में से जिनके पास मोटर चलाने की उनकी योग्यता को जांचने के लिए ड्राइविंग परीक्षण के आधार पर मोटरकारों के लिए वैध ड्राइविंग अनुज्ञप्ति है, जिसके न हो सकने पर अन्य मंत्रालयों/विभागों (जिनके अंतर्गत उनके संबद्ध/अधीनस्थ कार्यालय भी है) के ऐसे समूह 'घ' कर्मचारियों में से और इस मंत्रालय के संबद्ध/अधीनस्थ कार्यालयों के ऐसे स्टाफ कार ड्राइवर (साधारण श्रेणी) में से, जिनके पास मोटर चलाने की उनकी योग्यता को जांचने के लिए ड्राइविंग परीक्षण के आधार पर मोटरकारों के लिए वैध ड्राइविंग अनुज्ञप्ति है।

भूतपूर्व सैनिकों के लिए :

प्रतिनियुक्ति/पुनर्नियोजन :

सशस्त्र बल के ऐसे कर्मिकों के संबंध में भी विचार किया जाएगा जो एक वर्ष की अवधि के भीतर सेवानिवृत्त होने वाले हैं या रिजर्व में स्थानांतरित किए जाने वाले हैं और जिनके पास अपेक्षित अनुभव और विहित अर्हताएं हैं। ऐसे व्यक्तियों को उस तारीख तक प्रतिनियुक्ति के निर्बंधनों पर रखा जाएगा जिस तारीख से उन्हें सशस्त्र बल से निर्मुक्त किया जाना है; तत्पश्चात् उन्हें पुनर्नियोजन पर बने रहने दिया जा सकता है।

(प्रतिनियुक्ति की अवधि, जिसके अन्तर्गत केन्द्रीय सरकार के उसी या किसी अन्य संगठन/विभाग में इस नियुक्ति से ठीक पहले धारित किसी अन्य काडर बाह्य पद पर प्रतिनियुक्ति की अवधि है, साधारणतया तीन वर्ष से अधिक नहीं होगी।)

यदि विभागीय प्रोन्नति समिति है तो उसकी संरचना

भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा

13

14

समूह 'ग' विभागीय प्रोन्नति समिति (नियुक्ति/परिवीक्षा/पुष्टि के संबंध में विचार करने के लिए) :

लागू नहीं होता

1. निदेशक, (अभ्यर्थक)/उप-सचिव, प्रशासन का भारसाधक
2. सेवा प्रभाग का अवर सचिव
3. प्रशासन प्रभाग का अवर सचिव

—अध्यक्ष

—सदस्य

—सदस्य

[सं. 12018/7/2003-ई-IV]

श्रीमती रेणु चौधरी, अवर सचिव

Attested

(अमर नाथ)

अवर सचिव/Under Secretary

संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

New Delhi, the 8th October, 2004

of the Department
post of
the President
Grade) in

Staff Car Driver (O

(2) They s

of pay and the

qualifications

shall be eligible for

applicable to each

person from the

by order, for reason

category of person

to be provided for

accordance with

Name of

post

exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Staff Car Driver Recruitment Rules, 1990, in so far as they relate to the following:—
(1) These rules may be called the Department of Agriculture and Cooperation and commencement of Rules, 2004.

shall come into force on the date of their publication in the Official Gazette.
post, classification and scale of pay.— The number of the said post, its classification and the scale shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

Recruitment, Age limit, Qualifications, etc.— The method of recruitment to the said post, age limit, and other matters relating thereto shall be as specified in columns 5 to 14 of the said Schedule.

No person—
entered into or contracted a marriage with a person having a spouse living; or

being a spouse living, has entered into or contracted a marriage with any person,

appointment to the said post :
of the Central Government may, if satisfied that such marriage is permissible under the personal law

person and the other party to the marriage and that there are other grounds for so doing, exempt any

tion of this rule.
relax.— Where the Central Government is of opinion that it is necessary or expedient so to do, it may

to be recorded in writing, relax any of the provisions of these rules with respect to any class or

Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required

Scheduled Castes, the Scheduled Tribes, Ex-servicemen and other special categories of persons in

orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of post	Number of posts	Classification	Scale of Pay	Whether selection-cum-seniority or selection by merit or non-selection post	Whether benefit of added years of service admissible under rule 30 of the Central Civil Services (Pension) Rules, 1972
1	2	3	4	5	6
Staff Car Driver (Ordinary Grade)	(2004) subject to variation dependent on workload.	General Central Service, Group 'C', Non-Gazetted, Non-Ministerial	Rs. 3050-75-3950-80-4590	Not applicable	No
Age limit for direct recruits		Educational and other qualifications required for direct recruits		Whether age and educational qualification prescribed for direct recruits will apply in the case of promotees	Period of probation, on, if any
7	8	9	10		
Not exceeding 27 years. (Relaxable for Government servants upto 35 years in accordance with the instructions/orders issued by the Central Government)	Essential : (i) Possession of a valid driving licence for motor cars; (ii) Knowledge of motor mechanism (the candidate should be able to remove	Not applicable	2 years		

Attested

(AMAR NATH)

Under Secretary

Union Public Service Commission

New Delhi

7

8

Note 1: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu and Kashmir, Lahaul and Spiti District and Pangi Sub-Division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep).

Note 2: In case the recruitment through the Employment Exchange the crucial date for determining the age limit shall be the last date upto which the Employment Exchange is asked to submit the names.

minor defects in vehicles)

Desirable:

- (i) pass in the 8th standard;
- (ii) 3 years' service as Home Guard/Civil Volunteers.

Method of recruitment whether by Direct Recruitment or by Promotion or by Deputation/Absorption and percentage of the posts to be filled by various methods

In case of recruitment by Promotion/Deputation/Absorption, grades from which Promotion/Deputation/Absorption is to be made

11

12

Deputation/Absorption/Re-employment failing which by direct recruitment

Deputation/Absorption:

From amongst the regular Despatch Rider/Three wheeler Scooter Driver (Group 'C') and Group 'D' employees in the Department of Agriculture and Cooperation, (including attached/subordinate offices of the Department), who possess valid driving licence for Motor cars on the basis of a driving test to assess the competence to drive Motor cars failing which from Staff Car Driver (Ordinary Grade) of Attached/Sub ordinate offices of this Ministry and from Group 'D' employees of other Ministries/Departments (including their attached/subordinate offices) who possess a valid driving licence for Motor cars on the basis of driving test to assess the competence to drive motor cars.

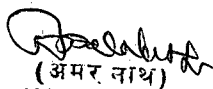
For Ex-servicemen:

Deputation/Re-employment:

The Armed Forces Personnel due to retire or who are to be transferred to reserve within a period of one year and having the requisite experience and qualifications prescribed under column 8 shall also be considered. Such persons would be given deputation terms upto the date on which they are due for release from the Armed Forces, thereafter they may be continued on re-employment.

(The Period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organizations/Department of the Central Government shall

Attested


(अमर नाथ)

(AMAR NATH)

सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

A: OCTOBER 23, 2004/KARTIKA 1, 1926

[PART II—SEC. 3(i)]

If a ...
exists, ...

ordinarily not exceed 3 years.

Circumstances in which Union Public
Service Commission is to be consulted in
making recruitment

Group	Department	13 Promotional Committee (for ment/probation continuation):	14
(i) Dir./Deputy Secy. in charge	Not applicable
(ii) Secy.	...	of Services Division	—Chairman
(iii)	incharge of	—Member
Addl. Secy.	...	Division	—Member

[No. 12018/7/2003-E-IV]

Mrs. RENU CHOUDHURY, Under Secy.

Printed by the Manager, Govt. of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

Attested

(AMAR NATH)

Under Secretary

Union Public Service Commission
New Delhi

Annexure

R-4/4

-125-

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ANNEXURE-R

No.22011/3/75-Estt.(D)

Govt. of India

Cabinet Secretariat

Deptt. of Personnel and Administrative Reforms

New Delhi - 110001 dated 29.10.75

Office Memorandum

Subject: Ad-hoc appointments do not bestow any claim on the person for regular appointment - instructions regarding.

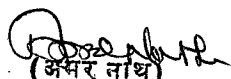
.....

As the Ministries / Departments etc. are aware, according to para 8 of the annexure to the Ministry of Home Affairs OM NO.9/11/55-RPS dated the 22nd December, 1959, persons appointed on ad hoc basis to a grade are to be replaced by persons approved for regular appointment by direct recruited, promotion or transfer, as the case may be, and until they are replaced, such persons will be shown in the order of their ad hoc appointments and below persons regularly appointed to that grade. The "General Principle (8)" of the Explanatory Memorandum annexed to the aforesaid OM also clarified that while the seniority of persons appointed on ad hoc basis would be determined as indicated above, the seniority list should clearly show that such persons are not eligible for promotion or confirmation. The above provisions imply that the persons appointed on ad hoc basis are not entitled to any seniority in the grade concerned and that their ad hoc appointment does not entitle them to any claim for promotion, confirmation etc, in the grade.

2. Instances have, however, come to the notice of this Departments that where ad hoc appointments are made by the Ministries / Departments, in the exigencies of the situation for various reasons, the relevant appointment orders issued to the persons concerned do not at times stipulate the fact that the appointment is on ad hoc basis and that such appointment would not confer any right on the persons concerned to claim regular appointment to the grade. It has also been noticed that such appointments are continued for a long time, which leads to representations from the ad hoc appointees for regular appointments in the grade and for counting their ad hoc service towards regular service for the purpose of seniority, eligibility for promotion to higher grade etc. It has, therefore, been decided that whenever an appointment is made on ad hoc basis, the fact that the appointment is ad hoc and that such an appointment will not bestow on the person a claim for regular appointment, should be clearly spelt out in the orders of appointment. It should also be made clear that the service rendered on ad hoc basis in the grade concerned would not count for the purpose of seniority in that grade and for eligibility for promotion to next higher grade.

3. Attention of the Ministries / Departments in this connection is also invited to2

Attested


(AMAR NATH)
अवर सचिव/Under Secretary
सर्व लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

From pre-page:-

Regulation 4(1) of the UPSC (Exemption from consultation) Regulations which is applicable in the case of ad hoc appointments to Class I and Class II posts. Ministries / Departments are requested to ensure strict compliance with the requirements of the said regulation in such cases.

4. It is also impressed upon the Ministries / Departments that they should ensure that ad hoc appointments are not continued for an indefinite period and that early steps are taken, so that the persons appointed on ad hoc basis are replaced by persons approved for regular appointment in accordance with the provisions of the relevant recruitment rules, after following the prescribed procedure for making such regular appointments as early as possible. It is also requested that Ministries / Departments should take urgent steps to review all ad hoc appointments continuing as such on the date of issue of these instructions and bring the position to the notice of higher authorities in the Ministries / Departments indicating the date from which such ad hoc appointments are continuing and the reasons why regular appointments could not be made as also the steps being taken to make regular appointments to the posts.

Sd/- S. Krishnan
Director

To

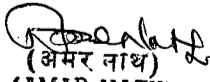
All Ministries / Departments of the Govt. of India (with usual number of spare copies)
(including attached and subordinate offices under the Deptt. of Personnel and Administrative Reforms.

All Union Territories Governments / Administration
The Union Public Service Commission.

All regular sections of Deptt. of Personnel & A.R.

Sd/- Shiv Kumar Verma
Under Secretary to the Govt. of India.

Attested


(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

Annexure

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ANNEXURE-R

(Original in F.No.1/8/83-S.II)

No.39021/5/83-Estt.(B)

Ministry of Personnel & Training, Administrative
Reforms and Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi the 9th July, 1985.

Office Memorandum

Subject: Adhoc appointments in Groups A, B, C and D posts – need for effective Control.

In terms of Regulation 4 of the Union Public Service Commission (Exemption from Consultation) Regulations, 1958, it shall not be necessary to consult the Commission in regard to Selection for a temporary or officiating appointment to a post if –

- (i) the person appointed is not likely to hold the post for a period of more than one year; and
- (ii) it is necessary in the public interest to make the appointment immediately and a reference to the Commission will cause undue delay.

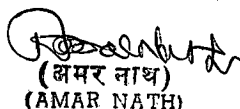
Provided that –

- (a) such appointment shall be reported to the Commission as soon as it is made;
- (b) if the appointment continues beyond a period of 6 months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission; and
- (c) if such an estimate indicates that the person appointed is likely to hold the post for a period of more than one year from the date of appointment the Commission shall immediately be consulted in regard to the filling up the post.

2. The provisions in the above Regulation clearly stipulate that consultation of UPSC need not be made only if, at the time when the temporary or officiating appointment is made, the person appointed is not likely to hold the post for a period of more than one year. Obviously, therefore, if the vacancy that has arisen is of such a nature that it is likely to last for more than a year, appointment should not be made except in consultation with UPSC.

3. Further, the interpretation of proviso (b) to Regulation 4 can only be that even if the initial assessment has been that the person appointed, without consulting UPSC will hold the post for a period less than one year, then a fresh review of the situation will have to be made by the Ministries / Departments concerned after expiry of 6 months from the date of initial appointment.

Attested


(अमर नाथ)
(AMAR NATH)

अवर सचिव/Under Secretary
एच लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

If, on such fresh assessment, it is found that the person appointed, without consulting UPSC, will have to hold the post for a further period exceeding 6 months, i.e. a total period exceeding one year from the date of initial appointment, then a request will have to be made to UPSC to fill the post on regular basis. There is, thus, no provision for approval by UPSC for any appointment initially made without consulting them. It is accordingly, clarified that the objective behind reporting of ad hoc appointments to the UPSC under Regulation 4 is not to secure their concurrence to continuance of ad hoc appointment beyond one year but to enable the Commission to discharge their constitutional responsibility to bring to the notice of the Parliament through their Annual Report, the cases in which the Government have not followed the constitutional provision of making regular appointment through UPSC.

4. In order to enable the Commission to exercise a close check on ad hoc appointments, the Ministries / Departments are requested to comply strictly with the following instructions:-

- (i) A monthly report of all ad hoc appointments should continue to be submitted to the Commission in terms of this Department's O.M. No.23/27/68-Estt(B) dated 26.12.68*.
- (ii) A six monthly review of all ad hoc appointments in terms of Regulation 4 should be made by all the Ministries / Departments and the results thereof should be reported every month to the Commission:

A format of the monthly report prescribed in this Department's O.M. dated 26.12.68 has been revised and a copy of the revised format is attached. While information regarding ad hoc appointments made during the month is to be furnished in part-I of the report, the results of review of all ad-hoc appointments continuing beyond a period of six months will be reflected in par-II. If the Commission find that any ad hoc appointment was not included in the statement, a special mention of all such cases is proposed to be made by the Commission in their Annual Report; the Ministry concerned will be required to fix responsibility on the officer concerned for not reporting such cases.

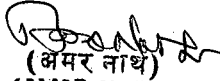
5. The situations in which the ad hoc appointments are made may be of two types:

- (a) Where the Recruitment Rules exist for the posts and
- (b) Where the Recruitment Rules for the posts do not exist.

In the cases falling in the first category, in respect of anticipated vacancies on account of factors like superannuation or promotion to the higher rank, the Ministries / Departments concerned should be able to make reference to the Commission at least 4 months prior to the dates on which vacancies are expected to arise. Where recruitment rules are available and an unanticipated vacancy occurs on account of factors like death, resignation or compulsory / voluntary

*Reproduced on pages 187-192 of Hand Book on Recruitment Rules.

Attested


(अमर नाथ)
(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

retirement, and the vacancy cannot be allowed to remain unfilled even for a period of 3 to 4 months, then ad-hoc promotions / appointments can be made by Ministries / Departments strictly in accordance with the recruitment rules and after observing the procedure for promotion / appointment laid down in the rules, but without consulting UPSC. Simultaneously with such ad-hoc appointment an indent will have to be forwarded to UPSC for regular appointment. It is only then that it can be ensured that ad-hoc appointments are, in fact, ad hoc in nature, for a purely temporary period, till regular appointment is advised by UPSC.

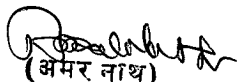
6. In so far as the appointment in the second category are concerned, hitherto a view had been taken in terms of para 10 of the Ministry of Home Affairs O.M. dated 26.12.68*. That in the absence of recruitment rules laying down definite mode of recruitment for a post, the normal procedure should be that the post is filled up by competitive selection through the Commission. It has been provided in this O.M. that when for some unavoidable reasons delay is anticipated in finalizing the recruitment rules for a post, recruitment for that post should be entrusted to the Commission as soon as the post is sanctioned and it is decided to fill it, to enable the Commission to take necessary action for filling it up by competitive selection. In accordance with this procedure, in the absence of recruitment rules the only type of regular appointment made was by open advertisement and selection through the Commission. In the absence of recruitment rules, appointment by promotion or transfer on deputation was not being considered and the posts were contained to be filled on ad-hoc basis and with the delay in finalizing the recruitment rules such ad-hoc appointments continued beyond the period of one year. Para 5 of the Ministry of Home Affairs O.M. No.39021/35/78-Estt(B) dated 15/25.11.78@ provides that when new posts are created and no recruitment rules have been framed, consultation with the Commission is all the more necessary before appointments are made and that the Ministries always should consult the Commission before making such appointments.

The Commission have observed that it should be possible to fill such posts by transfer on deputation or by promotion also in consultation with the Commission even if the recruitment rules are yet to be framed. It has been decided that in these cases the Ministries / Departments should make an immediate reference to the Commission for deciding the mode of recruitment to the post along with their suggestions. On receipt of such a reference, the Commission will advise on the mode of recruitment. Where the Commission advise direct recruitment, the post will be advertised by the Commission; where the Commission advise the filling of the post by transfer on deputation or by promotion from lower grade or short-term contract, the Ministry will take further action as per advice of the Commission accordingly. Since the appointment by transfer on deputation / short term contract / promotion will be made in accordance with the advice given by the Commission, it will be treated as regular appointment. In other words where recruitment rules have not been framed, there will not be any ad-hoc appointment and there will only be regular appointment in consultation with UPSC. However, simultaneously, steps to frame recruitment rules should be taken by the Ministry and the rules finalized in consultation with this department and the Commission as expeditiously as possible so that they could be made

* Reproduced on page 191 of Hand Book on Recruitment Rules.

@ Reproduced on pages 229-231 of Hand Book on Recruitment Rules.

Attested


(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

Applicable to the future vacancies.

7. The Prime Minister has directed, on more than one occasion, that resorting to ad-hoc appointments, in anticipation of recruitment rules or otherwise, should be checked firmly and that timely action should be taken for filling up of posts on regular basis in terms of the duly notified recruitment rules. Strict observance of the procedures outlined above should enable the Ministries / Departments to obviate the need to make ad-hoc appointments or to continue these beyond the limit envisaged in Regulation 4. Further, the Ministries / Departments are requested to review all cases of ad-hoc appointments on date and take appropriate action to bring them in conformity with the policy outlined above.

Receipt of the O.M. may please be acknowledged.

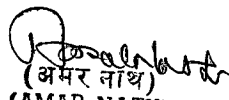
Sd/-
(K. S. R. KRISHNA RAO)
DEPUTY SECRETARY (E)
TELE: 3011225

To

U.P.S.C.

Sd/-
(K. S. R. KRISHNA RAO)
DEPUTY SECRETARY (E)

Attested


(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

Annexure

R-4/6

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ANNEXURE-R

No.28036/8/87-ESTT.(D)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING

.....
New Delhi, the 30th March, 1988

OFFICE MEMORANDUM

Sub: Ad-hoc appointment - Revision of instructions on.

The undersigned is directed to say that instructions have been issued from time to time by the Department of Personnel & Training requesting all Ministries / Departments to fill all posts only in accordance with the prescribed procedure and Recruitment Rules on a regular basis. Consequently, Ministries / Departments are required to ensure that all appointments made on an ad-hoc basis are limited to posts which cannot be kept vacant until regular candidates become available. However, it has been noted that appointments continue to be made on an ad-hoc basis and proposals are being received in this Department for regularization of these appointments on the grounds that the persons concerned have been working against these posts for a long time. This has led to instances where Courts and Tribunals have directed the Government to fix seniority after taking into consideration the period of service rendered on an ad-hoc basis. This unintended benefit of ad-hoc service has, therefore, been bestowed to a number of persons whose ad-hoc promotions have been made on the basis of seniority-cum—fitness, even though, the Recruitment Rules for the post may have prescribed promotion by selection.

2. In view of the position explained above, it has been decided that the Ministries/ Departments may not make any appointment on an ad-hoc basis including appointments by direct recruitment, promotion, transfer on deputation etc. The procedure to be followed in circumstances when ad-hoc appointments are presently frequently being resorted to, is explained below:-

(i) ABSENCE OF RECRUITMENT RULES:

Ad-hoc appointments are frequently resorted to on the grounds that Recruitment Rules for the post are in the process of being framed. In this Department's O.M. No.39021/5/83 Estt.(B) dated 9th July, 1985, all Ministries / Departments have been advised that if there are overriding compulsions for filling any Group A or Group B post in the absence of Recruitment Rules, then they may make a reference to the Union Public Service Commission (UPSC) for deciding the mode of recruitment to that post. Further action to fill the post may be taken according to the advice tendered by the UPSC. All such appointments will be treated as regular appointments. In the case of Group C and D posts which are outside the

Attested

(Signature)
(अमर नाथ)
(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

purview of UPSC, powers to frame Recruitment Rules without consulting the Department of Personnel and Training, have already been delegated to the Administrative Ministries vide this Department's O.M. No.CD-14017/10/** Estt.(RR) dated 21st March, 1985. Therefore, no appointment may be made to any post on an ad-hoc basis on the ground that no Recruitment Rules exist for the same.

(ii) REVISION OF RECRUITMENT RULES:

Ad-hoc appointments are also frequently resorted to on the ground that proposals are under consideration to amend the existing Recruitment Rules. The legal position in this regard is that posts are to be filled as per eligibility conditions prescribed in the rules in force at the time of occurrence of the vacancies unless the amended Recruitment Rules are brought into force with retrospective effect. In fact, the practice has been to give effect to amendments in the Recruitment Rules only prospectively, except in rare cases. Hence, regular appointment / promotions may be made in all such cases in accordance with the Recruitment Rules in force at the time when the vacancy arises. No ad-hoc appointments / promotions may be made on the grounds that the Recruitment Rules are being revised or amended.

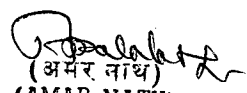
(iii) REVISION OF SENIORITY LIST:

Another reason for making ad-hoc arrangements and delaying regular promotions is that the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases regular DPCs may be held based on the existing seniority list. In case such disputes are pending before a Court / Tribunal, unless there is an injunction / stay order against making regular promotions, the authority may convene the DPC and make promotions on the basis of the existing seniority list. However, issuing the orders in such cases it should be stipulated that these promotions are provisional and subject to final decision of the Court/ Tribunal. Subsequently, when the directions of the Court / Tribunal become available a Review DPC may be held and the necessary adjustments made in the promotions of officers based upon the new seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC they may be reverted to the posts held by them earlier..

(iv) SHORTAGE IN DIRECT RECRUITMENT QUOTA:

Ad-hoc appointments are also made on the consideration that adequate number of qualified candidates are not available for filling the vacancies through the direct recruitment quota prescribed in the Recruitment Rules. In some cases even though, the required number of candidates are recommended by the Union Public

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Union Public Service Commission
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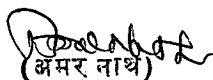
Service Commission /Staff Selection Commission, some of them, do not join or they join to resign thereafter.

According to the instructions contained in this Department's O.M. No.24012/34/80-Estt.(B) dated 20th February, 1981 while notifying vacancies to recruiting agencies, especially the SSC, the appointing authority is expected to compute the total number of vacancies taking into consideration the likely vacancies during the period beginning from the date of announcement of the examination in question up to the date of announcement of the subsequent examination so that the total number of posts to be kept vacant may be very low.

In spite of this, if some vacancies still remain unfilled, the following measures may be adopted:-

- (a) Wherever feasible, the posts may be allowed to remain vacant until qualified candidates become available at the next examination.
 - (b) Wherever the Recruitment Rules for the posts provide alternative methods of recruitment i.e. not only by the direct method but also by transfer on deputation, efforts may be made to fill those vacancies which cannot be held over (until candidates of the next examination become available) by the alternative methods i.e. by transfer on deputation etc.
 - (c) However, in cases where direct recruitment is the only method provided in the Recruitment Rules, Ministries / departments have been advised vide O.M. No. 14017/8/84-Estt.(RR) dated 19th June, 1986, that the Rules may be amended to provide for transfer on deputation as an alternative method to fill short term vacancies in the direct recruitment quota. In case the rules have not been amended the Ministries / Departments may take steps to do so immediately so that the shortage of qualified candidates against the DR quota, may be met by filling the vacancies through transfer on deputation for short periods.
 - (v) Whenever short-term vacancies are caused by the regular incumbents proceeding on leave for 45 days or more, study leave, deputation etc. of less than one year duration, they may be filled by officers available on an approved panel. Such a panel may be maintained taking into account not only the actual but also the vacancies anticipated over a period of 12 months in accordance with the existing instructions of holding DPCs. Wherever an officer is not available on an approved panel the post may be kept vacant, as far as possible.
3. If the prescribed instructions and procedures are strictly adhered to, it may be seen that there will be very few cases where appointments need to be made on an ad-hoc basis. Such circumstances may be:-

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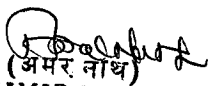

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- (i) Where there is an injunction by a Court/Tribunal directing that the post may not be filled on a regular basis and if the final judgment of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- (ii) Where the DR quota has not been filled and the RRs also do not provide for filling up on transfer on deputation temporarily and the post cannot also be kept vacant.
- (iii) In short term vacancies due to regular incumbents being on leave / deputation etc., and where the posts cannot be filled as per para 2(v), and cannot also be kept vacant.

4. In such exceptional circumstances ad-hoc appointments may be resorted to subject to the following conditions:-

- (i) The total period for which the appointment /promotion may be made, on an adhoc basis, will be limited to one year only. The practice of giving a break periodically and appointing the same person on an ad-hoc basis may not be permitted. In case there are compulsions for extending any ad-hoc appointment /promotion beyond one year, the approval of the Department of Personnel and Training may be sought at least two months in advance before the expiry of the one year period. If the approval of the Department of Personnel & Training to the continuance of the ad-hoc arrangements beyond one year is not received before the expiry of the one year period the ad-hoc appointment/ promotion shall automatically cease on the expiry of the one year term.
- (ii) If the appointment proposed to be made on an ad-hoc basis involves the approval of the Appointments Committee of the Cabinet, this may be obtained prior to the appointment/ promotion being actually made.
- (iii) Where ad-hoc appointment is by promotion of the officer in the feeder grade, it may be done on the basis of seniority-cum-fitness basis even where promotion is by selection method as under :-
 - (a) Ad-hoc promotions may be made only after proper screening by the appointing authority of the records of the officer.
 - (b) Only those officers who fulfill the eligibility conditions prescribed in the recruitment rules should be considered for ad-hoc appointment. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances.

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- (c) The claims of Scheduled Castes and Scheduled Tribes in ad-hoc promotions shall be considered in accordance with the guidelines contained in the Department of personnel, A.R. Office Memorandum No.36011/14/83-Estt.(SCT) dated 30.4.1983 and 30.9.1983.
- (iv) Where ad-hoc appointment by direct recruitment (which is explained above should be very rare) is being done as a last resort, it should be ensured that the persons appointed are those nominated by the employment exchange concerned and they also fulfill the stipulations as to the educational qualifications / experience and the upper age limit prescribed in the Recruitment Rules.

Where the normal procedure for recruitment to a post is through the employment exchange only, there is no justification for resorting to ad-hoc appointment.

- (v) Where, the appointing authority is not the Ministry, the authorities competent to approve ad-hoc appointments may be decided by the Administrative Ministries themselves." The competent authority so authorized by the Ministry should be one level higher than the appointing authority prescribed for that post.

5. Ad-hoc promotions with respect to officers whose cases are kept in a sealed cover in accordance with O.M. No.22011/2/86-Estt.(A), dated 12.1.1988, will however, continue to be governed by these special instructions. Similarly, ad-hoc promotions of officers belonging to the Central Secretariat Service (CSS) to posts of Under Secretary / Deputy Secretary under the Central Staffing Scheme, will continue to be regulated by special instructions contained in O.M. No.31/16/82-EO(MM) dated 28.9.1983.

6. All ad-hoc appointments including ad-hoc promotions shall be reviewed on the basis of the above guidelines. In exceptional circumstances, wherever such appointments are required to be continued beyond the present term, the decision thereon may be taken by the authority prescribed in para (4)(v). However, it may be noted that the continuance of such ad-hoc appointments including ad-hoc promotions will be subject to the overall restriction of one year from the date of issue of these instructions.

7. All Ministries / Departments are requested to take action in accordance with the above mentioned instructions in respect of both Secretariat as well as non-Secretariat offices under them.

8. The receipt of this O.M. may kindly be acknowledged.

(S. K. PARTHASARATHY)
JOINT SECRETARY TO THE GOVERNMENT OF INDIA

Attested

Amarnath
(अमर नाथ)
(AMAR NATH)
अपर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

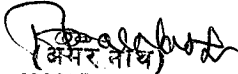
To

All the Ministries /Departments of Government of India
(Secretary by Name)

Copy to:

1. Ministry of Railways, New Delhi.
2. Department of Atomic Energy, New Delhi.
3. Department of Electronics, New Delhi.
4. Department of Space, New Delhi.
5. Union Public Service Commission, New Delhi.
6. Staff Selection Commission, New Delhi.
7. Lok Sabha Secretariat, New Delhi.
8. Rajya Sabha Secretariat, New Delhi.
9. President's Secretariat, New Delhi.
10. Comptroller & Auditor General of India, New Delhi.
11. All attached officer under the Ministry of Personnel, Public Grievances & Pensions.
12. All officers and sections in the Department of Personnel & Training.

Attested


(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

Annexure

R-417

237-

145

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ANNEXURE-R-145

No.28036/1/2001-Estt.(D)

Govt. of India

Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi - 110001 dated 23.7.2001

Office Memorandum

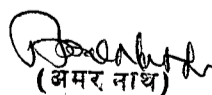
Subject: Restriction on regularization of ad-hoc appointment - regarding.

The undersigned is directed to say that as per the Department of Personnel and Administrative Reforms O.M. No.22011/3/75-Estt.(D) dated October 29, 1975 and the Department of Personnel and Training O.M. No.28036/8/87-Estt(D) dated March 30, 1988, persons appointed on ad-hoc basis to a grade are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer (absorption), as the case may be at the earliest opportunity. These instructions also provide that whenever an appointment is made on ad hoc basis the fact that the appointment is ad hoc and that such an appointment will not bestow on the person a claim for regular appointment should be clearly spelt out in the orders of appointment. It should also be made clear that the service rendered on ad hoc basis in the grade concerned would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

2. Instances have, however, come to the notice that despite the clear provisions, as mentioned above, persons appointed on ad hoc basis, when replaced, approach the courts of law for regularizing their appointment and in many cases, directions are given for regularizing the period of ad hoc appointment with consequential benefits like seniority etc.

3. In this regard, it is stated that issue of regularization of ad hoc employees has been considered in several judgements of the Hon'ble Supreme Court. In the case of R. N. Nanjundappa Vs. T. Thimmaiah & Ors (AIR 1972 SC 1767), the Supreme Court observed that regularization is not itself a mode of recruitment and any act in the exercise of executive power of the government can not override rules framed under Article 309 of the Constitution. In the case of State of Orissa Vs Sukanti Mahapatra (AIR 1993 SC 1650), the Supreme Court has observed that assuming that their having served for long years is a valid reason for regularization, that without any thing more, will not meet the requirement of the action being in public interest and what has been done under the impugned orders is to regularize the illegal entry into service as if the Rules were not in existence. In another case of K. C. Joshi Vs Union of India (AIR 1991 SC 284), the Supreme Court observed that the ad hoc appointees can not be put on a higher pedestal over the candidates who stood the test of merit and became successful in a competitive recruitment and secured ranking according to the merit in the approved list of candidates. In the case of State of Haryana and Others Vs Piara Singh and others (1992 SC 2130), the Supreme Court observed that direction to regularize ad hoc appointments work

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(अमर नाथ)
(AMAR NATH)

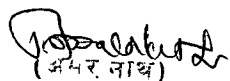
अवर सचिव/Under Secretary
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Union Public Service Commission
नई दिल्ली/New Delhi

charged employees would only result in encouraging of unhealthy practice of back door entry - what can not be done directly can not be allowed to be done in such indirect manner. In the case of Dr. M. A. Haque Vs union of India (1993 2SCC 213), the Supreme Court held that the recruitment rules made under Article 309 of the Constitution have to be followed strictly and not in breach. If a disregard of the rules and the bypassing of the Public Service Commission are permitted it will open a back-door for illegal recruitment without limit. In the case of Dr. Arundhati A. Pargaonkar and another Vs State of Maharashtra (AIR 1995 SC 962), the Apex Court has held that a continuous service by itself do not give rise to the claim of regularization.

4. Therefore, as already stated in DOP&T's O.M.s referred to above, an ad hoc appointee has to be replaced by a regularly selected candidate as per provisions of the recruitment rules and in accordance with the prescribed procedure at the earliest possible and in no case such an officer should be regularized. In the cases, where a judicial order is received for regularization of an ad hoc employee, steps may be taken to contest the same in the light of the specific conditions on which the offer of appointment on ad hoc basis was made, the policy of the Government in this regard and the various judicial pronouncements of the apex court. If in a particular case, the concerned Ministry / Department desires to consider acceptance of the judicial order, the matter should be invariably referred to the Department of Legal Affairs and the Department of Personnel and Training as per this Department's O.M. No.28027/9/99-Estt(A) dated May 1, 2000, which says that whenever there is a court order against the Government of India, pertaining to service matters, no such order shall be implemented by the concerned Ministry / Department without first referring the matter to the Department of Legal Affairs and to the Department of Personnel and Training for advice.

5. It has all along been emphasized in the existing instructions that ad hoc appointments should be made only in rare cases and in real exigency of work, where the post cannot be kept vacant until regular candidate becomes available. It has been emphasized, in particular, that ad hoc appointment by direct recruitment from the open market should be resorted to only as a last resort. This is because, once a person is appointed from outside the Government on ad hoc basis, such arrangement is generally continued for long periods, either because a regularly selected candidate is not available or some other vacancy in the grade / cadre becomes available against which he is adjusted. Consequently, when efforts are made to replace such an officer, he/she invariably approaches a court of law for regularization of their appointment. Apart from the fact that regularization of appointment in such cases is not in public interest as they have not come through proper selection procedure and on merit, regularization also creates problems in the matters of seniority, promotion, pension etc. However, notwithstanding these instructions, ad hoc appointments by direct recruitment from open market are being made as a matter of routine. In fact, on many occasions, such appointments are being made only to avoid the post getting abolished in terms of the relevant instructions of the Ministry of Finance, providing for automatic abolition of posts if they remain vacant for more than one year. Of late, instances of ad hoc

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appointments from open market have substantially increased resulting in more and more court cases being filed for regularization of service of such ad hoc appointees.

6. In view of the aforesaid undesirable trend, the matter has been reviewed and it has been decided that hereafter no appointment shall be made on ad hoc basis by direct recruitment from open market. Where the vacant post cannot be kept vacant for functional considerations, efforts may be made to entrust the additional charge of the post to a serving officer under provisions of FR- 49, failing which only appointment by ad hoc promotion / ad hoc deputation may be considered. If in an exceptional case (e.g. in the case of an operational organization), it is inescapable to resort to ad hoc appointment by direct recruitment, prior concurrence of the Department of Personnel and Training (Establishment 'D' Section) may be obtained by giving full and complete justification for the same.

7. Continuation of an ad hoc appointment beyond one year will, as per the existing instructions, continue to require the prior approval of Department of Personnel and Training as before.

8. This order takes effect from the date of its issue.

9. All Ministries / Departments are requested to bring these instructions to all concerned for guidance and compliance.

(R. K. GOEL)

Deputy Secretary to the Government of India

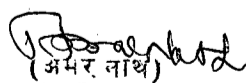
To

All Ministries / Departments of the Government of India

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. Rajya Sabha Secretariat, New Delhi.
4. The Lok Sabha Secretariat, New Delhi.
5. The Comptroller and Audit General of India, New Delhi.
6. The Union Public Service Commission, New Delhi with reference to their letter No.2/3/2001-S.II dated 2.2.2001.
7. The Staff Selection Commission, New Delhi.
8. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
9. All Officers and Sections in the Department of Personnel and Training.

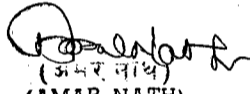
Attested


(AMAR NATH)

अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

10. Establishment (1) Section (200 copies).
11. Facilitation Center, DOPT (20 copies).
12. NIC, DOP&T for placing the order on the website of the DOP&T (persmin.nic.in)

Attested


(AMAR NATH)
अवर सचिव/Under Secretary
संघ लोक सेवा आयोग
Union Public Service Commission
नई दिल्ली/New Delhi

Notice

Date 24/8/06

From,
Usha Das.
Addtl HSE.

To,
Mr. S. Sarma,
Advocate

Sub: WS filed by the Respondent
No. 4 in O.A No. 106/06

Sir/Madam, please find herewith a
copy of WS being filed today.
Kindly acknowledge the receipt
thereof.

Thanking You.

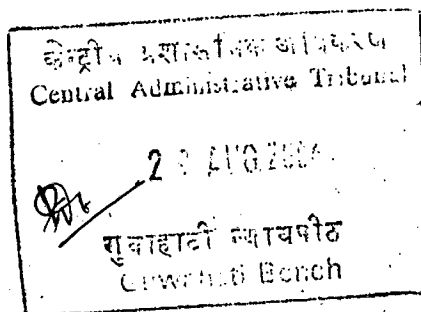
Received copy

Sincerely Yours
Usha Das.
Addtl HSE.

Advocate

I undertake to serve a copy
of WS ~~to~~^{on} Counsel for the
Applicant.

Usha Das.
24/8/06



-141-

150
Filed by
the respondents
Through
Smt. P. Sharma
29.8.06
Srl. Gise

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

O.A. NO. 106 OF 2006

Sri L.S. Kumar

..Applicant

-VS-

Union of India & Drs...Respondents

The written statement on behalf of
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statements made in paragraph 1, 2 and 3 of the instant application the respondents beg to offer no comment.

2. That with regard to the statements made in paragraph 4.1 of the application the respondents beg to state that to fill up the post of Assistant Director (Scientific Aids) on deputation basis as per the notified Recruitment Rules published in Gazette of India dtd. 7.12.1996 (BSR 456) was advertised through Employment News on its issue 21-27 June, 2003 and also circulated all over India. In response, the Academy received 1(one) application submitted by Shri P. Sharma, Senior

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Scientific Assistant (Chemistry) NICFS, Delhi, which in turn was submitted to UPSC, New Delhi for selection vide this office letter No. NEPA/Apptt(ADSA)/6/99/5640 dtd. 10.3.2004. On preliminary scrutiny of the proposal the UPSC, New Delhi found deficient of the documents in respect of the candidate and requested to furnish the documents in question for further examination of the case which was furnished vide this office letter No. NEPA/Apptt(DASA)/6/99/485 dtd. 28.4.2004. The UPSC, New Delhi after going through the documents, recommended the name of Shri P. Sharma and was appointed accordingly on deputation basis. It will be pertinent to mention here that required qualifications to fill up the post on deputation basis as per notified R/Rs is as under :

- i) Senior Secondary Certificate or equivalent with physics/chemistry/Biology/Mathematics as subject(s) of Study ;
- ii) Three years practical experience in a Forensic Science Laboratory.

Shri P.Sharma, the lone candidate is having the following qualifications.

- i) Science Graduate (B.Sc.) and AIC, AIC by examination is equivalent to M.Sc in Chemistry as per Govt. of India, No. F. 18-36/57-T-5 dtd. 19.8.1958, issued by Ministry of Scientific Research and cultural Affairs, New Delhi.

Therefore, the allegation brought out is totally false, imaginary, untrue and incorrect, hence the same are denied by the respondents. As a matter of Government policy R/R is always broad based to protect the interest of the qualified applicants and not one individual in particular

Photo copies of Gazette of India dtd. 7.12.2004, letter dtd. 10.3.04, dtd. 28.4.04 and OM dtd. 19.8.1958 are annexed herewith as Annexure - I, II, III and IV.

3. That as regards to the statements made in paragraph 4.2 and 4.3 of the application the respondents beg to offer no comment.

4. That as regards to the statements made in paragraph 4.4 of the application the respondents beg to state that it is a fact the applicant was appointed as Asstt. Director (Sr. Aids) during May, 1997 for 172 days and again appointed from time to time as this office could not get any suitable officer on deputation despite repeated advertisement through Employment news/circular all over India. To manage the indoor classes on Forensic Science, which is a major subject, this office had to appoint the applicant on adhoc basis to teach the said subject to trainees. The appointment order on adhoc

basis was conditional and the conditions are - that the adhoc appointment so made would not confer upon the applicant the right to claim regular appointment and would be enforce till the regular incumbent selected by UPSC, New Delhi whichever is earlier.

All the conditions incorporated in the appointment orders were accepted by the applicant in writing. The adhoc appointment were made purely on need basis and therefore, cannot be treated as artificial break.

5. That as regards to the statements made in paragraph 4.5 and 4.6 of the application the respondents beg to state that those are matter of records and the respondents do not admit anything which are not borne out of records.

6. That as regards to the statements made in paragraph 4.7 of the application the respondents beg to state that the same are untrue, false and imaginary hence denied. The Recruitment Rules prepared is thoroughly checked by the UPSC, New Delhi, involving Law Department of Govt. of India and by considering all pros and cons of the issue and finally approved and notified in the Gazette of India. It is wrong on the part of the applicant to bluntly state that Recruitment Rules so notified is defective. However, as a matter of

Contd...P/-

policy of the Government all the notified Recruitment Rules is subject to amendment from time to time to suit the changed situation and requirement.

7. That with regards to the statements made in paragraph 4.8 of the application the respondents beg to offer no comment.

8. That as regards to the statements made in paragraph 4.9 of the application the respondents beg to state that it is a fact that the post of Assistant Director (Sc.Aids) was advertised in the leading local news paper to fill up on adhoc basis from time to time. Since the adhoc can not be replaced by adhoc, the applicant was appointed in the interest of then on going training with the same terms and conditions mentioned in para 4.4.

In the Advertisement higher educational qualification was sought for to attract suitable candidates.

It was felt that existing Recruitment Rules needed amendments and, therefore a proposal sent to Govt. of India/UPSC, New Delhi by prescribing higher educational qualifications vide this office letter No. A.15011/1/88-Estt/Vol-II/25521 dtd. 25.3.1999.

Photo copy of the letter dated 25.3.99 is annexed herewith as Annexure - V.

Contd...P/-

9. That with regards to the statements made in paragraph 4.10 of the application the respondents beg to state that it is a fact that the post of Assistant Director (Sc. Aids) was advertised in the Assam Tribune, dated 24.5.99 and two candidates appeared for interview and the B.O.D. selected the applicant for 179 days w.e.f. 18.6.99 to 13.12.99 or till regular appointment of Asstt. Director (Sc. Aids) is made whichever is earlier and that the adhoc appointment would not make the applicant entitled to claim any regular appointment vide order No. NEPA/Apptt(ADSA)/6/99/1637-43 dtd. 15.6.99.

It is added here that this office had advertised the posts in question in several times for deputation in Employment News as well as Circulated all over India as per R/Rs but could not get any suitable candidate/officer on deputation.

Since the adhoc appointment is neither adequate nor technically correct, the post was again advertised through Employment News issued 21/27 June, 2003 basing on the old Notified Recruitment Rules and in response (New R/R was not available) 1 (one) candidate was appointed on deputation basis.

Photo copy of the Advertisement in Assam Tribune dtd. 24.5.99, appointment order issued to Sri L. Shyam Kumar dtd. 15.6.99 and Employment News issue 21-27 June/2003 are annexed herewith as Annexure - VI, VII & VIII.

10. That as regards to the statements made in paragraph 4.11 of the application the respondents beg to state that it is a fact that the post was advertised in the Shillong Times on 8.10.2004 to fill up the post of Asstt. Director (Law) and Asstt. Director (Sc Aids) on contract basis on a payment of fix amount of Rs.12,000/- per month with a direction to collect the terms and conditions of appointment from NEPA office. The terms and conditions certainly include educational qualifications for the posts. NEPA by no means appoint some one who is under qualified.

Photo copy of advertisement made in Shillong Times on 8.10.04 is annexed herewith as Annexure - IX.

11. That as regards to the statements made in paragraph 4.12 of the application the respondents beg to state that it is not respondent No.2 but 3 felt that existing Recruitment Rules requires amendments and as per the guidelines of DOP&T, New Delhi O.M.

Contd...P/-

No.AB14017/12/97-Estt(RR) dated 25.5.98 a proposal was sent to Ministry of Home Affairs/UPSC, New Delhi vide this office letter No. A15011/1/88-Estt/Vol-II/21521 dtd. 25.3.99.

As per the suggestion of the UPSC, New Delhi vide their letter No. F-3/10(49)/99-RR dtd. 24.5.2000 a fresh proposal was sent to MHA, New Delhi with a copy to UPSC, New Delhi vide this office letter No.A 15011/1/88/Estt/Vol-III/2471-72 dtd. 4.6.2000 finally the UPSC, New Delhi approved with a some modification as under.

Method of recruitment:

Deputation (ISTC)/Absorption failing which direct recruitment-

Officers of the Central/ State Govt./U.Ts/Recognised Research Institutions/Universities/Public Sector undertakings/Semi Govt./Statutory or Autonomous organisations

a) (i) holding analogous posts on regular basis or
ii) with 5 years regular service in the scale of pay of Rs.6500-10,500/- or equivalent, and

b) possessing the educational qualifications and experience prescribed for D/R as under.

i) master's degree of a recognised University or equivalent,

ii) three years' experience in investigation of cases in forensic disciplines in Forensic Science laboratory of Central Govt/State Govt./UTs or three years teaching experience in a training institute in the field of Forensic Science.

Contd...P/-

Desirable:

Master's Degree in Sociology/Criminology/Bachelor's degree in law of a recognised University or equivalent.

Photo copies of DOP & T, New Delhi O.M. dtd. 25.5.98, letter dtd. 24.5.2000 and letter dtd. 4.6.2000 are annexed herewith as Annexure - X, XI. & XII.

12. That with regards to the statements made in paragraph 4.13 of the application the respondents beg to offer no comment except that the proposed R/Rs was sent to MHA/UPSC, New Delhi by the respondent No.3 not by respondent No.2.

13. That with regards to the statements made in paragraph 4.14 of the application the respondents beg to state that the post of Asstt. Director (Sc. Aids) was advertised through Employment News issue 21-27 July, 2003 as per the old Recruitment Rules and selection process continued upto 17.1.2005 and new Recruitment Rules was notified 17-23 Oct, 2004. Since the case still under consideration, there was no necessity to readvertise the post. Nevertheless method of recruitments in both the Recruitment Rules is by "transfer on deputation" and applicant does not even qualified to apply for the post in question.

The method of recruitment prescribed in Old R/Rs and new Recruitment Rules are given below:

Method of recruitment as per old R/Rs:

Transfer on deputation:

- a) (i) holding analogous posts on regular basis or
- ii) with 3 years regular service in the post in the scale of pay of Rs.2000-3,500/- (pre-revised) or equivalent, or
- iii) with 7 years regular service in the post in the scale of pay of Rs.1640-2900/- (pre-revised) or equivalent or and
- b) possessing the following qualifications and experience
 - i) Senior Secondary Certificate or equivalent with physics/chemistry/biology/mathematics as subjects of study.
 - ii) 3 years practical experience in a forensic Science Laboratory.

Method of recruitment as per new R/Rs:

Deputation (ISTC)/Absorption failing which direct recruitment-

Officers of the Central/ State Govt./U.Ts/Recognised Research Institutions/Universities/Public Sector undertakings/Semi Govt./Statutory or Autonomous organisations

- a) (i) holding analogous posts on regular basis or
- ii) with 5 years regular service in the scale of pay of Rs.6500-10,500/- or equivalent, and

Contd...P/-

b) possessing the educational qualifications and experience prescribed for D/R as under.

i) master's degree of a recognised University or equivalent,

ii) three years' experience in investigation of cases in forensic disciplines in Forensic Science laboratory of Central Govt/State Govt./UTs or three years teaching experience in a training institute in the field of Forensic Science.

Desirable:

Master's Degree in Sociology/Criminology/Bachelor's degree in law of a recognised University or equivalent.

14. That in respect of the statements made in paragraph 4.15 and 4.16 of the application the answering respondents have no comment.

15. That with regard to the statements made in paragraph 4.17 of the application the answering respondents beg to state that the applicant was purely on adhoc and not in short term contract as claimed. Selection of candidate either on deputation or by direct recruitment is the business of UPSC, New Delhi is having technical expert in the field who takes the decision strictly in accordance with the procedure. The applicant can not claim regular appointment/absorption in NEPA, particularly when he is not even a candidate for the

Contd...P/-

post nor he can become one of the candidates. Only Govt. employee having required service/experience and qualifications can apply for the post on deputation basis and appointed subject to selection by the UPSC, New Delhi.

In this connection, an OM No. AB-14017/71/B9-Estt(RR) dt. 3.10.1989 issued by DOP & T, New Delhi is annexed herewith and marked as Annexure- XII.

16. That with regard to the statements made in paragraph 4.18, 4.19 and 4.20 of the instant application the answering respondents beg to state that the Respondent No.5 is a Science Graduate (B.Sc.) and AIC, AIC by examination is equivalent to M.Sc. in Chemistry as per Govt. of India, No F.18-36/57-T-5 dt. 19.8.1958 issued by Ministry of Scientific Research and Cultural Affairs, New Delhi.

Respondent No.5 qualifies for the post in terms of both old and new notified R/Rs from educational qualification and experience point of view.

The Respondent No.2 is not at all in picture regarding selection of the respondent No.5 and therefore there is no question of putting pressure. Question of writing a letter to UPSC, New Delhi by the responsible officer of NEC, Shillong (Respondent No.2) does not arise at all. The claim is hypothetical unwarranted, uncalled for irresponsible on the part of the applicant.

Contd...P/-

17. That with regard to the statements made in paragraph 4.21 of the application the respondents beg to state that the method of recruitment as per new Recruitment Rules Deputation (including short term contract)/ absorption failing which by direct recruitment. Present case relates to "Deputation only. Hence there is no question of considering the case of applicant either by way of taking on deputation, short term contract/absorption or by direct recruitment.

18. That in respect of the statements made in paragraph 4.22 of the instant application the respondents beg to state that the duty and responsibility of respondent No. 5 to teach lesson on forensic science who is doing effectively and efficiently. In addition to other duties as and when assigned. So far the educational qualification and experience concerned please refer 4.18.

19. That with regard to the statements made in paragraph 4.23 of the application the respondents beg to state that it is already reiterated in the para 6..

20. That with regard to the statements made in paragraph 4.24 of the application the respondents beg to state that there is no employee in NEPA viz. Ramesh Chandra Doundyal. If the applicant is referring Ramesh Chandra it is clarified that the case entirely different

Contd...P/-

and can not be treated in the same manner. The post of Hindi officer was created by simultaneously abolishing the post of Hindi Instructor vide GOI, New Delhi order No. 5/1/98-NE-II dtd. 26.5.98. Since he is qualified for the post and was promoted. The R/Rs was sent along with the proposal for upgradation the post of Hindi Instructor which is still pending despite reminders.

Photo copy of order dtd. 26.5.98 is annexed herewith as Annexure - XIV.

21. That in respect of the statements made in paragraph 4.25 of the instant application the respondents beg to state that Sri P.K. Gurung was confirmed against the post of Accountant in the scale of Rs.5500-175-9000/-PM and was promoted and adhoc basis as Superintendent in the identical scale without any minority benefit whatsoever in the interest of the office administration. The present case of the DA relates to applicant absorption in NEPA on regular basis on the ground that the respondent No.5 does not have the requisite qualification as prescribed in the notified R/Rs. There is vast difference between adhoc promotion of regular Govt. servant and adhoc fresh appointment. Therefore adhoc promotion of regular employee cannot be valid ground for deciding the case of applicant. It will not be out of the DA to mention here that whether as per old R/Rs or new R/Rs the primary method of R/Rs as prescribed is "transfer on deputation" which the academy

Contd...P/-

had followed and selection/recommendation is made by the UPSC, New Delhi vide their letter No.3/24(18)/2004-ADT-3 dtd. 17.1.05 who has eminent person particularly technical expert ~~45478992~~ in the field the decision taken strictly in accordance with the laid down procedure.

The copies of court verdict in OA No. 159/05 and UPSC New Delhi letter dtd.17.1.05 is annexed herewith as Annexure - XV and XVI.

22. That in respect of the statements made in paragraph 5.1 to 5.5 of the instant application the respondents beg to state that those grounds set forth in the application are not good grounds and not maintainable in law, as well as, on facts and on that account only the instant application of the applicant is liable to be dismissed.

23. That with regard to the statements made in paragraph 6 and 7 of the application the answering respondents have no comment.


24. That with regards to the statements made in paragraph 8 and 9 of the instant application the respondents beg to state that in view of the facts and circumstances above, and in view of the verdict of the Apex Court the applicant is not entitled to get any relief or interim relief as prayed for and the application is liable to be dismissed.

VERIFICATION

I, THIANGHLIMA PACAVAN S/O CHITLTHIANGA
aged about 46 years, R/o NEPA
District RIBHOI and competent officer of the
answering respondents, do hereby verify that the state-
ment made in paras 1, 3 to 7, 12 to 14, 16 to 19, 22 to 24 are true to my
knowledge and those made in paras 2, 8 to 11, 15, 20, 21 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 th day
of 2006 at Guwahati.




Signature Director 17.1.06
North Eastern Police Academy
Umsaw (Meghalaya)



भारत का राजपत्र The Gazette of India

प्रतिष्ठित एवं प्रमाणित
PUBLISHED BY AUTHORITY

सं. 49] नई दिल्ली, शनिवार, दिसम्बर 7, 1996/अग्राहयान 16, 1918
No. 49] NEW DELHI, SATURDAY, DECEMBER 7, 1996/AGRAHAYANA 16, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) और केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा विधि क्षेत्रगत बनाए और जारी किए गए साधारण सांविधिक नियम (जिनमें साधारण प्रकार के आदेश, उप-नियम आदि सम्मिलित हैं)
General Statutory Rules (including Orders, Bye-laws etc. of a general Character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the Administration of Union Territories)

गृह मंत्रालय
नई दिल्ली, 26 नवम्बर, 1996
शुद्धि पत्र

सा. का. नि. 345.—भारत के राजपत्र के भाग II, खण्ड 3, उपखण्ड (i) में पृष्ठ 1949 में 1953 तक में प्रकाशित भारत सरकार, गृह मंत्रालय की दिनांक 12-10-96 की अधिसूचना सा.का.नि. सं. 429 में निम्नलिखित प्रति-स्थापित किया जाएगा :—

- (1) कालम 5 में "लागू नहीं" शब्दों के स्थान पर "चयन" शब्द को प्रतिस्थापित किया जाए।
- (2) कालम 11 में "प्रतिनियुक्ति पर स्थानान्तरण" शब्दों के पश्चात् "स्थानान्तरण" शब्द को हटा दिया जाए।
- (3) कालम 12 में "प्रतिनियुक्ति की अवधि पर और प्रतिनियुक्ति के लिए अधिकतम आयु सीमा" खण्ड से पहले निम्नलिखित पैरा जोड़ा जाए :—

"सम्बन्धित श्रेणी के ऐसे विभागीय अधिकारी जो प्रत्यक्षतः प्रोवन्ति की पंक्ति में हैं, प्रतिनियुक्ति पर नियुक्ति हेतु विचार किए जाने के पात्र नहीं होंगे। इसी प्रकार, प्रतिनियुक्ति पर कार्यरत अधिकारी प्रोवन्ति द्वारा नियुक्ति के लिए विचार किए जाने के पात्र नहीं होंगे।"

[सं. / 4/9/95—एन. ई. II]
पी. के. मण्डल, अनुभाग अधिकारी

2902G1/96-1

(2571)

attested

June 6, 1996
Roshan
Adv.

Asstt Controller (Business)
Govt. of India
Department of Publication
Civil Lines. Delhi-54

प्रतिनियुक्ति पर स्थानांतरण

प्रतिनियुक्ति पर स्थानांतरण

केन्द्रीय/राज्य सरकारों/संघ राज्य क्षेत्रों के ऐसे अधिकाारी :-

- (क) (1) जो नियमित आधार पर सदन पद धारण किए हुए हैं; या
- (2) जिन्होंने 1640-2900 रु. या समतुल्य वेतनमान वाले पदों पर तीन वर्ष नियमित सेवा की है; या
- (3) जिन्होंने 1400-2300/2600 रु. के या समतुल्य वेतनमान वाले पदों पर आठ वर्ष नियमित सेवा की है; और
- (ख) भारतीय दंड संहिता/दंड प्रक्रिया संहिता / साक्ष्य अधिनियम/अवस्यक अधिनियम के उपयोजन में और पुलिस विज्ञान और अपराध अन्वेषण से संबद्ध विषयों में तीन वर्ष का वृत्तिक अनुभव।
- (प्रतिनियुक्ति की अवधि, जिसके अन्तर्गत केन्द्रीय सनवार के उसी या किसी अन्य संगठन/विभाग में इस नियुक्ति से ठीक पहले धारित किसी अन्य वाटर-वाह्य पद पर प्रतिनियुक्ति की अवधि है साधारणतया तीन वर्ष से अधिक नहीं होगी। प्रतिनियुक्ति पर स्थानांतरण द्वारा नियुक्ति के लिए अधिकतम आयु सीमा आवेदन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी।)

लागू नहीं होता

संघ लोक सेवा आयोग से परामर्श करना आवश्यक है।

[फा. सं. 41/15/96—एन. ई. II]

श्रीमती एल. तोडोंग, निदेशक (एन. ई. सी.)

New Delhi, the 26th November, 1996

G.S.R. 546.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Assistant Director (Scientific Aids) and Deputy Assistant Director (Police Science) in the North Eastern Police Academy, Barapani namely:—

1. Short title and commencement.—(1) These rules may be called the North Eastern Police Academy, Barapani Assistant Director (Scientific Aids) and Deputy Assistant Director (Police Science) Recruitment Rules, 1996.

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

2. Number of post, classification and scales of pay.—The number of the said post, its classification and the scales of pay attached thereto shall be specific in columns 2 to 4 of the Schedule annexed to these rules.

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

4. Disqualification.—No person,—

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

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

shall be eligible for appointment to the said post:

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

5. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it

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by order, for reasons to be recorded in writing and consultation with the Union Public Service Commission, any of the provisions of these rules with respect of any class or category of persons.

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

SCHEDULE

Name of the post	Number of posts	Classification	Scale of pay	Whether selection or non-selection post	Age limit for direct recruits
1	2	3	4	5	6
1. Assistant Director (Scientific Adviser)	*1 (1996) *Subject to variation dependent on workload.	General Central Services Group A, Gazetted, Non-Ministerial	Rs. 2200-75-2800-EB-100-4000	Not applicable	Not applicable
Whether benefit of added years of service admissible under rule 30 of the Central Civil Services (Pension) Rules, 1972	Education and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by deputation/transfer and percentage of the vacancies to be filled by various methods	
7	8	9	10	11	
Not applicable	Not applicable	Not applicable	Not applicable	Transfer on deputation	
In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made			If a Departmental Promotion Committee exists, what is its composition	Circumstances in which the Union Public Service Commission is to be consulted in making recruitment	
12			13	14	
Transfer on Deputation: Officers under the Central/State Govts./ Union Territories.			Not applicable	Consultation with Union Public Service Commission necessary.	
(a) (i) Holding analogous posts on regular basis; or					
(ii) with 3 years regular service in posts in the scale of Rs. 2000-3500 or equivalent; or					
(iii) with 7 years regular service in posts in the scale of Rs. 1640— or equivalent; and					

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Asstt Controller (Business)

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Civil Lines, Delhi 54

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- (b) Possessing the following qualifications and experience:
- (i) Senior Secondary Certificate or equivalent with Physics/Chemistry/Biology/Mathematics as subject (s) of study;
 - (ii) Three years professional experience in a Forensic Science Laboratory.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/department of the Central Govt. shall ordinarily not exceed three years. The maximum age limit for appointment by transfer on deputation shall be, not exceeding 56 years, as on the closing date of receipt of applications).

1	2	3	4	5	6
2. Deputy Assistant Director (Police Science)	*3 (1996) Subject - variation dependent on award.	General Central Services Group-B Gazetted, Non-Ministerial	Rs. 2000-60-2300-EB-75-3200-100-3500	Not applicable	Not applicable
7	8	9	10	11	
Not applicable	Not applicable	Not applicable	Not applicable	Transfer on deputation	
12	13	14			
Transfer on Deputation—Officers of the Central/State Govts./Union Territories —		Not applicable		Consultation with Union Public Service Commission necessary.	

- (a)(i) Holding analogous posts on regular basis; or
 (ii) with three years regular service in posts in the scale of Rs. 1640-2900 or equivalent; or
 (iii) with 8 years regular service in posts in the scale of Rs. 1400-2300/2600 or equivalent; and


- (b) possessing 3 years professional experience in the application of Indian Penal Code/Criminal Procedure Code/Evidence Act/Minor Act and allied matters on Police Science and crime investigation.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/department of the Central Govt. shall ordinarily not to exceed three years. The maximum age limit for appointment by transfer on deputation shall be, not exceeding 56 years as on the closing date of receipt of applications.)

[F. No. 4/15/96-NE-II]

Smt. L. Tochhong, Director (NEC)

attested


 Asstt. Controller (Business)
 Govt. of India
 Department of Publication
 Civil Lines. Delhi-54

S.S.

-160- 21- Register
Government of India
North Eastern Police Academy
Umsaw, 793 123, Umiam, Meghalaya

Dt. Umsaw, the 10 Mar 04.

NEPA/Apptt(ADSA)/6/99/ 56440

To,

The Deputy Secretary
Union Public Service Commission,
Dholpur House,
Shajahan Road,
New Delhi- 110 011.

Sub :- Selection of Assistant Director (Scientific Aids) on transfer on deputation in the scale of pay of the Rs. 8000-275-13,500/-p.m.

Sir,

To fill up 1 (one) post of Assistant Director (Scientific Aids), advertisement was made in the Employment News issue 21-27 June, 2003 and also circulated Central/State/UTs Governments. In response, 1 (one) candidate has submitted application for appointment on deputation basis.

It will be seen from the enclosed statement that Shri P Sharma, SSA of NICFS, Govt of India, Ministry of Home Affairs, Delhi has more than 20 years of working experience in the field of Forensic Chemistry in the National Instt. of Criminology and Forensic Science, therefore, he is eligible as per notified Rectt. Rules and his case is recommended for selection on deputation.

Proforma for selection of officer for appointment on deputation duly filled in is forward herewith along with other relevant papers as per the details given below -

1. Proforma showing the names and qualification possessed by the candidates those prescribed in the Recruitment Rules, P-81/c
2. Check List for deputation/absorption, P- 82 to 84/c..
3. Proforma referring to the UPSC, P-85 to 87/c.
4. Applications/Bio data received from the candidates in original, P-88 to 94/c.
5. ACR for last 5 yrs in r/o Shri P Sharma, SSA - P-95 to 99/c
6. Copy of the advertisement in the Employment News, P - 100/c.
7. Vacancy circular all over India, p- 101 to 106/c.
8. Notified Rectt. Rules for the post of Asstt. Director (S.A.), P-107 to 112/c.

This year ~~there are~~ 2(two) Basic Training Courses in respect of SIs & DySps of N E Region are going on and there are already 104 trainees & 26 more are expected to resume training shortly. But, this Academy is facing acute shortage of staff as most of the posts in officers grade are presently lying vacant despite our best efforts to fill up on deputation basis. As a result it has to depend on the Adhoc appointees/Guest Lecturers on payment of suitable honorarium.

This arrangement is neither adequate nor technically correct.

As such, it is requested that the selection of Assistant Director (Scientific Aids) on deputation may kindly be made at the earliest.

Yours faithfully,

(T Pachau, IPS)
Director

Enclo : a.s.a.

J. Meloy
Asstt. Dir.

PROFORMA SHOWING NAMES & QUALIFICATIONS POSSESSED BY CANDIDATES & THOSE PRESCRIBED IN R/Rs.

Sl. No.	Name of Officer & Date of Birth	Present Post held with date & scale of Pay and Pay therein	Essential Qualifications (Required as per R.Rs.)	Qualifications (Possessed by officer)	Eligibility In terms of pay Reqd. as per R.R.	Service of scale Possessed by the Officer	Whether C.Rs Complete / Receipt	Biodata	Remarks Eligible/ Ineligible The reason thereof.
1	Shri P. Sharma 5/9/1955	S.S.A (Chemistry) w.e.f. 3.1.89 Rs. 5500-9000/- Basic Pay Rs. 7025/-	1. Senior Secondary Certificate or Equivalant with Physics / Chemistry/Biology/ Mathmatics as subject(s) of study. 2. Three years Practical experience in a Forensic Science Laboratory	i. B.Sc. ii. AIC (AIC by examination is recognised as equivalent M.SC. in Chemistry with spl. Papers. a. Analysis of drugs & Pharmaceuticals. b. Analysis connected with Forensic Chemistry iii. Ph.D (Synonpsis of thesis submitted to Punjabi University, Patiala to carry out research work on the topic (micro-chemical and toxicological studies of modern tranquility drugs related to phenothiazines	<u>Transfer on deputation</u> Officers under the Central / state Govts/Uts. a.(i) Holding analogous posts on regular basis or (ii) with 3 yrs. regular service in posts in the scale of Rs. 6500/-- 10500/- or equivalent or (iil) with 7 yrs. regular service in posts in the scale of Rs. 5500-9000/- or equivalent	More than 13 yrs. in the scale of Rs. 5500-9000/- p.m.	Yes. copies enclosed	Yes (in original)	Eligible

(Signature)
(T. Pachau) IPS
Director

(81)

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23 -162- Annexure-II
Government of India
North Eastern Police Academy
Umsaw, 793 123, Umiam, Meghalaya

No.NEPA/Apptt(ADSA)/6/99/ 485
To,

Dtd. Umsaw, the 28th April, 04. 121 172

Shri Amar Nath,
Under Secretary,
U.P.S.C, Dholpur House,
Shajahan Road, New Delhi- 110 011.

Sub :- Transfer on deputation to the post of Assistant Director (Scientific Aids),
North Eastern Police Academy.

Sir,

While referring to your letter F. No. 3/24(18)/2004-ADT-3 dtd. 31/3/2004 and annexure thereto, I am to state (parawise) as follows :- 2.114/c

Recruitment Rules for the post of Assistant Director (Scientific Aids) was notified vide F. No. 4/15/96-NE.II dtd. 26/11/1996. Basing on the notified Recruitment Rules the post was advertised through Employment News and circulated all over India on following occasions :

- (a) Dec-1996
- (b) Oct-1997
- (c) Nov.-1998
- (d) Oct-2002 &
- (e) June-2003

But due to non- availability of the suitable candidate UPSC turned down the case on 2 occasions & one occasion by NEPA itself. In response to advertisement dtd. Oct 2002, this office received one in-complete application in respect of Shri P Sharma, SSA(Chem.),NICFS, Delhi, therefore, this case was not referred to your deptt. post was re-advertised during June 2003 but there was no response from any quarter. Finding no other alternative way, NICFS, Delhi, was approached to send the Bio-data along with last 5 yrs ACRs etc. of Shri P Sharma. On receipt of the Bio-data and ACRs , the case was referred to UPSC for consideration.

Despite our best efforts the post in question could not be filled up on deputation compelling this institution to resort to ad-hoc appointment by way of breaking service from Nov. 1997 onwards and is continuing.

2. So far as the statement showing major/minor penalties imposed in respect of candidate during last 10 years is concerned, this office has written to the deptt of NICFS, Delhi to submit the same immediately. On receipt of the same will be sent to your department.

3. Please refer para 1 above.



Yours faithfully,

(T Pachua, IPS)

Director

True Copy
Ragon
Adv.

19-36/57-T.S.
 GOVERNMENT OF INDIA
 MINISTRY OF RESEARCH & CULTURAL AFFAIRS

New Delhi-2, dated the 19.8.58

OFFICE MEMORANDUM

SUBJECT: Recognition of Technical and Professional Qualifications.

The undersigned is directed to say that on the recommendations of the Board of Assessment of Technical and Professional Qualifications, the Government of India have decided that the Associateship Diploma of the Institution of Chemists (India) obtained by examination be recognised for all Chemical appointments for which M.Sc. degree in Chemistry is prescribed as a qualification.

D.V. Narasimham
 (D.V. NARASIMHAM) 57-38

Assistant Educational Adviser (Technical)

To

All Ministries of the Government of India and their various Departments (with 5 spare copies); Department of Parliament Affairs; Lok Sabha Sectt; Rajya Sabha Sectt; President's Sectt; Military Secretary to the President; Partition Sectt; Cabinet Sectt; Prime Minister's Sectt.; Supreme Court; Comptroller and Auditor General of India; D.G.R.B. (H. Labour); Department of Atomic Energy; Director General/Director Department of Archaeology, New Delhi; Director, Department of Anthropology, Calcutta; Director of National Archives, New Delhi; Principal, Delhi Polytechnic, Delhi; Director, Indian Institute of Technology, Kharagpur; Planning Officer, Indian Institute of Technology, Bombay; Assistant Educational Adviser, Eastern Regional Office, Ministry of Science & Research and Cultural Affairs, 5 Esplanade East, Calcutta; Assistant Educational Adviser Western Regional Office, Munckjee Media Buildings, Bell Lane, West London; Assistant Educational Adviser, Southern

P.T.O.

True copy
For Adv.

25
-164-
245
144

Ministry of Scientific Research & Cultural
Affairs, Government of Madras, Chennai-5; Assistant
Educational Adviser, Northern Regional Office, Ministry of
Scientific Research & Cultural Affairs, Government of India,
7/160, Connaught Place, Bangalore D.C.P. & T.; New Delhi; C.P.W.D.,
New Delhi; Central Water and Power Commission; Union Public
Service Commission; University Grants Commission; Planning
Commission; Election Commission;

Copy to Principal Information Officer,
Press Information Bureau with the request that a press note
explaining the above decision in suitable terms may kindly
be issued as soon as possible.

Copy to all State Governments for favour of
issue of similar notification at an early date.

Copy to Registrars, All Universities.

Copy to Sections: T-1, T-2, T-3, T-4, T-5, T-7.

By Order,

S. VEDANTHAN

(S. VEDANTHAN 3/7/58)
for Secretary

INFORMATION

Since 1927 this Institution is registered under the Registration of Societies Act XXI of 1926 (Regd. No. 109410 of 1928-1929).

FELLOWSHIP (F.I.C.)—A chemist not below 28 years, who in the opinion of the Council has done original research work of a high order or has been engaged in important analytical, production, consulting or similar work of a general or specialised character—Admission Fee Rs. 120/-; Annual Subscription Rs. 120/- (LIFE FELLOWSHIP Rs. 1800/-) (Outside India—\$ 300.00 and \$ 450.00). The nature and responsibility of the position held by him will be taken into consideration along with any thesis or report on technological subjects submitted by him. An Associate may apply for Fellowship only after five years from the date of election as Associate.

ASSOCIATESHIP (A.I.C.) without examination—A chemist, not below 23 years, engaged in the practice of chemistry for at least five years in a manner satisfactory to the Council—Admission Fee Rs. 110/-; Annual Subscription Rs. 110/- (LIFE ASSOCIATESHIP—Rs. 1650/-) (Outside India—\$ 25.00 and \$ 375.00).

ASSOCIATESHIP (A.I.C.) by examination—A.I.C. diploma in Group A (Analytical Chemistry) obtained by Examination is recognised by the Union Government as equivalent to M.Sc. degree in Chemistry for purposes of recruitment of chemists and is recognised in the Indian Drugs Act, etc. At the time of Registration, candidates should have 3 years' professional experience after graduation in chemistry (i. e. 4 years' experience at the time of the Examination after one year). Application form for Registration and connected information are available from 1st April to 15th November and last date for submission of application along with all other required matters is 30th November of a year for appearing at the A.I.C. Examination of the next year (Syllabus at Rs. 15/- per copy and Questions at Rs. 15/- Per year as available).

MEMBERSHIP—A graduate, with chemistry as one of the subjects, not below 21 years; Admission Fee—Rs. 100/-; Annual Subscription—Rs. 100/- (LIFE MEMBERSHIP Rs. 1500/-) (Outside India—\$ 20.00 and \$ 300.00).

Application to any of these categories should be submitted in the prescribed form for that category available on sending Rs. 5/- stamped, addressed envelope. No Admission fee is payable for a change in the category of corporate membership. Bimonthly Journal of the Institution of Chemists (India), ISSN : 0020-3254 is available to members for 2004—Rs. 60/- (for outside India—\$ 7.00) but quarterly Proceedings—free. It is difficult to supply back issues to defaulter members after clearance of arrear in subscription.

Firms, institutes or individuals, not otherwise eligible for above memberships, may subscribe for 2005 to the Journal of the Institution of Chemists (India), inland rate (annual)—Rs. 500/- single issue Rs. 20/-; foreign rate (annual)—\$ 25.00 (U.S.A.) or £ 10.00 or Rs. 700/- single issue 6.00 or £ 4.50 or Rs. 120/-. The annual subscription (in India) for the Proceedings of the Institution of Chemists (India), ISSN : 0369-8599, for 2004 is Rs. 125/- (single copy Rs. 40/-). Payments by Money Order or A/c Payee D. D.

In order to avoid misdelivery of mails all members and subscribers are particularly requested to intimate the office of the Institution about any change of address at the earliest.

All communications should be addressed to the Hony. Secretary, Institution of Chemists (India), 11/4, DR. BIRSHI GUHA ROAD, KOLKATA—700 017.
Telegraphic address—CIEMPROF KOLKATA—700 017; Telephone—2240-3832 (15.12.03).

27
North Eastern Police Academy
Govt. of India
Ministry of Home Affairs
Unisaw : Umiam : 793 123 : Meghalaya

Annexure - V

166-

176

(92)

No. A15011/1/88-Estt/Vol-II/21522

Dtd. 25 March '99

The Joint Secretary (N.E.)
Ministry of Home Affairs
Govt. of India, New Delhi

Sub : Proposal for Amendment of Recruitment Rules of Deputy Director (Indoor) / Assistant Director (Scientific Aids) / Deputy Assistant Director (Police Science).

Sir,

It is to inform you that the North Eastern Police Academy which was set up at Barapani, Meghalaya in the year 1978 based on the proposal almost entirely in line on the recommendations made by the Gore Committee on police training. It is facing a serious crisis in getting suitable faculty support for imparting training to the basic DySP (Probationer) / Sub-Inspector (Cadet) of civil police of the North Eastern States. The present crisis, in addition to other reasons are due to the impracticable Recruitment Rules which in the present time have become unattractive to invite suitable trainers on deputation from either police / judicial services / retired Armed Force Personnel. Moreso, NEPA being located in far North east / Isolation from nearest town which is about 25 Kms. from Shillong and also with the present turmoil in North East, there is less attraction for officers from the other states to opt for these jobs. You will agree with me that for training the police officers of the states, we require Civil Police Officers as trainers besides other faculties from the other branches. I would say without hesitation that the best suited trainers would be the officers who have served these North Eastern State and having field experiences.

It has been our bitter experiences, that even getting retired person, as a guest lecturer / consultant is difficult as the incentives is not very attractive. The other drawback for not getting the state police officers is the disparity in the scale of pay in the same training centre. Where officers from Central Police Organisations (CPO's) like CRPF / BSF draw their central pay, the state police officers are given their state pay with negligible percentage of deputation / training allowance.

Hence, it is for these cumulative reasons that on number of occasion against the advertisement of the posts, the response from the Civil Police was nil. As such these posts of Civil Police officers have been filled up from CPO's to keep the post existing. Against the two posts of Deputy Director, there is only one police officer of rank of Addl. Supdt. of Police (Dy. Director, Indoor) who is also to be repatriate soon. Even all the posts of Assistant Directors are lying vacant for want of suitable volunteers. Also against the 3 (three) posts of Deputy Assistant Director, 1 (one) post is filled up by Central Reserve Police Force (CRPF) officer and other filled up by the officer from National Crime Record Bureau (NCRB). The officer from NCRB is also likely to be repatriate on May '99. One post of Deputy Assistant Director is lying vacant for suitable candidate. Thus, the Academy will be left with no officer after their repatriation.

The post of Assistant Director (Scientific Aids) which could not be filled up for the last 7 (seven) years inspite of several wide circulations is managed on adhoc appointment basis. The faculty of this post is required to train the trainees about the utility of scientific evidence in Crime Investigation. This subject needs to be given more weightage in training the basic officers, especially when the crime are becoming more sophisticated in the present time. It was quite astonishing that this post which required to train police officers of the rank of DySP who are mostly post graduate. The essential qualification in the approve R/R of the said post had been kept as passed 10+2 qualifications. This certainly requires an amendment as far as the qualification and recruitment is concerned. The recruitment for this post also being very selective (transfer on deputation) only needs to be more broad based and as such the earlier proposed R/R needs to be revised to include field / service from where suitable candidate can be recruited. Here I strongly recommend the provision of direct recruitment as prevailing in the recruitment rule of Assistant Director (Lecturer) NEPA in similar scale.

Contd 2/-

True Copy
Rosh
Adv.

✓ This year the Academy is having the responsibility of training about 100 (hundred) trainee officers of the 7 (seven) North Eastern States for the Basic Course which would last for complete 12 (twelve) months. Beside this Basic Course we have the commitment to train In-service officers in many other course during different period of the year. The North Eastern Police Academy cannot shun this great responsibility on the ground of lack of adequate trainers. Further, the shortage of trainers as felt every year due to impractical R/R which does no longer attract willing and suitable trainer, is greatly hampering the training in the Police Academy and as such the existing proposed R/R needs to be revised / amended to include field / service from where suitable candidate can be recruited.

Therefor, there is an inescapable requirement for amendment of R/R so that we may get suitable and willing police officers to be appointed as trainers. Having, no other additional mode of procedure for appointment to select trainers for the police training institute, it would be advisable to make an effort for broad basing the selection procedure of selecting state police officers / other experts with adequate field experience which is essential for the Police Training Academy.

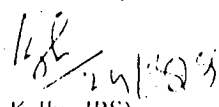
✓ It is therefore requested that Department of personnel and training / the Union Public Service Commission may kindly approve making necessary amendments in the earlier R/R permitted by Government of India, Ministry of Personnel, Public Grievances and pensions (Department of Personnel and Training) OM No. 14017/ 2/97-Estt (RR) dated the 25th May, 1998. We propose to amend the R/R to make it more broad-base by including the enclosed additional mode of recruitment as indicated against the post.

I would further like to add that in addition to the amendment of recruitment rules of the post indicated, if the existing provision for re-employment for the Armed Force Personnel, could also be extended to the State Police officers in the post of Dy. Director (indoor) and Dy. Asstt. Director (Police Science), we may get state police officers who have taken voluntary retirement / willing to take voluntary retirement for re-employment for the said posts. Here I would like to make a mention that any Armed Force personnel through possessing a Degree in Law cannot teach civil police related subjects in the Indoor training as their job is totally inconsistent with the department related to. Hence, at any given point of time we can never get such a candidate for this post from the Army.

✓ It is therefore requested that UPSC may please be moved for approving different mode of recruitment, as given in the proposed Recruitment Rules. The provision of re-employment of State Police officer upto the age of supernuation with reference to Civil post could be kept as an additional means for selection on failure of getting suitable candidate by transfer on deputation / re-employment as laid down for Armed Force Personnel.

I, therefore propose to fill up the above sanctioned posts by the method of recruitment as indicated against these posts as per revised annexure - I (A,B,C) which may please be approved and intimated.

Yours faithfully


(K K Jha, IPS)
Director

Copy to -

Under Secretary (R.R.) UPSC, Dholpur House, New Delhi for information.

The Assam
Tribe
24/5/1999.

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Annexure - VI

168-
178

One post each of Asstt. Director (Scientific Aid), Asstt. Director (Lecturer) and Asstt. Director (Law) are required to be filled-up on ad-hoc basis in NEPA as per details given below :-

Asstt. Director (Scientific Aids) : Candidates with qualification Degree/Post Graduate in Forensic Science with teaching experience. Degree in Law would be preferred.

Asstt. Director (Lecturer) : Post Graduate Degree in Sociology/Psychology/Social Anthropology with two years research experience in any of the above mentioned subjects.

Asstt. Director (Law) : Degree in Law with two years teaching experience in an Institution/College.

Interview on 7th June, 1999 at 1130 hrs. with original testimonials.

Venue : Office of the Director, North Eastern Police Academy, Umsaw (Meghalaya).
CD/G/SV/2534/1

17 X 1

Applications are hereby invited in Articles 5 to 8 of the Constitution undermentioned posts under the I

Annexure - I

Inclosure
For
Adv.

30

Annexure - VII
(7)
- 169/139

North Eastern Police Academy
Government of India
Ministry of Home Affairs
Umsaw : 793 123 : Umiam : Meghalaya

No. NEPA/Apptt(ADSA)/6/99/1637-43 Dtd. Umsaw, the 15th, June '99.

ORDER

Shri L Shyam Kumar is hereby appointed as Asstt. Director (Scientific Aids) on ad-hoc basis for a period of 179 days with effect from the forenoon of 18/6/99 to 13/12/99 afternoon or till a regular appointment of Asstt. Director (Scientific Aids) is made which-ever is earlier, in the scale of pay of Rs.8000-275-13500/- p.m. plus other allowances as admissible to the Central Government Employees from time to time.

The ad-hoc appointment however will not make Shri L Shyam Kumar entitled to claim any regular appointment.

148/15/6/55
(K.K.Jha)
Director

Memo.

No. NEPA/Apptt(ADSA)/6/99/1637-43 Dtd. Umsaw, the 15th, June '99.

Copy to :-

- | | |
|--|---|
| 1) The Director (NE-II), Govt. of India, Ministry of Home Affairs, New Delhi. | } The matter relating to the selection of Asstt. Director (Sc. Aids) is under process and likely to take some time. Services of an Asstt. Director (Sc. Aids) is essential in view of ongoing training programmes |
| 2) The Under Secretary, UPSC, Dholpur House, Shajahan Road, New Delhi. | |
| 3) The RPAO(IB), Shillong-03. | |
| 4) The A/cs Section, NEPA, Umsaw, Barapani. | |
| 5) Shri L Shyam Kumar, Asstt. Director (Scientific Aids) - for information & necessary action, pl. | |
| 6) Personal file. | |
| 7) Office order file. | |

148/15/6/55
(K.K.Jha)
Director

#A#R#T#

*June copy
for Adv.*

Government of India North Eastern Police Academy

Umsaw, Umiam-793123
(Meghalaya)

One post each of Deputy Director (Indoor) in the scale of pay of Rs. 10,000-325-15,200/- p.m., Assistant Director (Scientific Aids) in the scale of pay of Rs. 8000-275-13,500/- p.m., 2 (two) posts of Assistant Director (Law) in the scale of pay of Rs. 8000-275-13,500/- p.m. & 2 (two) posts of Deputy Assistant Director (Police Science) in the scale of pay of Rs. 6500-200-10,500/- p.m. are required to be filled up in this institution as per details given below :

1. Deputy Director (Indoor)

Method of Recruitment

Transfer on deputation (Including Short Term Contract).

A. From amongst officers of Central/State Police Organizations :
(a) (i) holding analogous posts on regular basis; or (ii) with 5 years regular service in posts in the scale of Rs. 8000-13,500 or equivalent; and (b) Possessing 3 years' experience of Teaching/Training in Law in Police Training Institute. or B. Indian Police Service Officers/Officers of State Judicial Service :

(a) (i) holding analogous posts on regular basis; or (ii) with 5 years regular service in posts in the scale of Rs. 8000-13,500 or equivalent; or C. Officers under the Central/State Governments/Union Territories/Colleges of Recognized Universities ;

(a) (i) holding analogous posts on regular basis; or (ii) with 5 years' regular service in posts in the scale of Rs. 8000-13,500 or equivalent or (iii) with 8 years' regular service in posts in the scale of Rs. 6500-10,500 or equivalent; and (b) Possessing the following Educational qualifications and experience :
(i) Degree in Law from a recognized University or equivalent with 3 years' experience of teaching Law subjects in an Institution/College.

For Armed Forces Personnel

Transfer on Deputation/Re-employment

The Armed Forces Personnel of the rank of Major and above who are due to retire or to be transferred to reserve within a period of one year and possess Degree in Law from a Recognized University or equivalent with 3 years experience of teaching Law subjects in an Institution/College shall also be considered. If selected, such officers will be given deputation terms upto the date on which they are due for release from the Armed Forces; thereafter they may be continued on re-employment terms. In case such eligible officers have been retired or have been transferred to reserve before the actual selection to the post is made, their appointment will be on re-employment basis (Re-employment upto the age of superannuation with reference to civil posts).

(Period of deputation/contract including period of deputation/contract in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not exceed 3 years. The maximum age limit for appointment by transfer on deputation (including short-term contract) shall be not exceeding 56 years as on the closing date of the receipt of applications).

Period of probation 2 years for Armed Forces Personnel Re-employed.

2. Assistant Director (Scientific Aids)

Method of Recruitment

Transfer on deputation

Officers under the Central/State Govts./UTs.

(a) (i) holding analogous posts on regular basis; or (ii) with 3 years regular service in posts in the scale of Rs. 6500-10,500 or equivalent; or (iii) with 7 years' regular service in posts in the scale of pay of 5500-9000 or equivalent; and (b) possessing the following qualifications and experience :

(i) Senior Secondary Certificate or equivalent with Physics/Chemistry /Biology /

Mathematics as subject(s) of study. (ii) 3 years practical experience in Forensic Science Laboratory.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Govt. shall ordinarily not to exceed 3 years. The maximum age limit for appointment by transfer on deputation shall be, not exceeding 56 years, as on the closing date of receipt of applications.)

3. Assistant Director (Law)

Method of Recruitment

Transfer on deputation (Including Short-Term Contract).

Officers under the Central/State Govts./Recognized Universities/Training Institutes recognized by the Central/State Governments.

(a) (i) holding analogous posts on regular basis; or (ii) with three years' regular service in posts in the scale of Rs. 6500-10,500 or equivalent; and (b) possessing the following educational qualifications and experience :
Essential : (i) Degree in Law from a recognized University or equivalent. (ii) Two years experience of teaching Law in an Institution/College.

For Armed Forces Personnel

Transfer on deputation/Re-employment.

The Armed Forces Personnel of the rank of Second Lieutenant and above who are due to retire or who are to be transferred to reserve within a period of one year and having the requisite qualification and experience prescribed are also be considered. Such person would be given deputation terms upto the date on which they are due to release from the Armed Forces., thereafter they may be continued on re-employment. In case by the time the selection process is final, the Armed Forces Personnel retire or age transferred to reserve, they may be appointed on re-employment, if selected.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not to exceed three years. The maximum age limit for transfer on deputation, (including short term contract) shall be, not exceeding 56 years, as on the closing date of receipt of applications).

Period of probation : 2 years for Armed Forces Personnel re-employed.

4. Deputy Assistant Director (Police Science)

Method of Recruitment

Transfer on Deputation

Officers of the Central/State Govts./UTs

(a) (i) holding analogous post on regular basis; or (ii) with three years regular service in posts in the scale of Rs. 5,500-9000 or equivalent; Or (iii) with eight years regular service in posts in the scale of Rs. 4500-7000/ Rs. 5000- 8000 or equivalent; and

(b) possessing three years professional experience in the application of IPC/ CrPc/Evidence Act/Minor Act and allied matters on Police Science and Crime Investigation.

(Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Govt. shall ordinarily not to exceed 3 years. The maximum age limit for appointment by transfer on deputation shall be, not exceeding 56 years, as on the closing date of receipt of applications.)

Application along with Bio-data should reach the undersigned within 60 days from the date of publication along with last 5 years confidential reports. While forwarding applications it may kindly be confirmed whether there is any vigilance case and disciplinary proceedings either pending or contemplated against any of the applicants. Applications which are not accompanied by the relevant particulars or otherwise incomplete or received after the last date is over, will not be entertained. The candidates who apply for the post will not be allowed to withdraw their candidature subsequently.

BIO-DATA PROFORMA

(T. Pachau, IPS)

Director

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

Qualification/Experience Required
Essential (1) (2) (3) (4)

Qualification/Experience possessed by the officer

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

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

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

8. Nature of present employment i.e. ad-hoc or temporary or quasi permanent or permanent.

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

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

10. Additional details about present employment. Please state whether working under :

- (a) Central Govt.
- (b) State Govt.
- (c) Training/Institutions recognized by State/Central
- (d) Recognized Universities
- (e) Autonomous Organization/Public Sector Undertaking

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

12. Total emoluments per month now drawn.

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

14. Whether belongs to SC/ST/OBC.

15. Remarks :

Signature of the candidate

Date :

(i) It is certified that no vigilance case is pending/contemplated against the applicant and he is clear from vigilance angle.

(ii) Integrity of the applicant is certified.

(iii) It is certified no minor/major penalty has been imposed upon the officer during the last 10 years/ a list of major/minor penalties imposed upon the officer during the last 10 years is enclosed herewith.

(iv) ACR dossier, original/attested photocopies of the ACRs of the applicant for the last 5 years are enclosed herewith.

(v) It is certified that the particulars furnished by the officer are correct.

(Head of the Department)

EN 12/6

Research & Development Organisation

Terminal Ballistics Research Laboratory, Sector 30, Chandigarh

For the post mentioned below :

No. of Post	Pay Scale	Qualification	Age Limit
1 post reserved for Physically handicapped (category) (sitting arrangement). minimum degree of disability should be 40%	3050-75-3950-80-4590	Senior Secondary School Certificate recognized by the Central/State Govt. Typing Speed : Accurate speed of typing in Hindi at the speed 25 words per minute OR accurate speed of 8000 key depressions per hour for Data entry in Computer. Desirable : Knowledge of Computer operation or pass in Computer Course at O Level. Preference will be given to candidates having knowledge of both Hindi and English Typing.	18 to 25 years (relaxable 10 years for Physical handicapped)

Chandigarh/Ramgarh Distt Panchkula (Haryana).
Interested candidates should send/hand written on the prescribed application form may be sent to the Director, Terminal Ballistics Research Laboratory, Sector 30, Chandigarh 160030 alongwith attested copies of educational qualifications Age & SC/ST/OBC certificates within one month of the date of advertisement. Candidates who will have to produce original educational/age/caste certificates at the time of interview. Candidates already working in Central/State Govt./PSUs are required to obtain 'No objection certificate' and attach the same with application form.

Termination the age limit : 30 Jun 2003

PROFORMA

Roll No.....
(To be filled by office)

THE POST (WRITE THE NAME OF POST APPLIED FOR)

SC/ST/OBC (if yes, tick the concerned and also attach certificate) Physically Handicapped? If yes, mention degree/category of disability and evidence.

Tick, if applicable (please tick mark) : Computer Typewriter

Board/University	Year of passing	Compulsory/Elective subjects	% of marks	Div/Class
------------------	-----------------	------------------------------	------------	-----------

Level from Xth Standard onwards. and Name of Employment Exchange.

The information furnished by me in the application form is correct.

Signature of applicant

Only those on merit only be called for interview and others may assume that their names have not merit list and no correspondence will be entertained in this regard.

Applications will be out rightly rejected.

EN 12/12

Defence

Terminal Ballistics Research Laboratory, Sector 30, Chandigarh

For the post mentioned below :

No. of Post	Pay Scale	Qualification	Age Limit
1 post reserved for Physically handicapped (category) (sitting arrangement). minimum degree of disability should be 40%	3050-75-3950-80-4590	Senior Secondary School Certificate recognized by the Central/State Govt. Typing Speed : Accurate speed of typing in Hindi at the speed 25 words per minute OR accurate speed of 8000 key depressions per hour for Data entry in Computer. Desirable : Knowledge of Computer operation or pass in Computer Course at O Level. Preference will be given to candidates having knowledge of both Hindi and English Typing.	18 to 25 years (relaxable 10 years for Physical handicapped)

Chandigarh/Ramgarh Distt Panchkula (Haryana).
Interested candidates should send/hand written on the prescribed application form may be sent to the Director, Terminal Ballistics Research Laboratory, Sector 30, Chandigarh 160030 alongwith attested copies of educational qualifications Age & SC/ST/OBC certificates within one month of the date of advertisement. Candidates who will have to produce original educational/age/caste certificates at the time of interview. Candidates already working in Central/State Govt./PSUs are required to obtain 'No objection certificate' and attach the same with application form.

Termination the age limit : 30 Jun 2003

PROFORMA

Roll No.....
(To be filled by office)

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SC/ST/OBC (if yes, tick the concerned and also attach certificate) Physically Handicapped? If yes, mention degree/category of disability and evidence.

Tick, if applicable (please tick mark) : Computer Typewriter

Board/University	Year of passing	Compulsory/Elective subjects	% of marks	Div/Class
------------------	-----------------	------------------------------	------------	-----------

Level from Xth Standard onwards. and Name of Employment Exchange.

The information furnished by me in the application form is correct.

Signature of applicant

Only those on merit only be called for interview and others may assume that their names have not merit list and no correspondence will be entertained in this regard.

Applications will be out rightly rejected.

EN 12/12

Annexure - 1X
 -171- 181

UNDER GARMENTS

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DENTAL & ORAL

For any Dental & Oral problem consult with Dr. B.K. Hazarika B.D.S. (Lucknow) F.D.S. F.I.A.G.P (Cal.) C.C.E.D. (Bomb.) Senior Chief Consultant Advanced Dentistry Guwahati on Saturday 09-10-04 at Bansara Eye Clinic, Laitumkhrach, Shillong. Contact: 2228784, 2544752, 09435014497.

CONSULTATION

Dr Gwyn Evans, F.R.C.S. (Ortho)- Orthopaedic Surgeon from UK is available at the K.J.P. Synod Hospital for Consultations on Monday, Tuesday, Wednesday and Friday

SITUATION VACANT

one post each of Assistant Director (Law) and Assistant Director (Scientific Aids) will be filled on contract basis on payment of fixed amount of Rs. 12,000/- p.m. Interested candidate may appear for personal interview on 12.10.04 with original testimonials. All terms and conditions of appointment be obtained from NEPA office. Director, NEPA Umsaw, 793123, Umlam, Meghalaya

DIRECTORATE GENERAL ASSAM RIFLES: SHILLONG

RE-FLOATATION TENDER NOTICE

11011/103/2004-Q/
 Please refer to this Directorate Tender Notice No. No. 11/103/2004-Q/dt. 26 Mar. 2004.
 Sealed tenders are hereby invited on behalf of the President of Union for supply of Hygiene and Chemical item for the period 1 Nov 2004 to 31 Mar 2005 from original manufacturers or sed dealer/distributor. The rate should be quoted for the item locations as indicated below:

Items	Sch No	No 1 MGAR (Dimapur)	No 2 MGAR (Silchar)	No 3 MGAR (Jorhat)	Total
11	11	6900 Kgs	2300 Kgs	4025 Kgs	13225 Kgs.

rates quoted be inclusive of all taxes. The items should be

TO LET

3 bedroom cottage with attached bathroom kitchen and amenities for rent in Bishnupur, Shillong. Contact: after 4 pm Ph. No: 2222976/98630-22139.

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Dr. S.K. Bhuyan MS available at Shillong Optical Police Bazar, Thana Road, Shillong-1 Ph: 2225574 every Saturday from 9:00 AM-5PM other days doctor is available from 1 PM-5PM.

FOR SALE

Bajaj Chetak model-1999 Nov. Contact Ph: No. 2580290.

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Office accommodation only, 3000 Sq.ft. at Upland Road, Laitumkhrach. Contact Ph. No: 2546943.

SCHOOL TUITIONS

'Euphonies' Begins its coaching for Classes XI & XII, Science and Commerce. Call: 2534803.

Nepal troops, rebels killing civilians

KATHMANDU: Both Nepali government troops and Maoist rebels are abducting, torturing and killing ordinary people as an eight-year-old conflict escalates across the impoverished kingdom, a human rights groups said Thursday.

In a report "Between a Rock and a Hard Place: Civilians Struggle to Survive in Nepal's Civil War," Human Rights Watch detailed how innocent people were often faced with untenable choices in a "dirty war" that had killed more than 10,000. "Refusal to provide shelter to the rebels puts villagers at risk from Maoists who are ruthless in their punishments, while providing such support leaves them vulnerable to reprisal attacks from security forces," it said holding both sides responsible for regular intimidation, extortion, abductions, and disappearances. (PTI)

Car bomb

ISLAMABAD: 40 people were killed and over 100 wounded early Thursday when a car bomb ripped through a gathering of Sunni Muslims in Pakistan's southern Multan city to mark the first death anniversary of a religious leader.

Police said a remote control device probably detonated the car bomb that was parked outside the venue of the commemorative meeting that had started late Wednesday night and continued through early this morning.

Local police chief Talat Mehmood Tariq told reporters that the explosive-laden car was blown up at a time when the congregation of nearly 3,000 people was dispersing at around 0430 hrs close to the morning prayers. He said, quoting officials of the bomb disposal squad, that the device weighed 6-7

Sadr aide released from US detention

BAGHDAD: A senior aide to rebel Iraqi cleric Moqtada al-Sadr, who has been in anti-US activities, triggered widespread protests, a process that can be used to make atomic weapons in defiance of the UN watchdog.

"Well, they are doing conversion but they are not enriching uranium," ElBaradei, the head of the International Atomic Energy Agency (IAEA), told reporters after a meeting with Hiroyuki Hosoda, Japan's chief cabinet minister and top government spokesman.

LOST & FOUND

A brief case belonging to Nk (GD) Amulya Hajong of SSB was wrongly exchanged with another while travelling by bus on Oct 6. Contact: 2233155.

UGC-NET DEC'04

Classroom coaching for General Paper-I of Faculties of Humanities Social Sciences etc. commencing 15.10.04 revised syllabus, Comprehensive study material. Explanations. Practice under expert guidance. Full length mock

World's biggest flower stinks up Sydney

SYDNEY: With the aroma of "overripe Camembert cheese on a bed of roadkill" a rare example of the world's largest

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 10/10/04

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Annexure-x
MOST IMMEDIATE(130)
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No. AB-14017/2/97-Estt(RR)

Government of India

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

+72-

North Block, New Delhi 110001

May 25, 1998

OFFICE MEMORANDUM

Subject: Fifth Central Pay Commission's recommendations - Revision of pay-scales - Amendment of Service Rules/Recruitment Rules.

The undersigned is directed to invite attention to the Central Civil Services (Revised Pay) Rules, 1997 notified by the Ministry of Finance (Department of Expenditure) on the 30th September, 1997 containing the decision of the Government in regard to the revised scales of pay, etc. The Government has decided that Ministries/Departments etc. are required to take the following consequential steps to amend the existing Service Rules/Recruitment Rules on a priority basis:-

(i) Substituting the existing scales by revised scales

The existing pay-scales may be substituted by the equated revised pay-scales now prescribed, straightaway, without making a reference to the Department of Personnel and Training (DOP&T)/the Union Public Service Commission (UPSC). In cases where deputation is also one of the methods of recruitment, the field of deputation which includes various posts should also reflect the revised scales of pay, in case there is no change in the eligibility service as per the revised guidelines. In cases where there is change in the eligibility service/field of deputation, amendment to the rules should be undertaken.

(ii) Merger of pay-scales

From Part 'A' of the first Schedule to the CCS (Revised Pay) Rules, 1997, notified by the Ministry of Finance on the 30th September, 1997, it may be seen that pre-revised scales have been merged into a single revised scale in respect of Grades S-5, S-6, S-7, S-8, S-9, S-12, S-13, S-15, S-19, S-21, S-24, S-26, S-29 and S-32. In such cases the recruitment rules will have to be amended so as to provide for promotion from the feeder grade to the merged grade according to the revised qualifying service as per ANNEXURE-'A'.

(iii) Where there is an upgradation of posts

In some cases the Fifth Pay Commission has recommended a higher pay-scale and not equated revised scale. Further, in certain cases the recommendations of the Pay Commission are subject to fulfillment of specific conditions e.g. changes in Recruitment Rules, restructuring of cadres, redistribution of posts, etc. As per guidelines issued by the DOP&T, whenever it has been decided to upgrade any post action should be taken by the Administrative Ministry/Department concerned to reframe the Recruitment Rules therefor. As the eligibility criteria for direct recruitment or promotion or

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depu on a lower scale, it will be necessary to review the relevant columns of the existing Recruitment Rules for the post for which an upgrade revised scale has been approved and to prescribe age limits, qualifications, experience and eligibility service for promotion/deputation appropriate to the higher level. Such revision should, however, be undertaken in respect of only those pay-scales which have already been approved by the Government and notified or the eligibility as prescribed has undergone a change. Pending revision of the Recruitment Rules with reference to the pay-scales as approved by the Government, the existing rules for the lower pay-scale may not be operated.

(iv) Consequential Changes

It will be necessary to make consequential changes in the Recruitment Rules/Service Rules so as to prescribe eligibility conditions with reference to the revised pay-scales. It will also be necessary to review other columns of the Recruitment Rules/Service Rules where some minimum service in a particular pay-scale is prescribed for consideration on deputation etc.

(v) Departmental Promotion Committees (DPC)

It has also been decided that where the scales have been merged, the existing DPC for the higher grade will be the DPC for the integrated merged grade.

(vi) The method of recruitment of 'transfer' indicated in para 3.12.1 of the DOP&T guidelines dated the 18th March, 1988 may be substituted to read as 'ABSORPTION' instead of 'transfer'. Accordingly, the word 'transfer', wherever it occurs in the various instructions, guidelines etc on Recruitment Rules, may be replaced by the word 'absorption'. The method of deputation may also be referred to as 'DEPUTATION' only and not as 'transfer on deputation'.

(vii) In the DOP&T Office Memorandum (O.M.) dated the 18th March, 1988, Column 5 of Annexure-1 reads as "Whether Selection posts or Non-Selection posts". However, in terms of the DOP&T O.M.No.22011/5/91-Estt(D) dated the 27th March, 1997 the method of 'Selection' in the aforesaid column has now to be shown as "Selection-cum-Seniority or Selection by merit". Necessary changes to this effect may be incorporated in the Recruitment Rules/Service Rules.

2. The Supreme Court in its judgement in *R.K. Sabharwal's* case has ruled in favour of a change-over from the existing "vacancy" based reservation roster to "post"-based roster. Under the existing policy the determination of different quotas for recruitment is vacancy-based. In order to comply with the aforesaid Supreme Court judgement, which has been implemented vide the DOP&T O.M.No.36012/2/96-Estt (Res) dated the 2nd July, 1997, it will be necessary to amend the existing Service Rules/Recruitment Rules under Column 11 of Annexure-1 in the DOP&T guidelines dated the 18th March, 1988 to replace the words "percentage of the 'vacancies' to be filled by various methods" by "percentage of the 'posts' to be filled by various methods".

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Annexure - XI

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NO.F.3/10(42)/99-RR.
 UNION PUBLIC SERVICE COMMISSION
 DHOLPUR HOUSE, SHAHJAHAN RAOD,

NEW DELHI - 110 011, DT. 24.5.2000

The Secretary to the Govt. of India,
 Ministry of Home Affairs,
 N.E. Division,
 NEW DELHI

(Attention : Shri K.K. Jha, Director)

SUBJECT : Amendmen to the Recruitment Rules for the
 posts of Deputy Assistant Director (Police
 Science), Assistant Director (Scientific Aids)
 and Deputy Director (Indoor), North Eastern
 Police Academy, Umsaw, Meghalaya, Ministry of
 Home Affairs.

C.209/c

I am directed to inform you that the
 No. A.15011/1768-Advt./2000/1154 dated 10.05.2000
 May, 2000 on the above subject and to the effect that
 held in the name of Shri K.K. Jha, Director, Deputy
 Secretary on 15.5.2000 and to say as follows:

(i) Deputy Assistant Director (Police Science)

(a) The Department have proposed 10 vacancies
 (including short term contract, casual and which
 one post by direct recruitment). They have submitted that
 the expediency of filling the post by direct
 recruitment with the usual provision for filling
 vacancies of short duration by deputation of Govt.
 officers.

(ii) The clause of reservation may be deleted.

(iii) It is suggested that the essential qualifications
 for direct recruitment may be reviewed as follows:

(a) Higher grade from a recognised university or an
 equivalent

(b) Five years' experience in the field of
 three years' experience in the field of
 specialties

(c) The candidate should have a minimum of 10 years' experience
 in the relevant field of work as specified in the advertisement.

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(v) The Department may also consider providing promotional avenues to the post by prescribing this as a feeder grade for promotion to the post of Assistant Director (Law).

(B) Assistant Director (Law)

The proposal for amendment to Recruitment Rules for this post has since been received in the Commission. The Department may review the method of recruitment as it may be noted that it is necessary to finalise the Recruitment Rules for the feeder grade post before taking up the matter regarding amendment of Recruitment Rules of the promotional grade.

(C) Deputy Director (Indoor)

The qualifications for direct recruitment may be revised as below :

A. (i) Master's Degree in Law from a recognised University or equivalent.

(ii) Five years' practical experience at the Bar.

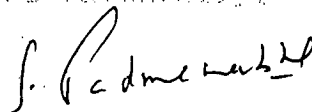
OR

B. (i) Bachelor's Degree in Law from a recognised University or equivalent.

(ii) Ten years' practical experience at the Bar.

2. Pending receipt of a reply, no action is being taken on the proposal of the Department.

Yours faithfully,


(MS. BHARATI SRIDHAR)

UNDER SECRETARY

UNION PUBLIC SERVICE COMMISSION

TELE : 3383991/4766

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Registered
Annexure - XII.
246
486

Government of India
Ministry of Home Affairs
North Eastern Police Academy
Umsaw, 795 123, Umiam, Meghalaya

No.A.15011/1/88-Estt/Vol-III/

2471-72.

Dtd. Umsaw, the 4 June, 2000.

To,

The Deputy Secretary,
NF II Division,
Govt. of India,
Ministry of Home Affairs,
North Block, New Delhi.

Sub: Amendment to the Recruitment Rules for the posts of Deputy Asstt. Director (Police Science), Assistant Director (Scientific Aids) and Deputy Director (Indoor), NE Police Academy, Meghalaya, Ministry of Home Affairs.

Ref:- UPSC letter No.F.3/10(49)/99-RR dtd. 24/5/2000.

Sir,

Parawise replies to the queries raised by UPSC vide letter cited above are as under please :

(A) Deputy Assistant Director (Police Science)

(i) Out of 3 existing posts, ~~1 (one)~~ posts is proposed to be filled up by direct recruitment and ~~1 (one)~~ posts by deputation for short duration.

in this connection, it is pointed out here that Deputy Assistant Director (Police Science) is supposed to teach function and administration of the Police Station and other set up of Police organisations. Direct appointee will not be able to carry out the above mentioned duties due to lack of practical experience related to the work of Police Station and, therefore, the draft Recruitment Rules (revised) has been prepared keeping in view the requirements explained above for your kind consideration please

(ii) As suggested, the element of absorption against the post of Deputy Assistant Director (Police Science) has been deleted and also the essential qualification meant for direct recruitment is inserted in the relevant column. However, no additional or desirable qualification is now proposed.

Due consideration has also been given to provide promotional avenues to the post of Assistant Director (Law) by keeping the post of Deputy Assistant Director (Police Science) as a feeder grade which is in the scale of pay of Rs. 6500-10500/-p.m.

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Ravi
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n Assistant Director (Law)

As suggested draft Recruitment Rules (revised) of Deputy Assistant Director (Police Science), making it a feeder grade of Assistant Director (Law) is prepared and enclosed herewith

(C) Deputy Director (Indoor)

It is regretted to inform that suggestions put forward by the UPSC to keep the post of Deputy Director (Indoor) for direct recruit would not be acceptable for the following reasons:-

(a) the post of Deputy Assistant Director (Police Science) is now kept as feeder grade of the post of Assistant Director (Law) and Assistant Director (Law) kept as feeder grade of the post of Deputy Director (Indoor), which is a single post. Direct recruit will block promotional avenues for the post of Deputy Assistant Director (Police Science) and Assistant Director (Law).

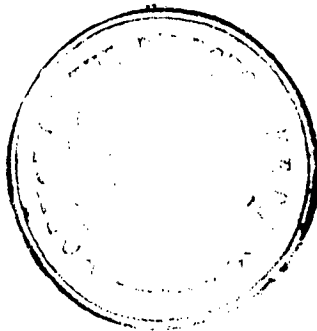
Yours faithfully,

1/5/2000
(K K Jha)
Director

Memo No.A.15011/1/88-Estt/Vol-III/2471-72 Dtd. Umsaw, the 4 June, 2000.

Copy to :-

The Under Secretary, Union Public Service Commission, Dhoolpur House,
Shajahan Road, New Delhi-110 011.



1/7/2000
(Umed Singh)
Jt. Director

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

भारत सरकार
GOVERNMENT OF INDIA
कर्मिक, लोक शिकायत तथा पेंशन मंत्रालय
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
कर्मिक और प्रशिक्षण विभाग
DEPARTMENT OF PERSONNEL & TRAINING

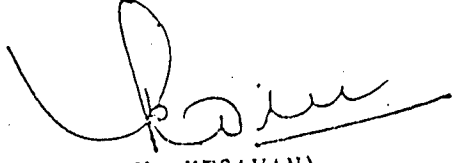
नई दिल्ली
NEW DELHI

178- 188
Dated the 3rd October, 1989.

OFFICE MEMORANDUM

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

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


(M.V. KESAVAN)
DIRECTOR

Encl.: As above.

To

All Ministries/Departments of the Government of India.

/TS/

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Person
Adm.

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

...

1. Introduction

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

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

2. Recruitment Rules

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

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

2.2. Lateral induction of Armed Forces Personnel in Civilian posts

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

In col.10 (Method of recruitment)

"For Ex-Servicemen

Transfer on deputation/re-employment."

In col.11 :

"For Ex-Servicemen

Transfer on deputation/re-employment"

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

3. Consultation with Union Public Service Commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Analogous posts

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

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

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

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

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

6. Crucial date for determination of eligibility

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

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

7. Eligibility of departmental officers for appointment by deputation:

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

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

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

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

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

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

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

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

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Tenure of Deputation :

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Absorption of an officer on Transfer basis

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

10.2. Cases of transfer fall into two categories viz.

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

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

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

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

11. Seniority of persons absorbed after being on deputation

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

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

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

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

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

whichever is later.

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

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

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

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

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

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

BIO DATA PROFORMA

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1. Name and Address in Block letters
2. Date of Birth (in Christian era)
3. Date of retirement under Central/
State Govt. rules
4. Educational Qualifications

Whether Educational and other
qualifications required for the
post are specified. If any quali-
fications have been treated as equi-
valent to the one prescribed in the
rules, state the authority for the same).

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

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

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

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

8. Nature of present employment i.e. ..
ad hoc or temporary or quasi
permanent or permanent

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9. In case the present employment is held on deputation/contract basis, please state -
- a) The date of initial appointment
 - b) Period of appointment on deputation/contract
 - c) Name of the parent office/organisation to which you belong

10. Additional details about present employment

Please state whether working under

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

Signature of the candidate

Date _____

Address _____

Countersigned _____

(Employer)

PAY SCALES FOR PUBLIC SECTOR
UNDERTAKINGS

PAY SCALES IN THE GOVERNMENT

Range of Existing Scale of Pay (Revised)

Maximum

Minimum of the scale is not less than	Rate of increment	Maximum of the scale is not more than	Scales of pay (for public sector under- takings)
A. Supervisors			
i) Rs.1640	Rs.60-75	Rs.2900	Rs.715-40-1355
ii) Rs.2000	Rs.60-75-100	Rs.3500	Rs.900-50-1650
B. Executives			
i) Rs.2200	Rs.75-100	Rs.4000	Rs.1050-50-1350- 60-1170
ii) Rs.3000	Rs.100-125	Rs.4500	Rs.1450-60-1750- 70-2240
iii) Rs.3700	Rs.125-150	Rs.5000	Rs.2050-70-2400- 85-2740
iv) Rs.4500	Rs.150	Rs.5700	Rs.2625-100-3225
C. Executives in Scales Analogous to Scheduled Scales			
i) Rs.5100	Rs.150-200	Rs.6700	Rs.3000-100-3700
ii) Rs.5900	Rs.200	Rs.7300	Rs.3500-100-4000
iii) Rs.7300	Rs.200-250	Rs.8000	Rs.4000-125- 4500

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

Annexure C

Sl. No.	Name of Officer and Date of Birth	Present post held with date and scale of pay & pay therein	Essential Requirred as per R.Rs.	Qualifications possessed by officer	Eligibility Service in terms of scale of Pay		Whether C.Rs. complete/received	Bio-date	Remarks
1	2	3	4	5	6	7	8	9	10
					Regd. as per R.Rs.	Posse- sed by the officer			Eligible/Ineligible/If ineligible, the reason therefor

E.O. 1

E.O. 1
2
D.O. 1
2

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ANNEXURE D

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

1. Name of Ministry/Department/Office

2. Grade/Post for which selection is
to be made for appointment on
deputation/transfer/contract

a) Designation

b) Classification

c) Scale of Pay

3. Total number of post(s) in the
Grade

a) Number of posts filled on
regular basis:

By direct recruitment

By promotion

By Deputation

By Transfer

By Contract

b) Number filed on ad-hoc basis,
if any. Initial date(s) from
which ad-hoc appointments had
been made

c) Number unfilled

4. a) Number of regular vacancies
falling under deputation quota
now reported. (In terms of
instructions contained in
para 4.1. of DOP&AR OM No. 22011/5/86-
Estt.(D) dated 10.4.89)

b) Date(s) of occurrence of
vacancy(s) in (a) above

5. Complete job description i.e.
duties attached to the post
(separate sheet to be attached)

6. Recruitment Rules for the grade/post

a) Date on which the Recruitment
rules were notified in the
Gazette of India and UPSC
reference number under which
they were approved

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b) Method of recruitment :-

- % direct recruitment
- % promotion
- % deputation/transfer

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

7. Relaxation

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

8. Method of recruitment followed for filling up the last vacancy in the grade.

9. UPSC reference number under which selection for appointment on deputation was lost considered.

10. a) Whether the post was circulated to all the authorities provided in the Recruitment rules? if not, state reasons (Please enclose a copy of the circular issued alongwith a list of organisations to whom it was sent) A certificate to the effect that the copies of the vacancy circular have been despatched to all the authorities mentioned in the recruitment rules to be attached.

b) whether the post was published in the 'Employment News' vide Deptt. of Personnel & Training No.O.M. No. 14017/17/83-Estt(RR) dt.17.7.85 & 22.5.86, if so, a copy of relevant extracts to be enclosed.

c) Total number of applications received in response to the circular/Employment News.

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CHECK LIST FOR TRANSFER ON DEPUTATION/TRANSFER

1. RECRUITMENT RULES

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

2. VACANCY CIRCULAR

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

3. VACANCIES

Whether date and manner of occurrence given

4. RELAXATION

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

5. SENIORITY LIST (FOR COMPOSITE FIELD)

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

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6. JOB DESCRIPTION

Whether given
7. CONSOLIDATED COMPARATIVE STATEMENT

- a) Whether in prescribed proforma
- b) Whether required particulars given.
- c) Whether eligibility/non-eligibility indicated (with reason for non-eligibility)

8. BIO-DATA OF CANDIDATES

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

9. CHARACTER ROLLS

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

10. PREVIOUS SELECTION

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

11. @EXISTING DEPUTATIONISTS

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

12. @CONSENT FOR TRANSFER

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

@ Applicable only for transfer cases.

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

11. Character rolls :

Complete and upto date character rolls of all the applicants are required.

- a) Whether a list has been attached showing the names of officers whose character rolls are enclosed with this reference.
- b) Are the character rolls complete and upto date?

12. Whether a self-contained note explaining the proposal for deputation is enclosed.

13. Whether a check list on the format circulated by Deptt. of Personnel & Training vide their O.M. No. 22011/6/86-Estt.(D) dated 20.5.86 is enclosed.

Signature _____

Designation _____

Date _____

Office Tel. No. _____

North Block, New Delhi, the 26th May, 1998.

ORDER

Sanction of the President is hereby accorded to the creation of one post of Hindi Officer in the scale of pay of Rs.6,500-200-10,500/- in the North Eastern Police Academy, Umsaw, Meghalaya with effect from the date the post is filled up, by simultaneous abolition of the existing post of Hindi Instructor (Rs.5,000-8,000/-) in North Eastern Police Academy, Umsaw, Meghalaya.

2. This expenditure is debitable to appropriate Major Head and Sub-Head under Grant No.46-Other Expenditure of the Ministry of Home Affairs.

3. This issues with the approval of Integrated Finance Division vide Dy.No.590/Fin.V/98 dated 5.5.98.

4. This sanction for the creation of one post of Hindi Officer in the pay scale of Rs.6,500-10,500/- is however subject to the condition that Recruitment Rules for the post are finalised within a period of three months from the date of creation of the post, as per Ministry of Finance, Deptt. of Expenditure O.M.No.7(19)-E(Coord)/93 dated 25.11.93.

(P. K. Banerjee)
Desk Officer (NE.II)

No.5/1/98-NE.II

Dated the 26th May, 1998.

Copy to:

1. Regional Pay and Accounts Officer, I.B., Shillong-793001. (By Speed Post).
2. Secretary, North Eastern Council, Shillong-793001. (By Speed Post).
3. ✓ Director, North Eastern Police Academy, Umsaw, Shillong-793001. (By Speed Post).
4. Finance-V Desk, MHA.
5. Guard File 12 spare copies.

(P. K. Banerjee)
Desk Officer (NE.II)

True copy
For Adv.

693
2/6/98
North Eastern Police Academy

6/ Annexure - XV (584)
-200- 210
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.159 of 2003

Date of decision: This the 16th day of March 2005

The Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

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

Shri Swaroop Sharma
"Gauri Shankar", Kench's Trace,
Shillong - 793004.

.....Applicant

By Advocate Mr V.M. Thomas

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Department of Development of North Eastern Region,
Vigyan Annexe, Maulana Azad Road,
New Delhi.

2. The Union Public Service Commission,
through its Secretary,
Dholpur House, New Delhi.

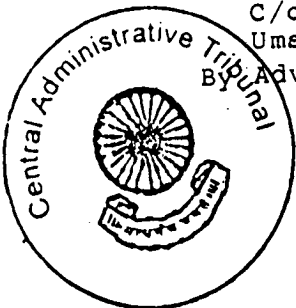
3. The North Eastern Council,
(Taxation Building),
through its Secretary,
Shillong.

4. The Director,
North Eastern Police Academy,
Umsaw, Umiam, Meghalaya.

5. Smt Gahabati Chanambam,
C/o N.E. Police Academy,
Umsaw, Umiam, Meghalaya.

.....Respondents

By Advocate Me A. Deb Roy, for respondents 2 & 4.



.....
O R D E R

G. SIVARAJAN (J), VICE-CHAIRMAN

The matter relates to selection and appointment to the post of Assistant Director (Lecturer) in the North Eastern Police Academy, Umiam in Meghalaya State. The applicant, Shri Swaroop Sarma is a Post Graduate Degree holder in Sociology (MA) from North Eastern Hill University. He has also two years research experience in

gpr
True copy
Adm.

the subject under Professor A.C. Sinha, the then Head of the Department of Sociology, NEHU. The applicant had served as Assistant Director (Lecturer) in N.E. Police Academy during 15.12.1998 to 11.06.1999, 18.06.1999 to 13.12.1999, 22.08.2002 to 31.12.2002, 10.02.2003 to 07.08.2003 totalling 669 days.

2. The UPSC issued advertisement inviting applications, inter alia, for the post of Assistant Director (Lecturer) in the North Eastern Police Academy (NEPA for short), Meghalaya in March 2002. The qualifications prescribed for the said post are :

Essential:

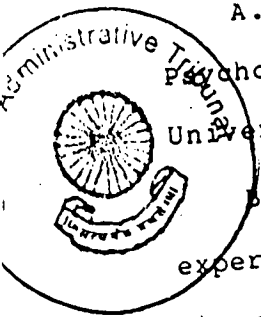
A. Educational: Post Graduate Degree in Sociology/ Psychology/Social Anthropology from a recognised University or equivalent.

B. Experience: Two years research/teaching experience in any of the subjects mentioned in EQ (A) Above.

Desirable:

Experience of teaching in educational institutions in North Eastern Region of India.

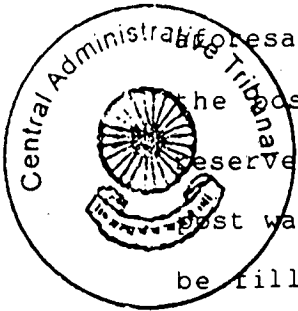
3. Altogether 183 applications were received. Since there was only one post of Assistant Director (Lecturer), on the basis of preliminary scrutiny and shortlisting criteria approved by the Commission, ten persons were called for interview. Since the applicant's name was not included in the said list, he filed application O.A.55 of 2003 before this Tribunal. Pursuant to direction issued by this Tribunal in the aforesaid O.A. the applicant was also called for interview alongwith the ten persons. The applicant appeared for the interview. The grievance of the



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applicant in this O.A. is that, ignoring his superior claim for the said post respondent No.5 in the application was selected and appointed to the post as per order No.NEPA/Apptt/AD(Lec)/5/99/Vol-I/1705-11 dated 17.06.2003. This order is impugned in the application.

4. On behalf of respondent No.2 a written statement is filed. In para 3 of the said written statement it is stated that the applicant's candidature was rejected as he was not having possession of two years teaching experience in academic institutions of North Eastern Region of India as per the short listing criteria approved by the Commission. It is further stated that after interviewing the applicant also, one candidate was recommended for the above post and the recommendation letter was issued on 13.05.2003. The applicant, it is stated, was not found suitable by the Interview Board to be recommended for the aforesaid post. Regarding the applicant's contention that the post is filled by an OBC candidate though it is not reserved for any category, it is stated that the notified post was an unreserved post open to all categories and may be filled by a candidate of any category whether general or ST/SC or OBC provided he/she fulfils the requirements of the post and is called for interview and in the interview he/she performs to the satisfaction of the Interview Board to be finally recommended for the post. It is further stated that in the instant case 6 ST, 3 OBC and 2 general (including the applicant) were called for the interview and the recommended candidate happened to be an OBC and the question of reservation of the post does not arise at all in this case. It is also stated that the role of Ministerial Representative is limited to apprising the



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Interview Board of the requirement of the post, service conditions, career prospectus etc. within the organisation and such other information as may be sought by the Board or the candidates and that he does not participate in the actual process of the selection. Respondent 3, it is stated, was not in the Interview Board and that neither respondent 3 nor respondent 4 has got any role in the selection of candidates. The interview Board, it is stated, has on it two or more expert Advisers who have the technical knowledge and expertise to assess the candidates; they are chosen and appointed by the Commission for obtaining independent expert assistance and advice in assessing the performance of the candidate and his suitability for the post in question. They also assess the "potentiality" of the candidate. It is further stated that the Interview Board determines the broad pattern for the conduct of the interview and that the Board also discusses the subject requirement of the posts so that the examination of every candidate is well directed and purposive and after the candidate is interviewed the President of the Board assigns marks to each candidate based on the advice given by the expert Advisers and on his own judgment regarding the performance of the candidate.

5. As directed by the Tribunal the UPSC has also produced the files in a sealed cover despite the written objection filed claiming the privilege available under Section 123 of the Indian Evidence Act, 1872.

6. We have heard Mr V.M. Thomas, learned counsel for the applicant and Mr A. Deb Roy, learned counsel for respondents 2 and 4. The counsel for the applicant submitted that the applicant has got all the required

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qualifications and that he was not selected for appointment only because he belongs to a forward caste. Though there are certain allegations regarding malafide on the part of the respondents in the application, the counsel did not seriously pursue such allegations. The Counsel further submitted that he is entitled to be selected and appointed in preference to respondent 5 in view of his superior qualifications. Mr A. Deb Roy, counsel for respondents 2 and 4, submitted that the Interview Board consisted of experts in the field and that the selection was made strictly in accordance with the procedure prescribed which can be discerned from the records now produced.

7 We have considered the rival submissions and also perused the original files which have been produced before us in sealed cover.

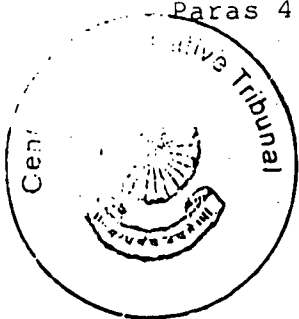
8. Circular No.29 dated 27.07.1992 issued by the UPSC, Recruitment (C&P) Section (vide No.F.16/11(i)/92-R(C&P) dated 27.07.1992) prescribes the procedure to be followed by the Interview Boards and size of Reserve List.

Paras 4 and 6 of the said procedure are extracted below:

"4. Candidates are called for interview after preliminary scrutiny of applications by the Commission. The Interview Boards "examine" the candidate. This is a constitutional function of the Commission. The purpose of the examination of every candidate is to ascertain his suitability for the post in view. The Board has to express its view on each candidate by awarding marks on the basis of a total evaluation of the candidate's performance and taking into account his qualifications and experience. In order to be able to do so, the Board will find it useful to discuss with the Advisers and the M.Rs. the special requirements of the post. The Board will also find it useful to determine the broad pattern for the conduct of the interview so that the examination of every candidate is well directed and purposive.

"6. After each candidate is interviewed, the President of the Board will consult the expert Advisers regarding the total marks to be allotted,

no.....



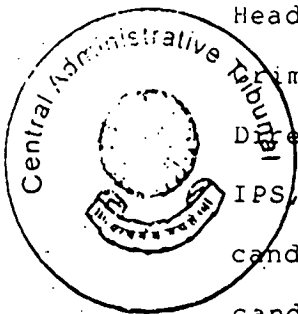
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no attempt will be made to give marks for each plus point. IN the light of the advice tendered by the Advisers and his own judgment regarding the performance of the candidate, the President will assign marks to each candidate. Each Adviser is not asked to assign marks with a view to strike an average, the attempt is to arrive at a consensus but where this is not possible, the President will use his own discretion and assign the marks. In certain cases these marks may be firmed up only after interviewing a few more candidates, it considered necessary. Final marks awarded during a session must be announced and recorded."

9. We have also perused the relevant files. We find that the Interview Board under the Presidentship of the Hon'ble Member Dr S.R. Hashim in the UPSC conducted an interview on 28.3.2003 to select a candidate for the post of Assistant Director (Lecturer) in the N.E. Police Academy, Umiam, Meghalaya. The Interview Board consisted of Dr S.R. Hashim, Prof. B.N. Chatteraj, Retd. Prof. and Head, Faculty of Criminology, National Institute of Criminology, New Delhi, Shri S.V. Subramanian, Retd. Director General of Police, Assam and Shri T. Pachuau, IPS, Director, NEPA, Meghalaya. It is seen that eight candidates were interviewed in the morning and four candidates, including the applicant, were interviewed in the afternoon of 28.3.2003. We also find that, as provided in clause 6 of the procedure extracted above, the President of the Board after consultation with the other members of the Interview Board had assigned marks regarding the performance of all the twelve candidates. We find that highest marks was awarded to respondent 5 (60/100), whereas the applicant had secured only 58 out of 100 marks. The other persons interviewed secured less marks.

10. In this context it must be noted that judicial review is not concerned with the merits of a decision but with the manner in which the decision was made. Judicial review is entirely different from an ordinary appeal.



Annexure - 507

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These positions are settled by the apex court decision (Tata Cellular Vs. Union of India, (1994) 6 SCC 651).

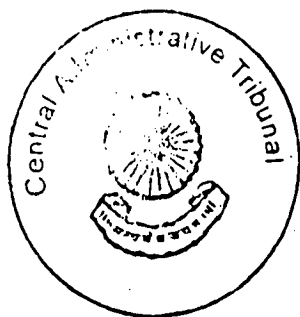
11. From the perusal of the confidential records produced before us we are fully satisfied that the selection and appointment of respondent 5 was made strictly in accordance with the procedure prescribed in the circular mentioned above.

12. Having regard to the fact that the Interview Board consisted of eminent persons particularly Technical Experts in the field and the said Board had taken a decision strictly in accordance with the procedure it would be inappropriate on the part of Courts and Tribunals to sit in judgment over the expert opinion based on which the selection to the post is made. We find no illegality in the impugned order. There is no merit in this application. It is accordingly dismissed.

No order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)



TRUE COPY

Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati-781005

28/3/05

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Annexure -XVI

(157)

CONFIDENTIAL

207- 218

F.No. 3/24(18)/2004-ADT-3
UNION PUBLIC SERVICE COMMISSION
DHOLPUR HOUSE, SHAHJAHAN ROAD

New Delhi, the 17th January, 2005

To,

The Secretary to the Govt. of India,
 North Eastern Police Academy,
 Ministry of DONER,
 Umsaw:793 123: Umiam
Meghalaya

(By Name: Shri T. Pachuau, IPS, Director).

Subject: Selection of Assistant Director(Scientific Aids) on transfer on deputation in the scale of pay of Rs.8000-13,500/-

Sir,

I am directed to refer to your letter No. NEC/ADM/144/79 Vol. IV dated 13th August, 2004 on the above subject and to say that the Union Public Service Commission on the basis of assessment of available ACRs, bio-data of the eligible officer received in connection with the case cited above, and by holding Personal Talk with him on 23.12.2004 at Commission's office, recommend Shri Purushottam Sharma for appointment on transfer on Deputation basis (as per DOPT OM No. AB 14017/71/89-Estt(RR) dt. 3-10-1989 - para 1.1) to the post of Assistant Director(Scientific Aids) in the grade of Rs.8000-275-13500 in the North Eastern Police Academy, Ministry of DONER, Umsaw, Meghalaya, as provided in the Recruitment Rules.

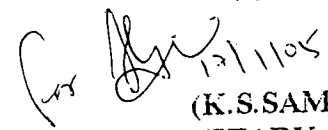
2. The officer recommended for appointment on transfer on deputation basis may be appointed after the appointing authority has satisfied itself about his integrity.

3. None of the Ministry's Representative represents the Department.

4. A copy of the notification appointing the officer may kindly be forwarded to the Commission, as and when issued.

5. The Character Roll of Shri Purushottam Sharma is returned herewith. Its receipt may kindly be acknowledged.

Yours faithfully


 (K.S.SAMTATH)
 UNDER SECRETARY (ADT-3)
 Tolo 23070363

Enclosed above

Encl: 1 P.T.
 1 P.T.
 Adv.

NOTICE

2/8

From- Mr. G. Baishya
Sr. CGSC, CAT

To, Mr. S. Sarma
Advocate, CHC

O.A. NO 106/2006

L. S. Kumar
Applicant

-Vs-

UOI & Ors.
Respondents

Please find herewith a copy of written statement with annexures which is going to be filed on behalf of the respondents in connection with the above noted case.

Kindly acknowledge the receipt thereof. Thanking you.

Received copy

Yours faithfully
Rishi Goswami
Advocate

Advocate

Undertaken to come
G. Baishya
Sr. CGSC
29-8-06

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

20.11.2007

गुवाहाटी न्यायपीठ
Guwahati Bench

-208-

Filed by:-

The Applicant

through

Hridip Kr. Das.

Advocate

29/11/07

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

OA NO.106/06

Sri L.S.Kumar.

-VS-

Union of India & Ors.

REJOINDER

1. That the applicant has received a copy of the Written Statement filed by the respondents. The applicant has gone through the WS and has understood the contents thereof. Save and except the statements which are admitted hereinbelow other statements may be treated as total denial and the respondents are put to the strictest proof thereof.

2. That before dealing with the various contentions raised in the Written Statement, the applicant begs to raise the preliminary objections towards the acceptability of the same as under:

(a) The verification made by one Sri T.Pachuhu is devoid of any substance as specified in the Rule and there is no indication as to the authority of swearing the verification

on behalf of the Union of India including UPSC and the private respondent Sri P. Sharma.

(b) The written statement stated to be filed on behalf of the respondents whereas the respondent no.4 has also filed written statement with material contradiction.

(c) The official respondents under any circumstances can not espouse the cause of the private respondent No 5.

It is therefore the applicant prays before this Hon'ble Tribunal for an appropriate direction towards the respondents to file appropriate written statement sworn through an authorised officer.

3. That with regard to the statement made in para 1 of the written statement the applicant doesnot admit anything contrary to the relevant records of the case.

4. That with regard to the statement made in para 2 of the written statement, the applicant while reiterating and reaffirming the statement made in the OA begs to state that the respondents have willfully and deliberately suppressed the two earlier advertisements published towards filling up of the post of Assistant Director, Scientific Aids in NEPA in the year 1998 and 1999 (Ref. Annexure 6 and 7 of the OA). In this connection it is noteworthy to mention here that in the month of October, 02 the respondents once again made an attempt to fill up the said post but except Mr. P. Sharma nobody applied for the said post. Candidature of said Mr. P Sharma was rejected on the ground of submission of incomplete application. Thereafter the post was

readvertised in June, 2003 and said Mr. P. Sharma did not submit any application. However providing an indulgence with some ulterior motives the respondents provided opportunity to said Sri P. Sharma and allowed him to submit more documents which is not legally permissible. The respondents ought to have canceled the candidature of said Sri P. Sharma on the ground of submitting incomplete application. In response to that the documents were submitted by Mr. P. Sharma. The NEPA authorities put undue pressure on UPSC to appoint Sri P. Sharma which will be revealed from the communication enclosed in the OA and the UPSC subsequently appointed Sri P. Sharma in Chemistry. The respondents took into consideration the notification dtd. 19.8.1958 which indicate the fact that AIC diploma is only equivalent to M.Sc. in chemistry for the purpose of recruitment of chemist nor for any other purpose. From their own showing it is clear that AIC diploma is not equivalent to M.Sc. in Chemistry for the purpose of recruitment/promotion to the post of Assistant Director, Scientific Aids in NEPA. The respondents having noticed even such a disqualification appointed said Sri P. Sharma. It is under the said fact situation of the case the recruitment process along with the appointment of said Sri P. Sharma is required to be set aside and quashed repatriating him to his parent organisation.

5. That with regard to the statement made in para 3 of the written statement, the applicant does not admit anything contrary to the relevant records of the case.

6. That with regard to the statement made in para 4 of the written statement the applicant while denying the contentions made therein begs to state that the respondents have admitted the

suitability of the applicant to be appointed as Astt. Director Scientific Aids, in NEPA and also admitted the fact that despite repeated advertisement they were unable to recruit suitable officer and as such the applicant who fulfills all the required qualification was allowed to work as Astt. Director, Scientific Aids. The respondents also admitted the facts that the indoor class in the Forensic Science and there is a requirement of the service of the applicant. It is noteworthy to mention here that though the appointment made to the applicant was an adhoc arrangement but at the same time his service was never treated as a temporary one and for all practical purposes he was as good as a regular employee. It is stated that the respondents were in need of the service of the applicant and there was no one qualified to hold the said post other than the applicant. The long continuance of adhoc service by operation of law as well as such mere incorporation of a clause in the appointment order regarding right of an adhoc employee will not disqualify him for regularisation. The Hon'ble Apex Court in number of occasion has termed such activities as unconscionable contract.

7. That with regard to the statement made in para 5 of the written statement, the deponent does not admit anything contrary to the relevant records of the case. The respondents however have admitted the fact that the service of the applicant was satisfactory.

8. That with regard to the statement made in para 6 of the written statement, the applicant while denying the contentions made therein begs to state that the respondents have admitted the fact that the recruitment rules in Annexure-5 was inadequate to suit the changed situation and it was therefore the respondents

themselves have written to the UPSC for a clear cut recruitment rule providing sufficiency to the nature, duties and responsibilities of the post of Asst. Director, Scientific Aids.

9. That with regard to the statement made in para 7 of the written statement the deponent doesnot admit anything contrary to the relevant records of the case.

10. That with regard to the statement made in para 8 of the written statement, the applicant while reiterating and reaffirming the statements made above as well as the OA beg to state that the respondents at no point of time have denied the eligibility of the applicant to hold the said post. Admittedly the applicant having regard to his educational qualification and experience has got a better claim than Sri P. Sharma. The educational qualification based on which said Sri. P. Sharma was appointed is not at all equivalent to M.Sc in Chemistry and as such it can safely be presumed that the respondents have appointed said Sri P. Sharma illegally and as such same is required to be set aside and quashed.

10. That with regard to the statement made in para 9 of the written statement, the applicant while denying the contentions made therein begs to state that the applicant who possesses all the required qualification as mentioned the Recruitment Rules and who continues for fairly long period has gathered a valuable right of consideration of his case for regularisation under the recruitment rules holding the field and he has got a batter right than the respondent No 5, who is not a qualified person to hold the said post.

- 213 - 724

It is stated that the respondent have not disputed the qualification of the applicant at any point of time and as such there can not be any cogent ground for not considering his case for such appointment, more so when the recruitment rules provide the absorption of ad-hoc employees. Under the recruitment rules the applicant possesses a better right for consideration of his case for regular absorption against the post in question. It is further stated that the Bio-Data of Sri P. Sharma was prepared and sent by the Director NEPA which clearly indicates that undue favour has been sought to be made by the said Director (Ref. page 21 and 22 of the Written Statement). The said statement indicates that the qualification of said Sri Sharma is equivalent to M.Sc. Chemistry whereas the AIC Diploma is equivalent to M.Sc. degree in Chemistry is only applicable for the purpose of recruitment as Chemist. However, the duties and responsibilities attached to the post of Chemist can not be equated with the duties and responsibilities of the post of Assistant Director Scientific Aids. The basic duties of the post of Director of Scientific Aids has been clearly spelt out by the respondents which primarily includes teaching of Forensic Science, to set papers in Forensic Science, to prepare and update the training notes, to prepare project assignment in the field of Forensic Science, to prepare lesson plane in forensic related subject, etc, and same can not be done through the Private Respondent, Sri P.Sharma.

11. That with regard to the statement made in para 10 of the written statement, the applicant while denying the contentions made therein begs to state that the respondents have admitted the fact that by no means an under qualified person can be appointed. Said P.Sharma does not fulfill the required

qualification and as such his appointment is illegal. Apart from that since the recruitment rules provides for absorption of ad-hoc appointment and same being the first option, the respondents ought to have appointed/absorbed the applicant in the said post. The recruitment rules provide the method of recruitment - "Deputation, (including short term contract)/absorption. In the instant case when apparently the respondents have failed to get qualified person on deputation, the method of absorbing the ad-hoc should have been adhered to. The respondents being well aware of the recruitment rules should not have committed such a glaring illegalities, in appointing the private respondent.

12. That with regard to the statement made in para 11 of the written statement, the applicant while denying the contentions made therein begs to state that admittedly the private respondents does not fulfill the required qualification as prescribed in the R/R and as such his appointment can not be said to be legal and same is required to be set aside, with a direction to appoint/absorb the applicant who has got a better right for the said post with huge experience in the office of the respondents in Forensic Science itself. Apart from that the private respondent does not hold an analogous post in his parent department and on this score alone his appoint is required to set aside.

13. That with regard to the statement made in para 12 of the written statement, the applicant while denying the contentions made therein begs to state that taking into consideration the need and the proposal (Annexure-10) the claim of the applicant can be judged and same being an admitted fact the entire contention of the respondent in not considering the

case of the applicant and appointing the private respondents is illegal and arbitrary.

14. That with regard to the statement made in para 13 of the written statement, the applicant while denying the contentions made therein begs to state that the respondents have acted contrary to the R/R and thereby virtually rejected the case of the applicant appointing the private respondent in the post in question who does not even fulfill the required educational qualification etc.

15. That with regard to the statement made in para 14 of the written statement, the applicant begs to state that the respondents have admitted the statements made in the para 4.15 and 4.16 of the O.A and as such no further comment is required to be placed.

16. That with regard to the statement made in para 15 and 16 of the written statement, the applicant while denying the contentions made therein begs to state that the applicant was not allowed to participate in the selected process by the respondents whereas he has got a better right of consideration than the respondents No 5. for the said post.

On the other hand the official respondents to provide undue advantage to the made several attempts which will be evident from the admitted facts, of which some are placed below,

a) The respondents without any authority submitted the written statement even on behalf of the private respondent.

b) The respondent themselves have submitted the bio-data (Incorrect) to the UPSC.

c) The respondents have appointed the respondent No 5. who does not even fulfill the required qualification.

d) The official respondents requesting appointment of the respondent No 5. has written private letters in the official capacity to the UPSC. and the UPSC without any application of mind with the collection of official respondents have recommended the case of the said respondent no 5.

That from the above the favour shown by the official respondents towards appointment of the respondent No 5 clearly indicates the malafide action on their part and as such the appointment of the private respondent No 5 in the said post is liable to be set aside.

17. That with regard to the statement made in para 15 and 16 of the written statement, the applicant while denying the contentions made therein begs to state that there is no distinction between short term contract and ad-hoc service rendered by the applicant. The relationship of master and servant as discussed by the Hon'ble Apex Court in number of cases is the prime factor to determine the nature of service. Taking into consideration the above, the statement made by the respondents are not at all tenable. The Annexure XIII (3.10.98) as indicated by the respondents is applicable only to the posts to be filled by transfer on deputation/transfer. The respondents have failed to take into consideration the O.M. dated 25.5.98 (Annexure -X).

Under any circumstances the respondent No 5 can not be treated as a qualified person to hold the said post as he does not fulfill, the required educational qualification. It is not the case of the respondents that they have applied the relaxation clause in case of the respondents No 5, rather they stick to the proposition that the said respondent No 5 is a qualified person to hold the said post. The stand taken by the respondents are not correct as he is not holding a post of Chemist.

18. That with regard to the statement made in para 17 of the written statement, the applicant while denying the contentions made therein begs to state that the recruitment rules provides the clause of absorption of short term contract service as rendered by the applicant which will be evident from the subsequent advertisements made by them. As such the respondents have illegally ignored the claim of the applicant only with the sole purpose to accommodate the respondents No 5.

19. That with regard to the statement made in para 18 of the written statement, the applicant while denying the contentions made therein begs to state that the duty chart and the records will reveal the fact of efficiency of the workings of the respondents No 5 vis-a-vis the applicant. The subject covered by the applicant during his service tenure are vast where as after the appointment of the private respondent most of the said subjects are being managed by the guest lecturers. This shows the efficiency of the respondents 5 and the malafide action of the official respondents.

20. That with regard to the statement made in para 19 of the written statement, the applicant while denying the

contentions made therein begs to reiterate and reaffirm the statement made above as well as in the OA.

21. That with regard to the statement made in para 20 of the written statement, the applicant while denying the contentions made therein begs to state that the respondents have admitted the fact as to how they have acted contrary to the relevant rules in the matter of public appointment. The respondents even during the pendency of finalization of R/R of their own promoted and effected recruitment, and there are some more examples which will be placed at the time of hearing of the case.

22. That with regard to the statement made in para 21 of the written statement, the applicant while denying the contentions made therein begs to state that the statement made by the respondents are contradictory and misleading. The respondents have failed to take into consideration the wording incorporated in the R/R and the has been malafide intention and as such they are following their own interpretation not guided by the rules. The decided case indicated by the respondents are based on completely different facts, whereas in the present case malafide and favoritism have been proved on records in the matter of public employment.

23. That with regard to the statement made in para 22 to 24 of the written statement, the applicant while denying the contentions made therein begs to state that in view of the above there are good grounds in the OA to grant relief to the applicant and to set aside the appointment of the respondent No 5.

VERIFICATION

I, Shri Laishram Shyam Kumar, son of late L. Gourahari Singh, aged about 39 years, at present residing at Quarter Type IV, Umsaw- 793123, Meghalaya, do hereby solemnly affirm and verify that the statements made in paragraphs 1,3,5,6,8,9,14,15,18-23... are true to my knowledge and those made in paragraphs 2,4,7,10-13,16,17..... are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 29th day of Nov... of 2006.

Laishram Shyam Kumar
Signature.