

FROM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No. 129/06
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Pulak Dey

Respondants U.O.T. Joms

Advocate for the Applicant(s). Adil Ahmed, Mr. S. Bhattacharyee.

Advocate for the Respondant(s) Case.....

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C.F. No. 10. deposited with No. <u>266/323960</u> Dated <u>17-4-06</u>.....</p> <p><u>Men</u> Dy. Registrar</p> <p><u>PAI</u> 1-6-06</p> <p>Steps taken with envelope.</p> <p><u>PAI</u></p>	<p>1.6.2006</p>	<p>Present: The Hon'ble K. V. Sachidanandan Vice-Chairman.</p> <p>The applicant is the son of Late Santi Ranjan Dey, who died in harness on 21.10.1999 and at that time he was minor. After passing B.A. examination applicant has made an application for compassionate appointment on 9.7.2002. On 3.6.2004 he was advised to for applying in prescribed format, which he did. Subsequently he was asked to produce no objection certificate for his stepmother, which was also complied with. But on 22.11.2005 respondents have rejected his claim. Being aggrieved, he has filed this O.A. seeking for the following reliefs:-</p>

"8.1 That the Tribunal may be
pleased to set aside the impugned
rejection letter No.E-3/Rectt./07(2)-
II-14020 dated 22.11.2005 (Annexure-
J) and to direct the Respondents to
appoint the applicant in any post on
compassionate ground forthwith.

Contd.
2.6.2006

8.2 To pass any other appropriate relief or reliefs to which the Applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

8.3 To pay the cost of the application."

Heard Mr.A.Ahmed, learned counsel for the applicant. Mr.M.U.Ahmed, learned Addl. C.G.S.C. appeared for the respondents. Counsel for the applicant submits that applicant's claim was rejected by Annexure-J order dated 22.11.2005 on the ground, "due to administrative constraints". Learned Addl.C.G.S.C. has not able to enlighten this Tribunal as to what is "administrative constraints". Counsel for the applicant submits that administrative constraint is not a reason for denying compassionate appointment.

Considering the entire facts of the case this Tribunal is of the view that justice will be met if a direction is given to 2nd respondent to consider the case of the applicant afresh. Accordingly, I direct the said respondent to consider the applicant's case afresh for compassionate appointment with due application of mind and as per rules, regulations governing the subject and pass appropriate order communicating the same to the applicant within three months from the date of receipt of this order. It is made clear that if the applicant intends to file comprehensive representation, he is at liberty to do so.

The O.A. is disposed of as above at the admission stage itself. No costs.

Vice-Chairman

Pulak Singh
13-06-06

7/6/06
Addl. C.G.S.C.

8.6.06

*Copy of the order
has been sent to
the D/Sec. for
issuing the same
to the Applicant
by post.*

3

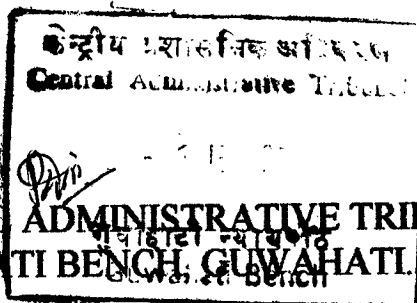
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPLICATION NO. 129/06

1. a) Name of the Applicant:- P. Dey
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :-
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 dully signed and varified :- 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/ED/For Rs: 5/- 266323960
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 dully 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:-
The application is in order.

SECTION OFFICER (J)
1/6/06

DEPUTY REGISTRAR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

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

ORIGINAL APPLICATION NO. 129 OF 2006.

Sri Pulak Dey

...Applicant

- Versus -

The Union of India & Others

...Respondents

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Date:

Filed By:

Smita Bhattacharjee
Advocate

Pulak Dey.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 129 OF 2006.

Sri Pulak Dey
...Applicant

- Versus -

The Union of India & Others
... Respondents

LIST OF DATES AND SYNOPSIS:

19.07.1991	Mother of the Applicant died when he was of 13 years old.	21/10/1988
April 1992	Applicant father married one Smti Rekha Rani Dey.	
21.10.1999	Death of Applicant's father <u>Late Santi Ranjan Dey</u> , who had served under the Office of the Respondent No.3 as Assistant Control Intelligence Officer Grade (II).	
1998	Applicant passed B.A. Final Examination under Gauhati University and also obtained diploma in English & Assamese Type writing.	
09.07.2002	Applicant submitted <u>representation informing</u> all the family matters to the Respondent No.3 and also prayed before him to consider his appointment on compassionate appointment.	
03.06.2004	Respondent No.3 advised the Applicant to <u>apply in proper</u> prescribed format for grant of compassionate appointment.	
14.06.2004	Applicant submitted all the documents before the Respondents for grant of compassionate appointment.	
28.10.2004	Respondent No.3 directed the applicant to submit documentary proof of second marriage of his step mother and if not possible the applicant was directed to submit a written declaration from his step mother that she is not willing to be considered for compassionate appointment and she has no objection if her son i.e. the applicant is considered for compassionate appointment.	
09.02.2005	Applicant submitted the declaration certificate of his step mother that she is not willing to be considered for the	

Pulak Dey -

compassionate appointment and she has no objection if her son is considered for the appointment.

27.06.2005

Applicant had sent remainder to the Respondents regarding taking action of his earlier representations.

22.11.2005

The Respondents rejected the claim of the applicant for compassionate appointment.

Hence this Original Application for seeking justice in this matter.

Lulak Singh

Filed by -
Sri Pulak Dey
Applicant
Through - Smita Bhattacharjee
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(An Application Under Section 19 of The Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 129 OF 2006.

BETWEEN

Sri Pulak Dey
Son of Late Santi Ranjan Dey
Asha Niketan, Near N.B. Pathshala
P.O.- Golakgan, District - Dhubri
PIN - 783334, Assam.
...APPLICANT

- AND -

1. The Secretary to Government of India, Ministry of Home Affairs, North Block, New Delhi 110 001.
2. The Director, Intelligence Bureau, Ministry of Home Affairs, 35 SP Marg, New Delhi.
3. The Assistant Director, (A) Subsidiary Intelligence Bureau, Ministry of Home Affairs Government of India, Basistha Road, Beltola, Guwahati - 28

...RESPONDENTS

DETAILS OF THE APPLICATION

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

The Application is made against the letter No. E-3/Rectt./ 97(2)- II-14020 dated 22-11.2005 by which applicant's appointment on compassionate grounds was rejected by the Office of the Respondent No. 3.

Pulak Dey

2. **JURISDICTION OF THE TRIBUNAL:**

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

3. **LIMITATION:**

The Applicant further declares that the subject matter of the instant application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act 1985.

4. **FACTS OF THE CASE:**

Facts of the case in brief are given below:

4.1 That your humble Applicant is a citizen of India and as such, he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India. He is aged about 29 years.

4.2 That your Applicant begs to state that he is the only son of Late Santi Ranjan Dey, who had served under the office of the Respondent No. 3 as an Assistant Controls Intelligence Officer, Grade II (G). The father of the applicant expired on 21.10.1999 while he was serving under the Office of the Respondent No. 3. It is to be stated that mother of the applicant died on 19.07.1991 when the applicant was 13 years. Thereafter, his father late Santi Ranjan Dey again married one Sri Rakhi Rani Dey on April 1992. Unfortunately, the relationship between the step mother and his father was not peaceful and cordial. Ultimately, after death of the applicant's father, i.e. Late Santi Ranjan Dey, the step mother of the applicant remarried one Mr Dhiren Rajbongshi, a resident of Bamunigaon in the district of Kamrup, Assam.

ANNEXURE - A is the death certificate of late Santi Ranjan Dey.

Pulak Dey

4.3 That your applicant begs to state that he has passed B.A. final examination from Gauhati University in second Division from L.C. Bharali College, Maligaon Guwahati in the year 1999. He has also obtained Diploma in English and Assamese typewriting from Saraighat Commercial training institute, Beltola Tinali, Guwahati - 28 in the year 1998.

ANNEXURE - B is the photocopy of the B.A. passed certificate issued by the Principal, L.C. Bharali College, Maligaon, Guwahati - 11.

ANNEXURE - C is the photocopy of the Diploma in English and Assamese Typewriting issued by the Principal, Saraighat Commercial Training Institute, Beltoal, Guwahati.

4.4 That your applicant begs to state that immediately after death of his father he filed many representations before the office of the Respondent No. 3 for compassionate appointment. In one of the such representations dated 09.07.2002 he has stated that the step mother has already married another person, as such he is the only legal heir of late Santi Ranjan Dey. Lastly, the office of the Respondent No. 3 vide their Office Memorandum No. E-3/Rectt./97(2)-II-6234 dated 03.06.2004 in reference to the applicant's application dated 09.01.2004 advised him to apply for grant of compassionate appointment in the prescribed application forms (copy enclosed) for further necessary action in this regard. Accordingly, the applicant on 14.06.2004 sent the full particulars in the prescribed form as supplied by the respondents. The office of the Respondent No. 3 vide their Office Memorandum No. E-3/RECTT./97(2)-II-12018 dated 28.10.2004 directed the applicant to submit some documents to the office of the Respondent No. 3. The documents which were sought by the respondents are (1) the documentary proof of second marriage of applicant's step mother with one Sri Dhiren Rajbonghsi, (2) if the applicant is not in

Pulak Dey.

43 That your applicant begs to state that he has passed B.A. final examination from Garo Hills University in second Division from L.C. Bharti College, Maligaon Garo Hills in the year 1997. He has also obtained Diploma in English and Assamese Typewriting from Sarvagat Commercial training Institute, Belkela, Garo Hills - 28 in the year 1998.

ANNEXURE - B is the photocopy of the B.A. passed certificate issued by the Principal, L.C. Bharti College, Maligaon, Garo Hills - 11

ANNEXURE - C is the photocopy of the Diploma in English and Assamese Typewriting issued by the Principal, Sarvagat Commercial Training Institute, Belkela, Garo Hills.

44 That your applicant begs to state that immediately after death of his father he filed many representations before the office of the Respondent No. 2 for compassionate appointment. In one of the said representations dated 09.07.2002 he has stated that the step mother has already married another person as such he is the only legal heir of late Santu Ramjan Das. Lastly, the office of the Respondent No. 2 vide their Office Memorandum No. B-30011/0727-II-6234 dated 03.06.2004 in reference to the applicant's application dated 09.07.2004 advised him to apply for grant of compassionate appointment in the prescribed application form (copy enclosed) for further necessary action in this regard. Accordingly, the applicant on 14.06.2004 sent the full particulars in the prescribed form as supplied by the Respondent. The office of the Respondent No. 2 vide their Office Memorandum No. B-30011/0727-II-12018 dated 28.10.2004 directed the applicant to submit some documents to the office of the Respondent No. 2. The documents which were sought by the Respondent are (1) the documentary proof of second marriage of applicant's step mother with one Sri Dhiman Rajbongshi, (2) if the applicant is not in

position the documentary proof of his step mother's second marriage, a written declaration from her that she is not willing to be considered for the compassionate appointment in the Intelligence Bureau (IB for short) and she has no objection, if the applicant's request for compassionate appointment in IB is considered. Accordingly, Smt. Rakha Rani Dey on 09.02.2005 issued a declaration certificate that she is not willing to be considered for the compassionate appointment in IB and she has no objection if her son Sri Pulak Dey appointed in IB in place of her. Thereafter, your applicant vide his letter dated 09.02.2005 submitted the declaration of his step mother to the concerned authority. In spite of submission of all necessary documents the respondents did not take any step in this regard. As such, he filed a reminder on 27.06.2005 before the Respondent No. 3 for taking action in this regard. The Respondent No. 3 vide his letter No. E-3/Rectt./97(2)-II-14020 dated 22.11.2005 rejected the claim of the applicant for compassionate appointment in very cryptic and mechanical manner. Hence, finding no other alternative, your applicant is compelled to approach this Hon'ble Tribunal for seeking justice in the matter.

ANNEXURE - D is the photocopy of the representation dated 09.07.2002.

ANNEXURE - E is the photocopy of Office Memorandum No. E-3/Rectt./97(2)-II-6234 dated 03.06.2004 with prescribed format for appointment on compassionate ground.

ANNEXURE - F is the photocopy of Office Memorandum No. E-3/RECTT./97(2)-II-12018 dated 28.10.2004.

ANNEXURE - G is the photocopy of the declaration certificate dated 09.02.2005 issued by Smt. Rekha Rani Dey.

Pulak Dey.

ANNEXURE – H is the photocopy of the letter dated 09.02.2005 submitted by Sri Pulak Dey before the authority concerned.

ANNEXURE – I is the photocopy of reminder dated 27.06.2005 submitted by Sri Pulak Dey.

ANNEXURE – J is the photocopy of the rejection letter dated 22.11.2005.

4.5 That your applicant begs to state that the Respondent No.3 on 03.06.2004 has himself issued the prescribed format to the applicant to enable him to apply for compassionate appointment. Later on he has also asked the applicant to submit necessary documents and no objection certificate from his step mother for further necessary action by the respondents. Accordingly, the applicant has submitted all necessary documents and no objection certificate from his step mother before the Respondent No. 3 for initiation of his compassionate appointment, But surprisingly the same Respondent No. 3 issued a letter on 22.11.2005 rejecting the claim of compassionate appointment of the applicant, which amount to malafide and arbitrary action on the Respondent No. 3. Hence, the rejection letter issued by the Respondent No. 3 on 22.11.2005 is liable to be set aside and quashed.

4.6 That your Applicant begs to state that the Respondent No.3 has rejected the claim of the applicant in a most arbitrary, whimsical and mechanical manner. The Respondent No. 3, though himself initiated all the steps for appointment of the applicant on compassionate ground, but after fulfilling all the required criteria by the applicant, the Respondent No. 3 whimsically and in an arbitrary manner rejected the claim of the applicant. Hence, the rejection order dated 22.11.2005 is devoid of merit and liable to be set aside and quashed.

Pulak Dey

4.7 That your applicant begs to state that after the death of his father he is suffering from acute financial hardship and mental torture since his step mother had already married to another person. He has no other sources of income like agricultural etc.

4.8 That your Applicant begs to state that his father late Santi Ranjan Dey rendered his service under the Respondents with sincerity and devotion to his duty till his death.

4.9 That your Applicant begs to state that he is suffering from frustration and mental depression due to non-appointment in any post on compassionate ground by the Respondents in spite of the fact that his case is genuine and needs sympathetic consideration. Moreover, the Respondent No. 3 has initiated all steps in this regard and the applicant was in full hope that he will be definitely appointed by the respondents on the compassionate ground.

4.10 That your Applicant begs to state that the respondents have violated the fundamental rights guaranteed under the Constitution of India by non-appointing your applicant on compassionate ground in any post.

4.11 That your applicant begs to state that he is running from pillar to post for his appointment on compassionate ground

4.12 That the Applicant humbly submits that the applicant has the right to live and right to work as well as to avail the benefit of compassionate appointment, which has been taken away by the Respondents and also have violated the rights of the applicant enshrined under the Constitution of India. Hence, the action of the Respondents is illegal, arbitrary, malafide and also in colourable exercise of power. As such, it is a fit case for immediate interference by this Hon'ble Tribunal.

4.13 That your Applicant submits that he should be appointed immediately in any post under the Respondents.

Lulak Dey.

4.14 That the Applicant demanded justice and the same has been denied to him.

4.15 That this application has been filed bona fide to secure the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that, due to the above reasons narrated in detailed the action of the Respondents is prima facie illegal, malafide, arbitrary and without jurisdiction. Hence the rejection letter issued by the Office of the Respondent No.3 is liable to be set aside and quashed.

5.2 For that, the action of the Respondents is prima facie, whimsical, malafide, illegal and with a motive behind. As such, the action of the Respondents not appointing the applicant in any post is not only illegal, arbitrary but also violative of principle of natural justice. Hence the rejection letter issued by the Office of the Respondent No.3 is liable to be set aside and quashed.

5.3 For that, the Respondent No. 3 has initiated the whole process of appointment of the applicant on compassionate ground and thereafter, without any cause or causes rejected the claim of the applicant in a most arbitrary manner. Hence, the rejection letter issued by the Office of the Respondent No.3 is liable to be set aside and quashed.

5.4 For that, there are sufficient numbers of vacancies under the Respondents and the Respondent No. 3 fully knowing the position has initiated the whole matter by himself, but without showing any reasons or causes, the Respondent No. 3 has whimsically rejected the claim of the applicant. Hence the rejection letter issued by the Office of the Respondent No.3 is liable to be set aside and quashed.

Lulax Singh

5.5 For that, the Respondents have violated the fundamental rights guaranteed under Articles 14, 16 & 21 of the Constitution of India. As such, the applicant is entitled for compassionate appointment in any post under the respondents.

5.6 For that, it is not just and fair to deprive the Applicant from getting appointment on compassionate ground by the Respondents. Hence, the rejection letter issued by the Office of the Respondent No.3 is liable to be set aside and quashed.

5.7 For that the Central Government being a model employer cannot be allowed to adopt a differential treatment to the Applicant. Hence, the rejection letter issued by the Office of the Respondent No.3 is liable to be set aside and quashed.

5.8 For that, the action of the Respondents is not maintainable in the eye of Law as well as in fact. Hence, the rejection letter issued by the Office of the Respondent No.3 is liable to be set aside and quashed.

5.9) For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law.

The Applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

6. DETAILS OF REMEDIES EXHAUSTED :

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

Pulak Singh

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

That the Applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other Court, authority nor any such application, writ petition of suit is pending before any of them.

8. **RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above, the Applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief/relieves sought for by the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1 That the Hon'ble Tribunal may be pleased to set aside the impugned rejection letter No. No. E-3/Rectt./97(2)-II-14020 dated 22.11.2005 (Annexure - J) and to direct the Respondents to appoint the applicant in any post on compassionate ground forthwith.

8.2 To pass any other appropriate relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.3 To pay the cost of the application.

9. **INTERIM ORDER PRAYED FOR:**

At this stage Applicant most humbly prays before this Hon'ble Tribunal to direct the Respondents to reserve one post, if available, till final disposal of this Original Application.

10. Application is filed through Advocate.

Pulark Singh

11. Particulars of L.P.O.:

I.P.O. No. :- 26 G 323960
Date of Issue :- 17 - 4 - 2006
Issued from :- Guwahati Gen. P. O.
Payable at :- Guwahati

12. LIST OF ENCLOSURES:

As stated above.

Verification

Lulok Singh

VERIFICATION

I, Sri Pulak Dey, Son of Late Santi Ranjan Dey, Asha Niketan, Near N.B. Pathshala, P.O.- Golakgan, District – Dhubri. PIN – 783334, Assam, do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10 & 4.11...are true to my knowledge, those made in paragraph nos. 4.2, 4.3 & 4.4...are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 1st....day of June.....2006 at Guwahati.

Pulak Dey



39305

2405

GOVERNMENT OF ASSAM
(অসম চৰকাৰ)
DIRECTORATE OF HEALTH SERVICES
(স্বাস্থ্য সেৱা সঞ্চালকালয়)
CERTIFICATE OF DEATH
(মৃত্যুৰ প্ৰমাণ পত্ৰ)



ISSUED UNDER SECTION 12 of the Registration of Births and Deaths Act, 1969.

ISSUED UNDER SECTION 17

(জন্ম আৰু মৃত্যুৰ পঞ্জীকৰণ আইন ১৯৬৯ ৰ ১২/১৭ অংশত লিপিবদ্ধ)

This is to Certify that the following information has been taken from the original record of Death which is in the register for the month of November 1999 Registration unit of Kamrup District of the State of Assam.

ইয়াৰ দ্বাৰা প্ৰমাণিত কৰা হয় যে নিম্ন লিখিত তথ্য অসম ৰাজ্যৰ খণ্ডৰ জিলাৰ পৌৰসভা মৌজাৰ অন্তৰ্গত পঞ্জীয়ন পোটৰ পঞ্জীয়ন মূল অভিলেখৰ পৰা

সংগৃহীত কৰা হৈছে।

NAME Male Nationality/জাতি INDIAN
Residence Male Permanent Address/স্থায়ী ঠিকনা Per. P.O. Golokganj Dhubri
Date of Death/মৃত্যুৰ তাৰিখ 21/11/1999 (Kamrup District) 3966
Place of Death/মৃত্যুৰ স্থান Golokganj Hospital, Golokganj Registration No./পঞ্জীয়ন নং 16/11/1999
Name of Father/Mother/Husband/পিতৃ/মাতৃ/ Per P.O. Golokganj Dhubri Permanent Residential Address/পিতৃ/মাতৃৰ স্থায়ী ঠিকনা Assam
স্থায়ী নাম Per P.O. Golokganj Dhubri

Signature of issuing authority/জাৰী কৰা কৰ্তৃপক্ষৰ চহী

Designation/পদবী Chief Registrar Date/তাৰিখ 21/11/1999

Date/তাৰিখ

Chief Registrar/মুখ্য পঞ্জীয়ক

ATTESTED

Smita Bhattacharjee
ADVOCATE

L. C. BHARALI COLLEGE



MALIGAON :: GUWAHATI-11

ESTD. 1971

No. 2835

This is to certify that Pulak ~~Ray~~
Roll No. 9195 No. 42 has duly passed the 7 DC part II (Arts)
final examination of the Gauhati University, Assam Higher Secondary
Education Council from this College in 1999 and was placed in the
2nd division/class. While he/she was a student
of this College his/her character and conduct were good.

I Wish him/her success in life.

Dated 9-10-99

Attested

By Special Intelligence Officer
Special Intelligence Bureau
(SIB) Guwahati
Guwahati

L. C. BHARALI COLLEGE

MALIGAON, GUWAHATI-781011

PRINCIPAL

L. C. Bharali College

Maligaon, Guwahati-11

ATTESTED

Smita Bhattacharjee

ADVOCATE

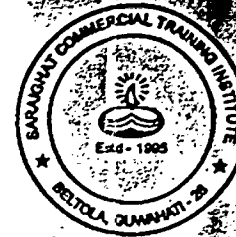
14-14-14

Registered: 447
Est. 1995

SARAGHA COMMERCIAL TRAINING INSTITUTE

SI No. 14-14-14
ESTD - 1995
G. No. 11-29
BELTOLA

ANNEXURE



Beltola Tiniali : Guwahati - 781028 (Assam)

DIPLOMA

Certified that Mr./Mrs./Miss Pulak Dey.
Son/daughter/wife of Sri Santi Ranjan Dey attended this Institute during
the session 19 98 - - - - - and received a full course of training in
ENGLISH / ASSAMESE / HINDI TYPEWRITING, STENOGRAPHY IN ENGLISH AND ASSAMESE.

He/She successfully passed the final examination having attained the speed 45 (Forty five)
35 (Thirty five) words per minute and has been placed in the 1st (First) DIVISION.

He/She also thoroughly acquired the knowledge of using and taking care of various
TYPE WRITERS of different makes.

I consider him/her qualified to be a TYPIST & STENOGRAPHER.

Instructor
S. C. T. Institute.

Date 4-11-98

Principal Institute
S. C. T. Institute.

Date 4-11-98

ATTESTED

Smita Bhattacharjee
ADVOCATE

To

The Deputy Director,
S.I.B, Beltola,
Guwahati-28

Dt. 9th July, 2002

Subj: Prayer for job on compassionate ground
on the death of my Father Lt.S.R. Day,
Ex. ACIO-11 (G) and on the remarriage of
my Step mother.

Sir,

Most humbly and respectfully I beg to have the
honour to bring to your kind notice, the following
for your kind consideration and favourable order.

1. That sir, I am the only son of Late Santi Ranjan Day and Late Kalyani Day and I was born on 1st January 1978 at Dhubri.
2. That sir, my father had been serving in the subsidiary Intelligence Bureau.
3. That after the death of my own mother on 16th July, 1991 when I was of 13 years only, my father again married to Rakhi Rani Day on April 1992.
4. That sir, my step mother gave birth to a girl child on January, 1993.
5. That sir, unfortunately the relationship between Mrs. Rakhi Rani Day and my father was not a peaceful one and that is also true between me and my step mother.
6. That sir, after the death of my father I am chased out of the house. Fortunately I managed a private job with a very low salary.

contd....2

ATTESTED

Smita Bhattacharjee

ADVOCATE

-2-

8. That sir, my step mother is the contender of the job legally at your office on compassionate ground till she remains as widow of my departed father.

9. That sir, I have come to know from an authentic sources that my step mother has been married to a man Mr. Dhiren Rajbongshi of Banunigaon, Dist. Kamrup.

10. That sir, on the ground of remarriage, my step mother remain no longer a contender of job at S.I.B on compassionate ground.

Under the circumstances, I, Shri Pulak Day, the only son of Late Santi Ranjan Day stands to be the only legal Contender of job on compassionate ground.

I most earnestly request you to pay kind quick attention to this matter and do the needful at your earliest.

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

Yours faithfully,

(Pulak Day).

S/O H. S. R. Day, ACIO-11(G)

N.B:

Necessary documents are attached herewith.

ATTESTED

Smrita Bhattacharjee

ADVOCATE

No.E-3/Rectt./97(2)-II- 6234
Subsidiary Intelligence Bureau,
(MHA), Government of India,
Guwahati.

Dated the, 03 JUN 2004

MEMORANDUM
000000000000000000000000

Please refer to your application dated 09.01.2004 regarding employment in our organisation, on Compassionate grounds.

2. You are hereby advised to apply for grant of Compassionate appointment in the prescribed application forms (copies enclosed) duly filled in and send to us for further necessary action.

(U.S. Tripathy)
Assistant Director (A)

To

✓ Shri Pulak Dey.
C/O-Late Shri S.R. Dey.
"Aasha Niketan", N.B. Pathsala.
P.O. & P.S. GOLAKGANJ.
Distt. Dhubri.
PIN-783334 (ASSAM).

ATTESTED

Smita Bhattacharjee

ADVOCATE

PROFORMA REGARDING EMPLOYMENT OF DEPENDENTS OF GOVERNMENT SERVANTS
DYING WHILE IN SERVICE/RETIRED ON INVALID PENSION.

PART - A

- I. (a) Name of the Government servant LATE SR. SANTI RANJAN DEY.
(Deceased/retired on medical grounds).
- (b) Designation of the Government servant. A.C.L.O. II (G)
- (c) Whether it is Group 'D' or not? NOT
- (d) Date of Birth of the Government 21-10-1999 13-06-1944
Servant.
- (e) Date of death/retirement on 21-10-1999
medical grounds.
- (f) Total length of service rendered. _____
- (g) Whether permanent or temporary. Permanent
- (h) Whether belonging to SC/ST/OBC NO
- II. (a) Name of the candidate for appointment. SRI PULAK DEY.
- (b) His/Her relationship with the Father and son - SON
Government servant.
- (c) Date of Birth 01-01-1978
- (d) Educational Qualifications. B.A Passed
- (e) Whether any other dependent family member has been appointed on compassionate grounds. NO
- III. Particulars of total assets left including amount of :-
- (a) Family pension. Enhanced rate - Rs. 2925/-
Normal rate - Rs. 1755/-
- (b) D.C.R. Gratuity Rs. 2,40,450/-
- (c) G.F.F. Balance _____
- (d) Life Insurance Policies (including Postal Life Insurance). NIL
- (e) Moveable and immovable properties and income earned therefrom by the family. _____
- (f) C.G.E. Insurance amount Rs. 41,644/-
- (g) Encashment of leave Rs. 63,319/-
- (h) Any other assets _____
- TOTAL _____
- IV. Brief particulars of liabilities, if any. To repay the borrowed amount of the deceased Govt. Servant

ATTESTED

Smita Bhattacharjee
ADVOCATE

V. Particulars of all dependant family members of the Government servant (if some are employed, their income and whether they are living together or separately)

Sl. No.	Name(s)	Relationship with the Government servant	Age	Address	Employed or not (if employed particulars of employment and emoluments)
(1)	(2)	(3)	(4)	(5)	(6)
1.	SRI PULAK DEY father (son)		26	C/O-Lt. Sr. S.R. Dey (Ashu Niketan) P.O. + P.S. Golakganj Dist. Dhubri (Assam) PIN-783334	NOT (N.B. Pathshala)
2.					
3.					
4.					
5.					
VI.	DECLARATION OF THE CANDIDATE				

1. I hereby declare that the facts given by me above are, to the best of my knowledge, correct. If any of the facts herein mentioned are found to be incorrect or false at a future date, my services may be terminated.

2. I hereby also declare that I shall maintain properly the other family members who were dependent on the Government servant/member of the Armed Forces mentioned against I(a) of Part-A of this form and in case it is proved at any time that the said family members are being neglected or not being properly maintained by me, my appointment may be terminated.

Date: 14.06.04

Pulak Dey

Signature of the candidate

Name:- SRI PULAK DEY

Address:- C/O. LT. SR. Santi Ranjan Dey
(Ashu Niketan) Near N.B. School

P.O. + P.S. - Golakganj
Dist. Dhubri,
Assam.

Pin - 783334

ATTESTED

Smita Bhattacharjee

ADVOCATE

Shri/Smt/Km _____ is known
to me and the facts mentioned by him/h.r are correct.

Date:

Signature of permanent
Government servant

Name:- _____

Address:- _____

I have verified that the facts mentioned above by the candidate
are correct.

Date:

Signature of the Welfare Officer

Name:- _____

Address:- _____

ATTESTED

Smita Bhattacharjee

ADVOCATE

(To be filled in by Office in which Employment is Proposed)

PART B

- I. (a) Name of the candidate for appointment _____
- (b) his/her relationship with the Govt. servant. _____
- (c) Age (Date of Birth), educational qualifications and experience, if any. _____
- (d) Post for which employment is proposed. If another it is to be 'C' or 'D' _____
- (e) whether there is vacancy in that post within the ceiling of 5% prescribed under the scheme of compassionate appointment _____
- (f) whether the post to be filled is included in the Central Government clerical service or not. _____
- (g) whether the relevant recruitment rules provide for direct recruitment. _____
- (h) whether the candidate fulfils the requirements of the recruitment rules for the post. _____
- (i) Apart from waiver of employment exchanges/staff selection commission procedure, what other relaxations are to be given _____
- II. Whether the facts mentioned in Part-A have been verified by the office and if so, indicate the records. _____
- III. If the Government servant died/retired on medical grounds more than 5 years back, why the case was not sponsored earlier. _____
- IV. Personal recommendation of the head of the department in the Ministry/Department/Office. (with his signature and office stamp/initial) _____

ATTESTED

Smita Bhattacharjee

ADVOCATE

Dated the, 28.10.04

Smita Bhattacharjee
ADVOCATE

[illegible]

To,

The Assistant Director (A)
S.I.B. Office, Beltola,
Guwahati - 28

Dated : 07-02-05

DECLARATION CERTIFICATE

Sir,

I am Smt. Rakhi Rani Dey, W/o Late Sri S. R. Dey, Ex.-A.C.I.O. II (General) declare that I am not willing to be considered for the Compassionate appointment in the I.B. and I have no objection if my son Mr. Pulak Dey appointed in the I.B. in place of me.

So, I request you to consider the above mentioned appointment as soon as possible and this is my final declaration and no objection certificate and oblige.

Thanking you.

Yours faithfully

Smt. Rakhi Rani Dey.

Smt. Rakhi Rani Dey 07.2.05.

W/o : Late Sri S. R. Dey,

Ex.-A.C.I.O. II (General)

ATTESTED

Smita Bhattacharjee

ADVOCATE

To,

The Assistant Director,
S.I.B. Office, Beltola
Guwahati - 28

Dated : 07.02.05

Sir,

In the reference of your letter No. E-3 RECTT/97(2) -II-12018 dated 28-10-04. I have enclosed the declaration of my step mother with this letter that she is not willing to do the job on the compassionate appointment and requesting you to appoint me in the place of Smt. Rakhi Rani Dey W/o Late Sri S. R. Dey Ex. A.C.I.O II (General).

So, I request you to appoint me in your department and oblige. Then our family will be established by me.

Thanking you.

Yours faithfully

Sri Pulak Dey

Sri Pulak Dey

S/o Late Sri S. R. Dey

Ex. A.C.I.O. II (General)

07.02.05

ATTESTED

Smita Bhattacharjee

ADVOCATE

Reminder No - I

ANNEXURE - I 3
ANNEXURE - I

To,

The Assistant Director,
S. I. B. Office, Beltola
Guwahati - 28
Gangotri Bhawan.

Date : 27/06/05.

Ref. : Your Memo No. E-3 RECTT / 97 (2) - II - 12018 dated 28-10-04.

Sub : Prayer for getting replay.

Sir,

With reference to the subject cited I have the honour to inform you that, I have submitted one petition on 09-02-05 along with my step mother's no objection certificate. But I did not receive any response from your side till date.

Therefore, I request you kindly to take necessary steps in this regard in my favour at an early date, and for this act of your kindness I shall remain ever grateful to you.

Thanking you.

Yours faithfully

(Sri Putul Dey)

S/o : Late Sri S. R. Dey
Ex. A.C.I.O. II (General)

N.B. : My step mother's no objection certificate and my letter dated 09-02-05 are enclosed herewith.

ATTESTED

Smita Bhattacharjee

ADVOCATE

No.E-3/Rectt./97(2)-II- 14020
Office of the Joint Director,
Subsidiary Intelligence Bureau,
(MHA), Government of India,
Basistha Road, Beltola, Ghy-28.

To,
Shri Pulak Dey,
S/O-late Shri S.R. Dey.
Asha Niketan, Near N.B. Pathshala,
P.O. - GOLAKGANJ.
Distt. Dhubri.
ASSAM,
Pin-783334.

22 NOV 2005

Sir,

This has a reference to your application dated 14.06.2004 and 27.06.2005 regarding your appointment in IB on compassionate grounds.

The request for your employment in IB on compassionate grounds was considered by IB Hqrs but could not be acceded to due to administrative constraints.

This is for your information please.

Yours faithfully

22/11/05
Assistant Director(A)

ATTESTED

Smita Bhattacharjee

ADVOCATE



DISTRICT:

- VAKALATNAMA -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH, GUWAHATI

OA NO. 129 OF
Shri Pulak Dey

2006

APPLICANT

PETITIONER

-Versus-

The Union of India and others.

Respondent
Opposite party

Know all men by these presents that above named Shri Pulak Dey.....
do hereby nominate, constitute and appoint Shri. Adil Ahmed, Miss Smita Bhattacharjee
Advocate and such of the under mentioned Advocates as shall accept this
Vakalatnama to be my/our true and lawful Advocates to appeal and act for me/us
in the matter noted above and in connection therewith and for that purpose to do
all acts whatsoever in that connection including depositing of drawing money,
filing in or taking out deeds of composition, etc. for me/us and on my/our behalf
and I /We agree to ratify and confirm all acts so done by the Advocates as
mine/ours to all intents and purpose. In case of non-payment of the stipulated fee
in full, no Advocate will be bound to appear and on my/our behalf.

In witness whereof I/We hereunto set my/our hand this the 1st day June
2006.

ADVOCATES

A.R.Barooah

J.M.Choudhry

A.S.Bhattacharjee

N.M.Lahiri

G.K.Joshi

Adil Ahmed

A.K.Chaudhuri

R.P.Sharma

P.Sarma

S.A.Laskar

M.H.Choudhry

Sanjoy Mudoi

Sukumar Sarma

S.Jain

A.J.Atia

Ms.Smita Bhattacharjee

Received from the executants and accepted.

Advocate

Accepted.
Smita Bhattacharjee
(Advocate)

Date.
1-6-2006. 31

To

The Senior Standing Counsel
Central Administrative Tribunal
Guwahati Bench.
Guwahati.

Subject :- Supply of copy of Original Application.

Sir,

Please find herewith copy of Original Application filed by Shri Pulak Dey through me which will be moved before the Hon'ble Tribunal in the due course. Kindly acknowledge the receipt of the same.

Received Copy.

Gopin M
Sr. Case

1.6.06

Thanking You

Yours Faithfully

Smita Bhattacharjee
Advocate.