

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

Respondents U.O.T 90/05

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

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

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. Form No. 01 deposited via _____ No. 269323960	1.6.2006	Present: The Hon'ble K. V. Sachidanandan Vice-Chairman.
Dated....17-4-06.....		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:-
<i>Step son sent with envelope.</i>		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

*8.6.06*  
Copy of the order  
has been sent to  
the D.See. for  
issuing the same  
to the Applicant  
by post.

bb

3  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORIGINAL APPLICATION NO.

129/06

1. a) Name of the Applicant:- P. Dey

b) Respondents:- 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 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/DD/For Rs: 5/- 269323960

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:-  
The application is in order.

N. Sengupta  
SECTION OFFICER (J)  
11/6/06

Sharm  
11/6/06  
DEPUTY REGISTRAR

Puri

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

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.

April 1992 Applicant father married one Smti Rekha Rani Dey. 21/10/2006

21.10.1999 Death of Applicant's father Late Santi Ranjan Dey, 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 representation informing 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 apply in proper 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.

Sulakshya.

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/Recd./ 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

X  
Filed by -  
Sri Pulak Dey  
Applicant  
Advocate  
Through - Smrta Bhattacharjee

**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 Saraihat 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, Saraihat 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 Rajbongshi, (2) if the applicant is not in

*Pulak Dey*

43. First year application fees to issue part of the fees passed B.A  
University examinations from Central University in Second Division from  
1.C. Bharati College, Mysore, Chikmagalur till the year 1980. He has  
several diplomas in English and Assamese literature from  
Savitribai Phule Pune University, Deemed University, Savitribai Phule Pune University -

58 in this year 1988

ANNEXURE - B is the biography of the B.A.

Passed certificate issued by the Principal, F.C.  
Bharati College, Mysore, Chikmagalur - 11

ANNEXURE - C is the biography of the

Diplomas in English and Assamese Literature  
issued by the Principal, Savitribai Phule Pune University -

Signature on the B.A. Chikmagalur

This / my application made to this part University of Mysore  
of this letter is being made to the concerned authorities before the Office of  
the Respondent No. 3 for consideration of the application in case of  
the same application dated 02.07.2015 for the above mentioned  
matter has already drawn matter before as such it is only  
legal part of this same letter dated 02.07.2015 in the Office of the  
Respondent No. 3, the then Office Secretary to the  
Society No. 11-II-6234 dated 03.07.2015 in response to the  
present application a application dated 02.07.2014 referring to apply for  
grant of concessionary deduction in the prescribed application  
matter (for a) already for further concession in this regard  
Accordingly, the application on 14.06.2014 sent to the concerned  
in the concession form as applying for the following. The office  
of the Respondent No. 3 and the Office of the Respondent No. 3  
3-BECD/2014-II-12018 dated 29.07.2014 denied this application  
to apply some concession of this office of the Respondent No. 3  
The application which was sent for the above mentioned date (1) the  
concerned body of second instance of application a copy of which  
apply the said application to this office of the Respondent No. 3

- 4 -  
10

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.

*Luluk 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. **GROUNDS 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.

*Subak Day*

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.

*Lulak Dey*

**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 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 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 deemed 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.**

*Subark Ray*

**11. Particulars of L.P.O.:**

I.P.O. No. :- 26 G 323960

Date of Issue :- 19 - 4 - 2006

Issued from :- Guwahati Gram P. O.

Payable at :- Guwahati

**12. LIST OF ENCLOSURES:**

As stated above.

Verification . . . .

*Sulakshya*

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...4:1,4:5,4:6,4:7,4:8,4:9,4:10,8,4:11...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

SI. No.:  
ক্রমিক নং

39305

ANNEXURE - A



সর্বসেবা জপ্তা

2405

GOVERNMENT OF ASSAM  
(অসম চৰকাৰ)  
DIRECTORATE OF HEALTH SERVICES  
(শাস্তি সেবা সঞ্চালকালয়)  
CERTIFICATE OF DEATH  
(মৃত্যুৰ প্রমাণ পত্ৰ)



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

ISSUED UNDER SECTION 17

(অসম আৰু মুকুট মন্ত্ৰীৰ অঙ্গন ১৯৬৯ ব। ১২/১৭ অনুমতি প্ৰিপৰক)

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 Guwahati District, Cumulp of the State of Assam. 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 Guwahati District, Cumulp of the State of Assam.

ইয়ুৰ ধাৰণা অনুমতি কৰা হয় যে নিয়ন্ত্ৰিত তথ্য অসম বাজাৰ ----- জিলাৰ ----- খণ্ডব/পৌৰসভাৰ ----- মৌজাৰ অনুমতি প্ৰাপ্ত পঞ্জীয়ন গোটোৰ পঞ্জীয়ন মূল অভিলেখৰ পৰা

সংগ্ৰহীত কৰা হৈছে।

10/11/1999 DATED

INDIA NO. 1

in the year of 1999

Nationality/জাতি: Geolokgong, Dhubri

Name: Alali

Permanent Address/স্থায়ী ঠিকনা: Geolokgong, Dhubri

Date of Birth/মুকুট তারিখ: 21/8/1961 (X) in the year of 1961

3766

Registration No./পঞ্জীয়ন নং: 16/11/1999

Date of Death/মৃত্যু তারিখ: 16/11/1999

Place of Death/মৃত্যু স্থান: Hospital, Guwahati

Date of Registration/পঞ্জীয়ন তারিখ: 16/11/1999

Name of Father/Mother/husband/wife/মাতৃ/ পৰ্যায়ে পৰ্যায়ে পৰ্যায়ে

স্বামীৰ নাম: Alali

Permanent Residential Address/পঞ্জীয়ন তারিখ: Per P. Geolokgong, Dhubri

Signature of issuing authority/কৰ্ত্তাৰ কৰ্ত্তৃপক্ষৰ চৰ্তা: Alali

Designation/পদ: Ch. Reg.

Date/তাৰিখ: 16/11/1999

Date/তাৰিখ: 16/11/1999

Chief Registrar/মুখ্য পঞ্জীয়ক

ATTESTED  
Smita Shettachowree  
ADVOCATE

ANNEXURE - B

ANNEXURE - B

L. C. BHARALI COLLEGE



MALIGAON : : GUWAHATI-11

ESTD. 1971

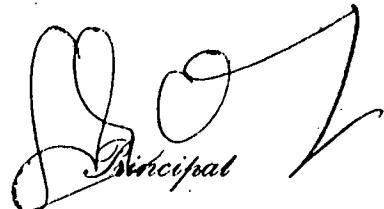
No. 2835

This is to certify that Pulak Ray  
Roll No. 2195, No. 42 has duly passed the TDC 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.

Attested

29/9/2004

  
Principal

Dated 9-10-99.

29/9/2004  
Smta. Bhattacharjee  
Principals  
L. C. Bharali College  
Maligaon, Guwahati-11

L. C. BHARALI COLLEGE  
MALIGAON, GUWAHATI-781011  
PRINCIPAL

L. C. Bharali College  
Maligaon, Guwahati-11

**ATTESTED**

Smita Bhattacharjee

**ADVOCATE**

# SARRIGHAR COMMERCIAL TRAINING INSTITUTE



**Beltola Tiniali : Guwahati - 781028 (Assam)**

# DIPLOMA

Certified that Mr./Mrs./Miss ... Pilak Dey.....  
Son/daughter/wife of Sri ... Santi Ranjan Dey..... attended this Institute during  
the session 1998 - - - - - 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 35 (Thirty five) words per minute and has been placed in the 1st (First) DIVISION.

He 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 1-11-03

## ATTESTED

**Smriti Bhattacharjee**  
**ADVOCATE**

*Principal institution.*  
S. C. T. Institute.

Date 4-12-88

To

The Deputy Director,  
S.I.B, Batala,  
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 Barunigaon, 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 Dey, the only son of Late Santi Ranjan Dey 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 Dey).

S/O M. S. R. Dey, ACIO-11 (G)

N.B:

Necessary documents are  
attached herewith.

**ATTESTED**

Smita Bhattacharjee

**ADVOCATE**

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

Dated the,

03 JUN 2004

MEMORANDUM  
00000000000000000000

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 sent to us for further necessary action.

( U.S. Tripathi  
Assistant Director )

To

✓ Shri Pulak Dey.  
C/O-Late Shri S.R. Dey.  
Masha (Niketen), 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 OR INVALID PENSION

PART - A

I. (a) Name of the Government servant (Deceased/retired on medical grounds). LATE SR. SANTI RANJAN DEY

(b) Designation of the Government servant. A.C.I.O. II. (G)

(c) Whether it is Group 'D' or not ? NOT

(d) Date of Birth of the Government servant. 21-10-1999 13-06-1944

(e) Date of death/retirement on medical grounds. 21-10-1999

(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 Government servant. Father and son - SON

(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. \_\_\_\_\_

(b) D.C.R. Gratuity Enhanced rate - Rs. 2925/-

(c) G.F.F. Balance Normal rate - Rs. 1755/-

(d) Life Insurance Policies (including Postal Life Insurance). Rs. 2,40,450/-

(e) Movable and immovable properties and amount thereof earned therefrom by the family. NIL

(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.

**ATTESTED**

Smita Bhattacharjee

ADVOCATE

To repay the borrowed amount  
by the deceased Govt. servant

V. Particulars of all dependent 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.	<b>SRI PULAK DEY</b>	<del>Brother</del> (son)	26	c/o-LT. S.R. Dey (Ashu Niketan) (N.B. Pathshala) P.O+PS-Golakguri Dist. Dhubri (Assam). PIN - 783334.	NOT
2.					
3.					
4.					
5.					
VI.					

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.

*Pulak Dey*

Signature of the candidate

Name: - SRI PULAK DEY

Address: - c/o. LT. S.R. Santi Ranjan Dey  
(Ashu Niketan) Near N.B. School

P.O. 1B+PS - Golakguri  
Dist. Dhubri,  
Assam.  
Pin - 783334

Date: 14.06.04

**ATTESTED**

Smita Bhattacharjee

**ADVOCATE**

Shri/Smt/Km \_\_\_\_\_ is known  
to me and the facts mentioned by him/her 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 Bhattacharya

**ADVOCATE**

- 4 -

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

I. (a) Name of the candidate \_\_\_\_\_  
for appointment

(b) his/her relationship with \_\_\_\_\_  
the Govt. servant.

(c) Age (Date of birth), \_\_\_\_\_  
descriptive qualifications  
and experience, if any.

(d) Post for which appointment  
is proposed and indicate  
if it is on 'C' or 'D' list.

(e) whether there is vacancy  
in that post within the  
ceiling of 5% prescribed  
under the scheme of  
compression of intent.

(f) whether the post to be  
filled is included in the  
Centralized or  
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/initials)

**ATTESTED**

Smita Bhattacharjee

**ADVOCATE**

ANNEXURE - F

ANNEXURE - F

No.E-3/RECTT/97(2)-II- 12018  
Subsidiary Intelligence Bureau,  
(MHA), Government of India,  
Guwahati.

Dated the, 28.10.04

MEMORANDUM

Please refer to your application dated 14.06.04 requesting for your Compassionate appointment in the Intelligence Bureau, in place of Smt. Rakhi Rani Dey, widow of late Shri S.R. Dey, Ex-ACIO-II/G.

2. In this connection, the following documents may please be submitted to this Office.

- (i) The documentary proof of second marriage of your step mother with one Shri Dhiren Rajbanshi.
- (ii) If you are not in a position to submit the documentary proof of your step mother's second marriage, a written declaration from her that she is not willing to be considered for the Compassionate appointment in the IB and she has no objection if your request for Compassionate appointment in IB is considered.

26/10/04  
Assistant Director/A

To

Shri Pulak Dey,  
S/O-late Shri S.R.Dey,  
Asha Nekatam, near N.B. Pathsala,  
P.O. Golakganj,  
Distt. Dhubri (ASSAM),  
PIN-783334.

**ATTESTED**

Smita Bhattacharjee

**ADVOCATE**

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 09.2.05.

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 : 09.02.05-

Sir,

In the reference of your letter No. E-3 REC/T/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* 09.02.05  
Sri Pulak Dey  
S/0 Late Sri S. R. Dey  
Ex. A.C.I.O. II (General)

**ATTESTED**

*Smita Bhattacharjee*  
**ADVOCATE**

Reminder No - I

ANNEXURE - I

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 REC/TT / 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/Recd./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

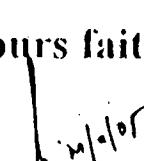
Sir,

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

  
Assistant Director(A)

**ATTTESTED**

Smita Bhattacharjee

**ADVOCATE**



33

DISTRICT:

**-VAKALAT NAMA-****IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI**

OA NO.

129 OF

2006

Shri Pulak Dey

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.Azia

Ms. Smita Bhattacharjee

Received from the executants and accepted.

Advocate

*Accepted.  
Smita Bhattacharjee  
(Advocate)*

Date  
1-6-2006

37

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 Pulek 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.

(S. B. B.  
S. C. S.  
1.6.06)

Thanking You

Yours Faithfully

Smita Bhattacharjee  
Advocate.