

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 157/2006

R.A/C.P No.

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SECTION OFFICER (Judl.)

Dahli
24/10/17



SUPPLEMENTARY CAUSE LIST
CENTRAL ADMINISTRATIVE TRIBUNAL - GUWAHATI BENCH

LIST OF CASES TO BE HEARD ON THURSDAY THE 21ST SEPTEMBER 2017

COURT NO : 1

HON'BLE MR. MOHAMMAD HALEEM KHAN MEMBER (A)
HONBLE MR. S. N. TERDAL MEMBER (J)

AT 10.30 AM

FOR ADMISSION

1 O.A./40/251/2017 ACR <u>D.B</u>	UDIT GUPTA -V/S- BHARAT SANCHAR NIGAM LTD & OTHERS	MR. M. CHANDA MR. J. TIKKOM MRS. U. DUTTA MR. H. DAS
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BSNL ADVOCATE

2 O.A./40/275/2017 SALARY RELEASE <u>D.B</u>	SRI NAGEN DAS -V/S- M/O RAILWAYS & OTHERS	MR. G. J. SHARMA ----- RAILWAY SC
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FOR ORDERS

3 C.P./40/21/2017 NON COMPLIANCE OF ORDER O.A./40/376/2016	DR BHUPENDRA GOSWAMI -V/S- SRI KWEWAL KUMAR SHARMA & OTHERS	MR. S. SARMA MR. H. K. DAS MR. M. C. BORA
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CGSC

4 M.A./40/104/2017 MODIFICATION OF ORDER O.A./40/93/2017	M/O RAILWAYS & OTHERS -V/S- SRI ARVIND KUMAR SINHA	MS. USHA DAS ----- MR. S. NATH MR. G. J. SHARMA
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5 M.A./40/108/2017 REHEARING O.A./40/1/2005	KRISHNA DUTTA -V/S- MR. MAHUA BISWAS	MR. A. DEB MR. K. K. GOSWAMI S. D. THAKUR
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RAILWAY SC

FOR HEARING

(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 157/06
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Chinmoy Nath

Respondent(s) U.C.I. Tony

Advocate for the Applicant(s) M. Chanda, S. Nath
G.N. Chakrabarty

Advocate for the Respondent(s) CASE

Notes of the Registry	Date	Order of the Tribunal
	23.6.2006	Present: The Hon'ble Shri K.V. Sachidanandan Vice-Chairman.

This application is in form
is filed C. E. & Rs. 10/-
deposited vide IPO/DO
No. 26/6/324275
Dated 22.5.06

Dy. Registrar

SKT
22-6-06

Steps not taken

DR

The applicant is working as Peon
in the Director of Census Operations,
Tripura. According to him, he has been
selected for the post after going
through due process of selection and
after six years of continuance in
service in the said post vide Annexure-9
memorandum dated 8.6.2006 his services
are sought to be terminated on the
ground that his selection is vitiated by
malafide. The reason that has been
stated in the memorandum is that at the
time of sponsoring the applicant's name
including the other candidates by the
local Employment Exchange for selection,
the applicant had attained the age of 29
years 10 months on 10.7.2000 whereas
minimum age limit prescribed for the
post of Peon is 25 years with 3 years
relaxation to OBC candidate.

OA. 157/2006

- 2 -

Handing and To the TO

Notice of the Report

JAVU. JINTVITATI. INDIA JARTI. GARTI

23.6.2006

when the matter came up for

admission Mr. H. Chanda, learned counsel for the applicants are present and Ms. U. Das, learned Addl. G. S. C. represented the respondents.

Ms. Das prays for time to get

instruction in the matter. Let it be done.

(2).fr.00.1.8

In the meanwhile for the

interest of justice this Tribunal directs that the applicant will be

permitted to continue in service, if not

already terminated, till the next date.

Post on 27.7.2006 for admission.

order dt. 23/6/06 issuing
to learned advocates
for both the parties.

Vice-Chairman

bb

09.08.2006

Learned counsel for the respondents wanted four weeks time to file reply statement. Let it be done.

Post on 11.09.2006. Interim order will continue till the next date.

Member

Vice-Chairman

Learned counsel for the respondents wanted four weeks time to file written statement. Let it be done. Post the matter on 24.10.06. Interim order will continue till the next date.

Vice-Chairman

23
8.9.06.

lm

Order dt. 11/9/06 issuing
to learned advocates
for both the parties.

OA 157/06

Order dt. 9/5/07
Issuing to both
the parties.

25.5.2007

As a matter of last chance three weeks' time is granted to the Applicant to file rejoinder.

Post on 18.6.2007.

No rejoinder
has been filed.

/bb/

18.6.07.

Vice-Chairman

24.5.07.

1m

Counsel for the applicant wanted time to file rejoinder. Let it be done. Post the matter on 27.7.07.

Vice-Chairman

No rejoinder has
been filed.

27.7.07.

At the request of learned counsel for the respondents four weeks further time is granted to file written statement. Post the matter on 28.8.07.

Vice-Chairman

22.6.07

1m

Rejoinder filed
by the Applicant.
Page 1 to 2. Copy
served by the
Applicant.

Prin.

13.05.2008

Mr. M. Chanda, learned counsel appearing for the Applicant is present and seeks an adjournment. None appears for the Respondents.

In the aforesaid circumstances, call this matter on 11.06.2008 for hearing.

In this case, on the strength of the interim order, the Applicant is continuing in service; after termination.

Send copies of this order to the Applicant and the Respondents in the address given in the O.A.

Khushiram

(Khushiram)
Member(A)

M. R. Mohanty
M. R. Mohanty
Vice-Chairman

13.5.08 12.5.08. 1m
Please send copies of this order
to the Applicant and to the Respondents.

Khushiram

24.10.2006

No WIS has been
filed.

Issue notices to the respondents
if not already sent.

Ms. U. Das, learned Addl C.G.S.C.
requests and is granted four weeks time
to file reply statement.

Post on 7.12.2006. Interim order
shall continue till the next date.

23-10-06

1. Notice not issued.

Vice-Chairman

2. Steps to issue notice bb
also not taken.

07.12.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

3. No reply/WIS filed.

bb

Ms. U. Das, learned Addl. C.G.S.C.

for the Respondents wanted further four
weeks time to file reply statement.

6-12-06

① Notice not issued.

Considering the issue involved in
this case, I am of the view that the O.A. is
to be admitted. Admit.

② No WIS has been
filed.

Post on 10.01.2007. Interim order
shall continue till the next date.

bb

Vice-Chairman

/mb/

9.1.2007

order dt. 7/12/06
issuing to learned
advocate's for both
the parties.

Four weeks time is allowed to the
applicant to file rejoinder as requested
by Mr. S. Nath, learned counsel for
the applicant.

Post on 12.2.2007.

S. 1.06

Vice-Chairman

WIS filed by
the Respondents with
annexed page from 1 to 29.

bb

9.5.07.

Counsel for the applicant wanted
time to file rejoinder. Two weeks time
is granted to file rejoinder as a last
chance. Post the matter on 25.5.07.
Interim order shall continue.

WIS has been filed.

1m

Vice-Chairman

3.1.07

No rejoinder has
been filed.

8.5.07

Notes of the Registry

Court of the Tribunal

order dt. 13/5/08 send to D/Section for issuing to applicant and respondents by post.

D/No-2293 to 2297
 (C/c) 15/5/08. D/ 16/5/08.

The case is ready for hearing.

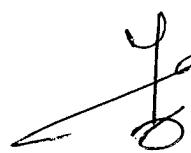
16.6.08.

11.06.08

Heard Mr M. Chanda, learned counsel for the Applicant and Mrs M. Das, learned Addl. Standing counsel for the Respondents. Hearing concluded. Order reserved.



(Khushiram)
Member(A)

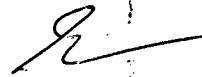


(M.R. Mohanty)
Vice-Chairman

pg

20.06.2008

Judgment pronounced in open Court. Kept in separate sheets. Application is disposed of. No costs.



(Khushiram)
Member(A)



(M.R. Mohanty)
Vice-Chairman

Received on behalf of

Mrs. Mangala Das

Addl. CGSC

Monalisa Deka.

26.6.08.

22.7.08

Copy of the Judgment sent to the office for issuing the same to the parties, along with a copy to the D/Secy. for the applicant.

15/7/08 Sent via D/Secy.

3236 to 3240 DPO

25.7.08.

Attn

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A. 157 of 2006

Date of order: the 20th June, 2008

Shri Chinmoy Nath..

Applicant

By Advocate: Mr. M. Chanda

Versus

The Union of India & others ..

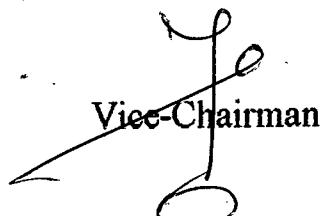
Respondents

By Advocate Mrs. M. Das, Additional C.G.S.C

CORAM: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman
The Hon'ble Shri Khushiram, Member [A]

1. Whether reporters of local newspapers may be allowed to see the judgment or not? Yes/No ✓
2. Whether to be referred to the Reporters or not? Yes/No ✓
3. Whether to be forwarded for including in the Digest being compiled at Jodhpur Bench and other Benches ? Yes/No ✓
4. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No ✓

Vice-Chairman



A

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 157 of 2006

Guwahati, this the 20th day of June, 2008

Hon'ble Shri Manoranjan Mohanty, Vice-Chairman
Hon'ble Shri Khushiram, Member [Administrative]

Shri Chinmoy Nath,
Working as Peon,
S/o Late Ramesh Mohan Nath,
O/O the Director of Census Operation , Tripura
210/D, Office Lane,
P.O. Agartala,
Tripura-799 001

Applicant

By Advocate Mr. M. Chanda

Versus

1. The Union of India

Represented by the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi- 110 001.

2. The Registrar General of India,

2/A, Mansingh Road,
New Delhi-110 011

3. The Director of

Census Operations, Tripura,
210/D, Office Lane,
P.O. Agartala,
Tripura-799 001

4. The Deputy Director,

Census Operations, Tripura,
210/D, Office Lane,
P.O. Agartala,
Tripura-799 001.

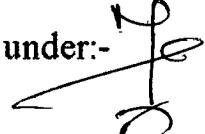
Respondents

By Advocate Mrs. M. Das, Additional C.G.S.C.

O R D E R

Manoranjan Mohanty, Vice-Chairman:-

The Applicant, a Peon in the Directorate of Census Operations in the State of Tripura, was served with a memorandum dated 08.06.2006, the text of which reads as under:-



"MEMORANDUM"

Shri Chinmoy Nathh, S/O Shri Rasmohan Nath was appointed to the post of Peon in Directorate of Census Operations, Tripura w.e.f. 23.8.2000. According to Recruitment Rules notified on December 22, 1973 for the post of Peon, the maximum age limit for appointment to the above post is 25 years with 3 years relaxation for the OBC candidate. The then Director had purposely sent a requisition to the Local Employment Exchange on 10.07.2000 enhancing the maximum age limit for the post of Peon to be 27 years which was in violation of the Recruitment Rules. The Employment Exchange had accordingly sent the names of 21 candidates including Shri Chinmoy Nath whose date of birth is 1.9.1970 who had attained the age of 29 years 10 month on 10.7.2000. Under the rules, he was not eligible for appointment to the post of Peon in Directorate of Census Operations, Tripura. Yet, on the basis of manipulation made by the then Director of Census Operations, Tripura, he [Shri Chinmoy Nath] was made eligible and subsequently appointed the post of Peon.

2. As the appointment of Shri Chinmoy Nath is totally irregular and in violation the provision of Recruitment Rules, he is directed to explain as to why his services should not be terminated with immediate effect. His explanation should reach to he undersigned within 15 days from the receipt of the memo. In case no reply is received up to the above period, it will be presumed that he has no explanation to submit and his case will be decided on the basis of available records.
3. This issues with the approval of Registrar General, India."

Applicant submitted a reply on 19th June, 2006 [to the aforesaid memorandum dated 08.06.2006] the relevant portion of which reads as under:-

"Sir, I am a bona fide citizen of India belongs to OBC and passed Madhyamik Examination under the Tripura Board of Secondary Education, Agartala in the

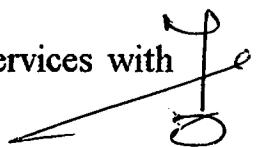
year 1990 and after that I started my life with a serious struggle in this hard days of crisis and have been trying utmost to overcome the hurdles with sorrow and grief.

Be that as it may, in one fine morning, I acknowledged a notice from the DCO, Tripura to appear before the Interview Board for the post of group D employee and then and there I got ready myself to establish my clarity on the subject for which the Director, Census Operations, Tripura sought for names from the Directorate of Manpower, Government of Tripura, Agartala. It cannot be ignored that my performance before the Board seemed to be satisfactory since I could answer each and every question as asked for by the members of the esteemed Interview Board. My service under the DCO Tripura is nearing 6 [six] years and during the above said period I have been performing my duties diligently with the satisfaction of my higher officials including clerical staff, etc. But after a prolonged span of time in the Directorate of Census Operations, Tripura such type of Memorandum is really very shocking to me. I am to humbly inform you that my service is cent percent bona fide, legal and operative. It would be pertinent to point out herein that I am not aware of the Rules, etc. as quoted in your Memo in question and consequent upon that I would request your honour to kindly supply copy of the above mentioned Recruitment Rules for the post of peon and other relevant Notification for making proper reply against the Memo otherwise it would not be possible on my part to make reply against the Memo thereof.

I would also request your honour to kindly drop/close the matter considering the fact that I have not suppressed any material fact in respect of my age and qualification and also in consideration of the fact that I belong to OBC, a weaker section of the society of India,

Therefore, I would humbly request your kind to supply copies of the relevant Rules, etc. and allow me at least three months time for making reply for which I have been asked for and I do hope that your honour will be graciously pleased to supply the materials as sought for the ends of natural justice, and oblige thereby."

Since there was threat [in the above said memorandum/show-cause notice dated 08.06.2006] to the Applicant to terminate his services with



immediate effect, the Applicant approached this Tribunal with the present Original Application, filed on 22nd June, 2006 under Section 19 of the Administrative Tribunals Act, 1985, with the following prayers:-

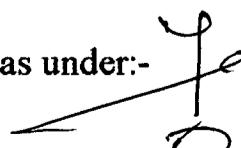
- “8.1 That the Hon’ble Tribunal be pleased to set aside and quash the impugned memorandum bearing letter No. File No.A.28014/2/2006-Estt dated 08.06.06 [Annexure-9].
- 8.2 Costs of the application.
- 8.3 Any other relief[s] to which the applicant is entitled as the Hon’ble Tribunal may deem fit and proper.”

In the Original Application the applicant also made the following interim prayers:-

- “9.1 That the Hon’ble Tribunal be pleased to stay the operation of the impugned memorandum bearing letter No. File No.A. 28014/2/2006-Estt dated 08.06.06 [Annexure 9].
- 9.2 That the Hon’ble Tribunal be pleased to observe that pendency of this original application shall not be a bar to the respondents to provide relief as sought for.”

2. By an order dated 23.06.2006, in the interest of justice, this Tribunal directed that ‘the Applicant should be permitted to continue in service if not already terminated’. As it appears, on the strength of the aforesaid interim order, the Applicant is still continuing in service and no final orders have yet been passed after considering his reply dated 19th June, 2006.

3. By filing a written statement the Respondent disclosed as under:-



"The office of the Registrar General, India had instructed all the DCOs including DCO, Tripura vide letter No.12011/4/2000-Ad-IV dated 14.2.2000 that direct recruitment from open market is not to be made in any case for filling up Group 'C' and 'D' posts sanctioned for Census of India, 2001. Further, the ORGI vide its letter No.12011/16/2000-AD-IV dated 16.8.2001 had instructed that there would be a complete ban on appointment from open market. It was clarified that under no circumstances DCO would resort to ad hoc appointment from open market. In violation of the directions of ORGI, Shri K.D. Nath, the then Director purposely had sent a requisition to Employment Exchange on 10.7.2000 for the nomination of candidates for filling up 1 vacancy of Peon so that he could appoint his real brother in the office and did not care for the directions of the Head of Department, Registrar General, India.

[I] Age and [ii] Essential Qualification required for the post of Peon as mentioned in the Recruitment Rules notified on 22.12.1973 are as under

Age for direct recruitment	Educational and other qualifications required for direct recruitment
23 years	Middle School standard pass from recognized school

The date of birth of the applicant is 1.9.1970. The Requisition was sent by the then Director to the Employment Exchange on 10.7.2000. The applicant was 29 years and over 10 months of age on the date on which the requisition was sent by him to Employment Exchange. The applicant being an OBC candidate, his age could be relaxed up to 3 years maximum. Thus in his case, the eligibility was 28 years [25 years for general candidate + 3 years for OBC]. But the applicant was over-aged, yet the then Director had with a mala fide intention and to get his brother selected for the post, had mentioned in the requisition sent to Employment Exchange that upper age limit for candidates would be 27 years + 3 years OBC and 5 years SC/ST] in violation of 25 years mentioned in the Recruitment Rules. Conceivably then, in the requisition, if the then Director had mentioned the correct upper age limit [25 years] as prescribed in the Recruitment Rules, the applicant's name would not be forwarded by the Employment

Exchange for the post of Peon as he was over aged, [29 years and 10 months old].

In the Recruitment Rules, the educational qualification prescribed for the post of Peon is middle school pass. But the then Director had malafidely added on his own a higher qualification i.e. Middle School, standard pass from recognized school, or above, higher qualification i.e., School Final", in the requisition sent to the Employment Exchange. By doing so, he had not only exceeded his jurisdiction which he had apparently done favor to the applicant.

The selection procedure adopted for the appointment of Shri Chimony Nath was gain mala fide Shri K.D. Nath, the then Director had constituted a Selection Committee on 18.08.2000 for conduction interview of candidates for the post of Peon which consisted of-

- 1. Shri R.C.Meena, Investigator - Chairman
- 2. Shri D.B. Bhattacharjee, Investigator-Member
- 3. Shri G.Saikia, Investigator - Member
- 4. Shri A.B.Das, Office Supdt. - Member

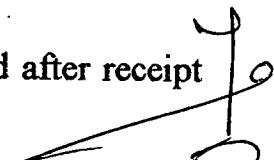
The Chairman and all the other members of the Selection Committee were Group 'B'[Non-Gazetted] officials. As per instructions, for conducting interview of candidates of Group "C" & "D" posts, sufficiently senior level officers should be members of the Selection Committee. Generally at least a Group 'A' gazetted officer heads such DPCs. An Asstt. Director, [Gazetted Officer was available in the DCO, Tripura. He was understandably on leave and decided to set up the Committee and hold interview of candidates in an unseemly hurry. Thus, without caring for instructions, the then Director not only constituted the Selection Committee consisting only for Non-Gazetted staff [Chairman and Members] but also proceeded to get the interested candidates in 3 days time on 21.8.2000. The applicant, Shri Chinmoy Nath was selected by the Committee whose constitution is questionable, as the constitution of Selection Committee was completely in violation of Government of India's instructions which stipulates that the Chairman of Group 'D' DPC should be an officer [Extracts of Department of Personnel and Training OM No.39016/9[S/89-Estt. B dated 16th August 1990 R-1] and more none of its members was gazetted officer. The then Director had only officials in the

committee who were all non-gazetted and his subordinates with the apparent intention to influence the selection. This is supported by the fact that the Committee selected his brother who was overage. Further, Shri K.D. Nath had done it knowing fully well that there was a ban order of the Head of Department against direct recruitment. He flouted it all, as he wanted to get his brother appointed.

It is clear that the then Director did not care for the circulars regarding ban on direct recruitment issued by the Registrar General, India on 14.2.2000 and 16.8.2000. He had full knowledge of the ban orders, yet he has acted arbitrarily and without seeking the approval of the Head of the Department and has got his brother selected/appointed malafidely and in violation of instructions/rules.

Thus, the applicant has been selected for the post of Peon in violation of instructions. If the selection was made in accordance with the laid down Rules in which equal chance was afforded to all those who were eligible, he may not have qualified and perhaps, a more deserving candidate would have been selected. This action on the part of the then Director has been mala fide and has deprived the rightful claim of other deserving candidates. Therefore, the appointment of the applicant is *prima facie* null and void and should be struck down. Separate action has been initiated against the Director for his act, which is unbecoming of a Government servant."

4. By filing a rejoinder, the Applicant has pointed out, among other points, that although one point/allegation was raised in the memorandum/show-cause notice dated 08.06.2006 [that the Applicant was over-aged at the time of appointment as Peon; since his age at the relevant time was 29 years 10 months; as against the maximum permissible limit of 28 years in case of O.B.C. candidate]; in the written statement, the Respondents raised many other points/allegations; which they did not mention in their impugned memorandum dated 08.06.2006 and that all these new allegations are their afterthought and concocted/fabricated after receipt



of the notice from this Hon'ble Tribunal and the same clearly reflects the mindset and the attitude of the Respondents and that it indicates that allegation raised earlier in the memorandum dated 08.06.2006 was not the real exposure of the iceberg but there has been a deep conspiracy hidden underneath for victimizing the Applicant, etc. It has also been pointed out in the rejoinder as under:-

“Further, the plea of age limit of 28 years [25 years for General candidate + 3 years of OBC] in case of the applicant as contented by the respondents is false and misrepresentation of facts. The Government of India, Deptt. of Personnel and Training vide notification No.15012/6/98- Estt [D] dated 21.12.1998, under G.S.R. 758 [E] as quoted in Swamy's Manual [Tenth Edition-2006] has raised the upper age limit for recruitment to all Central Civil Services and civil posts by two years effective from 01.04.1999 under the “Central Civil Services and Civil Posts [upper age-limit for Direct Recruitment] Rules, 1999.” It was expressly provided in the said rules that all rules regulating the method of recruitments of persons to the Central Civil Services and Civil posts under the Union stands amended to that extent i.e. in respect of upper age-limit. As such the recruitment rules of the respondent department deemed to have been amended in respect of upper age-age limit w.e.f. 01.04.1999 for direct recruitment, as notified by the Govt. of India, D.O.P.T. vide notification dated 21.12.1998.”

5. We heard Mr. M. Chanda, learned Counsel appearing for the Applicant and Mrs. Manjula Das, learned Additional Standing Counsel representing the Respondent-Organisation.

Mr. Chanda, learned Counsel appearing for the Applicant, argued that the only allegation that was raised in the memorandum/show-cause notice dated 08.06.2006 [supra] is not sustainable, because the Recruitment

Rule [which prescribed 25 years to be the age-limit] had undergone a general amendment by virtue of the Central Civil Services and Civil Posts [Upper Age-Limit for Direct Recruitment] Rules, 1998; which came into force on the 1st April, 1999. Mr. Chanda read out Rule 3 of the said Rules of 1998. It reads as under:-

“3. Increase in the upper age-limit:-

The upper age-limit for recruitment by the method of Direct Open Competitive Examination to the Central Civil Services and Civil posts specified in the relevant Service Recruitment Rules on the date of commencement of the Central Civil Services and Civil Post [Upper Age-Limit for Direct Recruitment] Rules, 1998, shall be increased by two years.

NOTE.- “Direct Open Competitive Examination” for the purpose of these rules shall mean direct recruitment by Open Competitive Examination conducted by the Union Public Service Commission or the Staff Selection Commission or any other authority under the Central Government and it shall not include recruitment through Limited Departmental Examination or through shortlisting or by interview or by absorption or transfer or deputation.

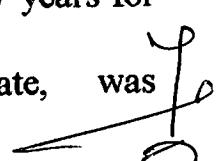
Rule 4 of the said Rules of 1998 reads as under:-

“4. Amendment of Recruitment Rules:-

All rules regulating the method of recruitment of persons to the Central Civil Services and Civil posts under the Union including those in the Indian Audit and Accounts Department and the rules governing Open Competitive Examinations shall stand amended to the extent provided for in Rule 3.”

By citing Rule 3 and Rule 4 of the aforesaid Rules of 1998, Mr.

Chanda proceeded to argue that the age-limit of 25 years [as prescribed under the Recruitment Rules] stood amended and it became 27 years for general candidates and the Applicant, being an O.B.C. candidate, was



eligible till attaining 30 years of his age [with aid of three years of age relaxation] and since the Applicant was below 30 years by time of his recruitment, there were nothing wrong in his recruitment. Mr. Chanda pointed out that the requisition given to the Employment Exchange for recruitment of Peons in question rightly mentioned 27 years; as the age-limit for general candidates and that there was no mala fide intention [to show undue favour to the Applicant] in disclosing 27 years age limit [for general candidates] in the requisition to the Employment Exchange and that without looking to the Rule position[Central Civil Services and Civil Posts [Upper Age-Limit for Direct Recruitment] Rules, 1998] the impugned memorandum/show-cause notice dated 08.06.2006 was issued and that, for the provisions of the aforesaid Rules of 1998, the impugned memorandum/show-cause notice dated 08.06.006 is not sustainable. He has argued, further, that the new grounds/allegations set forth in the written statement of the Respondents [those which were not part of the impugned memorandum/show-cause notice dated 08.06.2006] are not available to be utilized against the Applicant; for utilization of such grounds/allegations [which were not part of the impugned memorandum dated 08.06.2006] against the Applicant would amount to violation of the principles of natural justice.

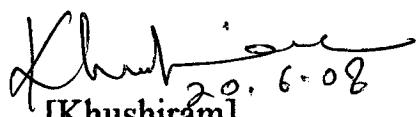
On the other hand, Mrs. M. Das, learned Counsel appearing for the Respondent-Organisation argued that the provisions of the Rules of 1998 [supra] are not applicable to the Applicant and by virtue of the said Rules of 1998, the Recruitment Rule [under which the Applicant was recruited] did not stand amended. She argued further that the Respondent-

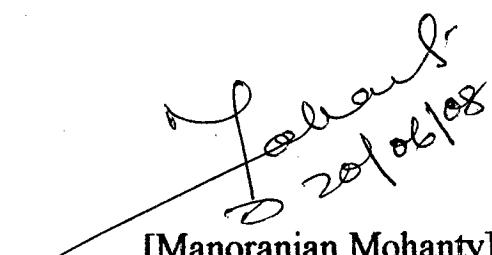
Organisation can utilize all the grounds/allegations set forth in the written statement and utilize the same against the Applicant, after giving him natural justice. She has pointed out that this case is a premature one; because the Applicant has rushed to this Tribunal at a very premature stage even before giving his full and final explanation to the Memorandum/show-cause notice dated 08.06.2006.

6. We have given our anxious consideration to the rival contentions of the parties. Apart from the allegations raised in the impugned memorandum/show-cause notice dated 08.06.2006; there are a large and heavy allegations [disclosed in the written statement of the Respondent-Department] touching very recruitment of the Applicant and, if all the said allegations are proved [of course, after giving full natural justice to the Applicant] then the continuance of the Applicant in service, on the strength of the recruitment in question, may not be sustainable. We have seen the show-cause/reply given by the Applicant on 19th June, 2006, extracted above. It appears, the reply is not a final one. The Applicant wanted papers to put up his effective reply to the memorandum/show-cause notice dated 08.06.2006 and, without putting up the final reply in the matter, the Applicant has rushed to the Tribunal with the present Original Application.

7. In the aforesaid premises, we are of the view that the Applicant should get full opportunity in the matter of defending himself, on the face of the large & heavy grounds/allegations being set forth against him. Accordingly, we dispose of this case by remitting back this matter to the Respondents; who should give full opportunity to the Applicant to put up his defence. The

Respondents should categorize all the allegations right earnestly and confront the same to the Applicant and follow the rules [as he is holding a regular Government post] in giving him natural justice [as codified in the Rules] before taking any action against him. With disposal of this case, the interim order [passed earlier in this case] stands vacated with immediate effect.


[Khushiram]
Member[A]


[Manoranjan Mohanty]
Vice-Chairman

cm

केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

22 JUN 2006

गुवाहाटी न्यायपोठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUWAHATI BENCH: CUWAHATI

O.A. No. 157 /2006

Shri Chinmoy Nath

-Vs-

Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

1990- Applicant passed Madhyamik Examination from Tripura Board of Secondary Education. (Annexure- 1 Series)

14.08.2000- Director of Census Operations, Tripura, Govt. of India send a requisition to local Employment Exchange at Agartala for filling up of one temporary pos of Group 'D' Peon, accordingly the Employment Exchange sponsored 37 candidates along with the applicant. Applicant was called for interview vide letter dated 14.08.2000. (Annexure- 2)

22.08.2000- Applicant joined to the post of Group 'D' Peon in the office of Director of Census Operations, Tripura. (Annexure- 3)

23.08.2000- Applicant submitted his joining report to the post of Group 'D' Peon. (Annexure- 4)

23.08.2000- Respondent No. 3 again issued a formal order of appointment vide order dated 23.08.2000. (Annexure- 5)

27.02.01, 28.02.02, 19.02.03, 18.02.03, 03.02.04, 03.02.04, 11.06.04- Temporary service of the applicant was extended thereafter from time to time. (Annexure- 6 Series)

Chinmoy Nath-

✓ 2
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14.01.2005- Applicant was initially absorbed in the cadre of Peon against a permanent vacant post w.e.f. 23.08.2000 following the recommendation of the DPC held on 19.11.04.

(Annexure- 7 Series)

23.02.2005- Respondent passed another formal order declaring absorption of the applicant to the Grade of Peon on regular basis w.e.f. 23.08.00.

(Annexure- 7 Series)

23.02.2005- Respondent issued another order canceling regular absorption of the applicant w.e.f. 23.08.2000. (Annexure- 7 Series)

25.02.2005- Respondents issued another order dated 25.02.05, wherein it was communicated that the applicant has been absorbed on regular basis w.e.f. 24.11.05 to the cadre of Group D Peon. (Annexure- 8)

08.06.2006- Respondent No. 4 issued the impugned order dated 08.06.06, wherein the applicant was directed to explain as to why the services of the applicant should not be terminated with immediate effect and it was further directed that the explanation should reach within 15 days from the receipt of the memorandum and in case no reply is received within the stipulated period, it will be presumed that he has no explanation to submit and his case will be decided on the basis of available records. It is also alleged that the appointment of the applicant to the cadre of Peon is totally irregular and in violation of the provision of the recruitment rules.

(Annexure- 9)

19.06.2006- Applicant submitted his interim reply to the memorandum dated 08.06.06 stating that he has not suppressed any material fact in respect of his age and qualification before the authority as such impugned memorandum is very shocking to him. (Annexure- 10)

Applicant is apprehending that his service may be terminated at any point of time hence this Original Application.

Chinmay Neeth

PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum bearing letter No. File No. A. 28014/2/2006-Estt dated 08.06.06 (Annexure-9).
2. Costs of the application.
3. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to stay the operation of the impugned memorandum bearing letter No. File No. A. 28014/2/2006-Estt dated 08.06.06 (Annexure-9).
2. That the Hon'ble Tribunal be pleased to observe that pendency of this original application shall not be a bar to the respondents to provide relief as sought for.

Chirayu Mehta

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O. A. No. 157 /2006

Shri Chinmoy Nath : Applicant

-Versus -

Union of India & Others. : Respondents.

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Filed by

S. Nath

Advocate

Date: 22.06.06

Chinmoy Nath

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filed by the applicant
George S. Nath
Advocate
22.06.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 157 /2006

BETWEEN:

¶. Shri Chinmoy Nath,
Working as Peon.
S/O- Late Ramesh Mohan Nath,
O/o- The Director of Census Operation, Tripura
210/D, Office Lane,
P.O- Agartala,
Tripura- 799001.

...Applicant.

-AND-

1. The Union of India,

Represented by the Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi- 110001.

2. The Registrar General of India,

2/A, Mansingh Road,
New Delhi-110011.

3. The Director of

Census Operations, Tripura,
210/D, Office Lane,
P.O- Agartala,
Tripura- 799001.

4. The Deputy Director,

Census Operations, Tripura,
210/D, Office Lane,
P.O- Agartala,
Tripura- 799001.

... Respondents.

Chinmoy Nath

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DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made against the impugned memorandum bearing letter No. File No. A.28014/2/2006-Estt dated 08.06.2006 (Annexure-9), whereby an explanation is sought from the applicant as to why service of the applicant should not be terminated since appointment of the applicant to the post of Group 'D' Peon is totally irregular on account of over age at the time of initial recruitment and further praying for a direction upon the respondents to treat the applicant as regular employee in the cadre of Group 'D' Peon in the office of the Director of Census Operation, Tripura.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the Case.

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That your applicant is a permanent resident of the State of Tripura. He had passed his Madyamik Examination in the year 1990 from Tripura Board of Secondary Education, Tripura. The financial condition of the applicant's family was very poor and as such he was in search of an employment after passing his Matriculation examination.

Chinmay Nath

4.3 That the Director of Census Operation Tripura, Govt. of India send a requisition to local Employment Exchange at Agartala for filling up of one temporary post of Group 'D' Peon. Accordingly the Employment Exchange sponsored the name of ²⁷ candidates along with the name of the applicant. The applicant was called for interview vide letter bearing No. A 12024/2/80. Estt dated 14.08.2000. Thereafter, the applicant joined in service on 02.08.2000 in terms of the offer of appointment issued vide memorandum dated 22.08.2000. In terms of the said memo it was stated that the post of Peon is temporary and would be continued upto February 2001 and a further condition also imposed to the effect that the service of the applicant may be terminated by a month's or 30 day's notice given by either side. The applicant accepted the condition and joined on 23.08.2000.

Copy of the admit card, madhyamik pass certificate, mark sheet, OBC certificate, call letter dated 14.08.2000, memo dated 22.08.2000, joining report dated 23.08.2000 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 1 (Series), 2, 3 and 4 respectively.

4.4 That the respondent No. 3 again issued a formal order of appointment vide order dated 23.08.2000 to the applicant to the cadre of Group 'D' Peon on temporary basis.

Copy of the order dated 23.08.2000 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 5.

4.5 That the temporary service of the applicant was extended thereafter from time to time by issuing separate orders on 27.02.2001, 28.02.2002, 19.02.2003, 18.08.2003, 03.02.2004, 03.02.2004, 11.06.04.

Copies of the order of extension of temporary service are enclosed as Annexure- 6 (Series).

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4.6 That your applicant begs to state that he was initially absorbed in the cadre of Peon against a permanent vacant post w.e.f. 23.08.2000 following the recommendation of the DPC held on 19.11.2004. The said order was communicated vide letter bearing No. F.1 (1)-DPC/DCO/TR/02 dated 14.01.2005. Another formal order was passed on 14.01.2000 declaring his absorption to the Grade of Peon on regular basis w.e.f. 23.08.2000 pursuant to the office order bearing No. F.1 (1)-DPC/DCO/TR/02 dated 23.02.2005, the regular absorption w.e.f. 23.08.2000 was treated as cancelled without assigning any reason.

Copies of the office order dated 14.01.05, order dated 23.02.05 and 23.02.05 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 7 (Series).

4.7 That your applicant further begs to say that vide order dated 25.02.05, it was communicated to the applicant that he is absorbed on regular basis w.e.f. 24.11.2004 to the cadre of Group 'D' Peon.

Copy of the order dated 25.02.05 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 8.

4.8 That the applicant while serving as such in the cadre of Group 'D' Peon on regular basis in the Office of DCO, Tripura the respondent No. 4 i.e. Deputy Director, issued the impugned memorandum bearing letter No. File No. A 28014/2/2006 dated 08.06.2006, wherein the applicant was directed to explain as to why the services of the applicant should not be terminated with immediate effect and it is further directed that the explanation should reach to the Deputy Director of Census Operations, Tripura within 15 days from the receipt of the memo and in case no reply is received within the stipulated period it will be presumed that he has no explanation to submit and his case will be decided on the basis of available records. In the impugned memorandum dated 08.06.06 it is

Chinmay Nath

alleged that the appointment of the applicant to the cadre of Peon is totally irregular and in violation of the provision of the recruitment rules since recruitment rule notified on 22.12.1973 provided maximum upper age limit 25 years for the post of Peon with 3 years relaxation for the OBC candidates but the then Director had purposely sent a requisition to the employment exchange on 10.07.2000 enhancing the maximum age limit for the post of Peon to be 27 years which was in violation of the relevant recruitment rules since the date of birth of the applicant is 01.09.1970 who had attained the age of 29 years and 10 months on 10.07.2000 as such under the rules the applicant was not eligible for appointment to the post of Peon in Director of Census Operation, Tripura but due to manipulation made by the then Director Census Operation, Tripura the applicant was made eligible and subsequently appointed to the post of Peon. By the impugned memorandum dated 08.06.06 the applicant has been asked to explain as to why his services should not be terminated with immediate effect and his explanation should reach to the Respondent No. 4 with in 15 days from the date of receipt of the impugned memo. It is also made clear that in case no reply is received upto the period it will be presumed that he has no explanation and the case of the applicant will be decided on the basis of the available record. The said impugned memorandum has been issued with the approval of the Registrar General of India i.e. Respondent No. 2.

A copy of the impugned memorandum dated 08.06.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 9.

4.9 That your applicant after receipt of the impugned memorandum dated 08.06.06, he has submitted an interim reply to the memo dated 08.06.06 on 19.06.06, wherein the applicant stated that he belongs to OBC category and he had passed his Madhyamik Examination in the year 1990 and the applicant categorically stated in his representation that he had not

suppressed any material fact in respect of his age and qualification before the authority, he also requested for supply of a copy of the recruitment rule for the post of Peon and other relevant notification for making proper reply against the memo otherwise it would not be possible to make reply against the memo and further sought for at least 3 months time for making proper reply on receipt of relevant rules and notification from the authority. He has also stated that he has completed nearly 6 years of service under the Director of Census Operation as such the memorandum is very shocking to him.

A copy of the reply dated 19.06.06 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 10.

4.10 That your applicant begs to say that he has never suppressed any material facts particularly regarding his age and educational qualification. Further his name was initially sponsored by the local employment exchange along with others and the applicant submitted all the relevant documents as sought by the authority for verification at the time of initial recruitment, such as admit card of the Madhyamik Examination, his marksheets, pass certificate, OBC certificate etc. In the admit card of the Madhyamik examination, there is specific mention of the date of birth of the applicant and so far the applicant remembers in the service book the date of birth is recorded as 01.09.1970 as such there is no suppression on the part of the applicant so far his age is concerned and that was correctly recorded in the service book of the applicant. The applicant further deny the allegation that the then Director, DCO, Tripura had purposely manipulated the upper age limit in order to make the applicant eligible for consideration of his appointment to the cadre of Peon. It is categorically submitted that all his educational certificate have been duly verified by the authority and the same was recorded in his service book after necessary verification as such appointment of the applicant cannot be treated as irregular or in violation

Chinmoy Nath

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of the relevant recruitment rule dated 22.12.1973 when there is no suppression on the part of the applicant. Moreover, the applicant has already rendered nearly 6 years of service in the cadre of Peon as such even assuming but not admitting that the applicant is over age in that event also he is not responsible for his over age in initial appointment to the cadre of Peon as because his name was sponsored for selection in terms of the requisition sent to the employment exchange by the DCO, Tripura and on that score alone the impugned memorandum dated 08.06.06 is liable to be set aside and quashed. Moreover, since he has completed near about 6 years of service as such the applicant is at least entitled to the relaxation of his upper age limit to the extent of 2 years. It is not clear to the applicant since he has not been supplied with copy of the recruitment rule dated 22.12.73 whether there is any provision for relaxation in the rule.

In the circumstances as stated above the applicant is apprehending that after receipt of the interim reply date 19.06.06 the services of the applicant may be terminated by the respondents on the alleged ground of over age, therefore, finding no other alternative the applicant is approaching before the Hon'ble Tribunal for a direction upon the respondents staying the operation of the impugned memorandum dated 08.06.06 and for granting relief to the applicant as prayed for.

4.11 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the appointment of the applicant to the cadre of Group 'D' Peon is made on the basis of recommendation of the duly constituted selection committee and also after verification of his age, educational qualification and OBC certificates and also after observing all required formalities.

Chinmay Nath

- 5.2 For that, the applicant has been considered and recommended by the selection committee after being found him suitable for the post of Group 'D' Peon.
- 5.3 For that, there was no suppression on the part of the applicant regarding his date of birth or age or educational qualification. Moreover, his date of birth is recorded as 01.09.19970 in his service book on the basis of his admit card issued by the Board of Secondary Education, Tripura.
- 5.4 For that, there is no manipulation or suppression on the part of the applicant in the matter of consideration of his appointment to the cadre of Group 'D' Peon since the appointment is made on the basis of duly constituted selection committee.
- 5.5 For that, the local employment exchange Agartala after found the applicant suitable sponsored his name along with other 26 candidates for consideration of his appointment to the post of Peon.
- 5.6 For that, the allegation of manipulation on the part of the then Director, Census Operation, Triupta is categorically denied.
- 5.7 For that the allegation raised in the impugned memorandum dated 08.06.06 is contrary to the record inasmuch as there is no suppression on the part of the applicant regarding his date of birth or age as such impugned memorandum date 08.06.06 is liable to be set aside and quashed.
- 5.8 For that the applicant has served in the cadre of Group 'D' Peon for about 6 years with utmost satisfaction to the authority as such he is entitled to the relaxation of his upper age limit to the extent of 2 years in the initial appointment.

Chinmoy Nath

5.9 For that the applicant is apprehending that his service may be terminated at any point of time.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for.

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum bearing letter No. File No. A. 28014/2/2006-Estt dated 08.06.06 (Annexure-9).

8.2 Costs of the application.

8.3 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Chinmay Nath

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following interim relief:-

9.1 That the Hon'ble Tribunal be pleased to stay the operation of the impugned memorandum bearing letter No. File No. A. 28014/2/2006-Estt dated 08.06.06 (Annexure-9).

9.2 That the Hon'ble Tribunal be pleased to observe that pendency of this original application shall not be a bar to the respondents to provide relief as sought for.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i)	I. P. O. No.	: 26 G 324275
ii)	Date of Issue	: 22.5.06
iii)	Issued from	: G. P. O. , Guwahati
iv)	Payable at	: G. P. O. , Guwahati

12. List of enclosures.

As given in the index.

Chinmay Mehta

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VERIFICATION

I, **Shri Chinmoy Nath**, S/O- Late Ramesh Mohan Nath, aged about 35 years, working as Group 'D' Peon, in the office of Director of Census Operation, Tripura, 210/D, Office Lane, P.O- Agartala, Tripura- 799001, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 22 day of June 2006.

Chinmoy Nath



TRIPURA BOARD OF SECONDARY EDUCATION
ADMIT

Name of Candidate..... Chirinoy Nath

Son/daughter of..... G. Rasu Nath

Registration No..... 58943 of 1986

Roll..... SOUTH No. 10694

(to be filled in by the Board)

To the Madhyamik Pariksha (Secondary Examination) 1990
commence on the..... 5th March, 1990 at..... Sahyoni Centre
(to be filled in by the Board)

His/her date of birth..... first day of..... September

Nineteen hundred and..... Seven

Compulsory Subjects :

Language group : First language..... Bangla Second language..... English

Science group : Mathematics, Physical Science, Life Science,

India & her people group : History, Geography.

Work Education group : Work Education, Physical Education, Social Service including
School Performance.

Additional Subject.....

Roll..... No.....

Year..... a continuing
candidate when he/she
first sat for the Madhyamik
Examination.

N.B. - i) This Admit Card should be carefully preserved.

ii) Any alteration made in the entries without the authority of the Board renders the
candidate liable to be declared disqualified for sitting in this or any subsequent
examination.

Attested
Admit Card
Adarsh

SECRETARY



3X

TRIPURA BOARD OF SECONDARY EDUCATION
STATEMENT OF MARKS

MADHYAMIK PARIKSHA (SECONDARY EXAMINATION) 19. 90

SOUTH

NAME: CHINMOY NATH

ROLL

NO: 10694

S/D OF

LT. RASMOHAN NATH

SCHOOL: BRAJENDRANAGAR H.S. SCHOOL

Subjects	Language Group			Science Group				India & Her People Group			Work Edn./Elective Group			Addl. Sub.	Grand Total	Division
	1st Lang.	2nd Lang.	Group Total	Math.	Phy. Sc.	Life Sc.	Group Total	Hist.	Geo.	Group Total	Wk. Edn.	Phy. Edn.	Soc. Ser.	Group Total		
	B	E													900	I
Full Marks	200	100	300	100	100	100	300	100	100	200	50	50	20	100	540	U.
Qualifying Marks	40	20		20	20	20		20	20		10	6	14		11	405
Pass Marks				102			102			68				34		111
Marks Obtained	89	20	109	32	36	34	102	49	33	82	36	24	13	69	362	111

REMARKS:

THREE SIX TWO

SECRETARY

M. N. (B) 7. 2000
 (P. V. CHONDHURI)
 Private Secretary,
 Civil Secretariat,
 Government of Tripura

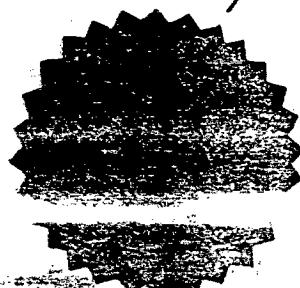
Attested
 M. Dutta
 Advocate

No: 002211/90

Government Board of Secondary Education



MADHYAMIK PARIKSHA (SECONDARY EXAMINATION) 19 90

Certified that CHINMOY NATHSon/ Daughter of LATE RASHCHAN NATHappearing from BRAJENDRANAGAR H.S.SCHOOL as REGULAR candidate,whose date of birth is the FIRST day of SEPTEMBER, One thousandnine hundred and SEVENTY, duly passed the Madhyamik Pariksha(Secondary Examination after class X) held in the month of MARCH 1990,and was placed in the THIRD division.AGARTALA
03 DEC 1997Attested
M. Sulta
Advocate

Secretary

Chairman

R. L. Srinivasan
President

No. 1082

ORIGINAL

GOVERNMENT OF TRIPURA
OFFICE OF THE SUB-DIVISIONAL OFFICER
SABROOM, SOUTH TRIPURA

NO. SDO/SBM/CTZ/ 568

Dated, Sabroom, The...

18/8/1993

Shri/Smti/Kumari... *Chinmoy. Nath*

Son/Daughter/Wife of Shri/Late... *Rash... Matam Nath* ...

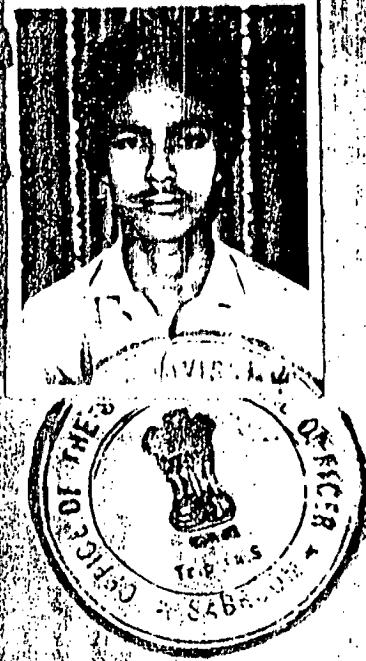
resident of... *Bijaynagar* ... P.S... Sabroom ...

... South Tripura District, was born on... 1/8/70

... at... *Bijaynagar* within
the Union of India. At the time of his/her birth his/her father did not
suffer either of the disqualifications mentioned in clause (a) and (b) of
sub-section (2) of Section 3 of the Citizenship Act, 1955.

Shri/Smti/Kumari... *Chinmoy. Nath* ...

therefore, *Prima facie* qualified for recognition as an Indian citizen
with meaning of Section 3 of the Citizenship Act, 1955.



Attested
Mr. Dulla
Advocate

Sub-Divisional Officer
Sub-Divisional Officer
18/8/93

Sabroom, South Tripura,

OFFICE OF THE SUB-DIVISIONAL OFFICER, SADAR

WEST TRIPURA : AGARTALA
(TRIBAL WELFARE SECTION)

123.

No. 2-78 SDO/SDR/TW/O.B.C./2000-2001

AGARTALA

Dated 17/7/00

OTHER BACKWARD CLASS COMMUNITY CERTIFICATE

This is to Certify that Shri/Smt.

Chinmoy

Math

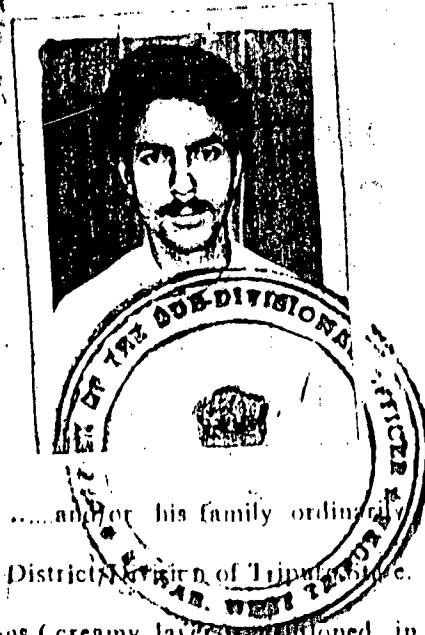
S/O, B/o Smt/Late Ranjimohan Math of Village No. Debandra Debnath, Dist. Dhalawar.

District/Division West Tripura of the state of Tripura belongs to the O.B.C.

Math, Community which is recognised as a Backward Class under :—

(i) Government of India, Ministry of Welfare Resolution No. 12011/65/93-OBC (C) dated 10th Sept. 1993 Published in the Gazette of India Extraordinary Part-I Section-I dated the 13th Sept. 1993.

(ii) Government of India, Ministry of Welfare Resolution No. 12011/9/94-OBC, dated 19.10.94 published in Gazette of India Extraordinary Part-I Section-I No. 163 dated 20.10.1994.



Shri/Smt. Chinmoy Math and/or his family ordinarily reside(s) in the West Tripura, District/Division of Tripura State.

This is also to certify that he/she/does not belong to the persons/sections (creamy layer) mentioned in Column 3 of the Schedule to the Government of India, Department of Personnel and Training O.M. No. 355.2/22/93 Estt. (SCT) dated 8.9.1993.

Date 17/7/00.

Seal.

17/7/00
Statistical
Investigator
Grade
Directorate of Census
Operations, Tripura.

S. NAME
Sub-Divisional Officer,
Sadar, West Tripura,
Signature & Designation
of the competent authority

Attested
S. N. Datta
Advocate

Counter Signature

Date

District Magistrate & Collector,
West Tripura.

N. B. (a) The Term 'Ordinarily' used here will have the same meaning as in Section 20 of the Representation of the people's Act, 1950.

(b) Shri Chinmoy Math

No. A.12024/2/80-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations
Tripura.

Dated, Agartala the 14th August, 2000

To
shri/smti. Chinmoy Nath, s/o Rasmohan Nath,
vill- 2 P.O - Dhalaswar,
Agartala.

You are hereby requested to appear for an interview on 21st August, 2000 at 3 P.M. for selection the post of Peon in the Directorate of Census Operations, 14/1, Krishnanagar, Nutan Palli, Agartala, West Tripura.

2. You should bring with your all original documents and certificates etc.

3. No T.A./D.A. will be admissible for the journey.

Attested
M. Diller
Advocate

Umesh M. R. M.
(K. D. Nath)
Director of Census
Operations Tripura, Agartala.

A G A R T A L A
Dated, the

12 A.M. 2000

MEMORANDUM

The undersigned hereby offers Shri/ Smt. **Chinmoy Nath, S/O. Sri Rasmohan Nath** temporary post of **Peon** in the Office of the Director of Census Operations, Tripura on a pay of Rs. 2550/- p.m. in the scale of Rs. 2550-55-2660-60-3200/- The appointee will also be entitled to draw dearness and other allowances at the rates admissible under, and subject to the conditions laid down in rules and orders governing the grant of such allowances in force from time to time.

The terms of appointment are as follows :

(i) The post is **Temporary and will be continued upto Feb, 2001**

(ii) The appointment is, however temporary and will not confer any title to permanent employment.

(iii) The appointment is purely provisional pending the issue of eligibility certificate in the candidate's favour and shall stand cancelled in the event of such certificate being refused. The candidate is required to give a written undertaking in the form prescribed.

(iv) The appointment may be terminated at any time by a month's day's notice given by either side, viz., the appointee or the appointing authority, without assigning any ~~any~~ reasons. The appointing authority, however, reserves the right of terminating the services of the appointee forthwith or before the expiration of the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof.

(v) The appointment carries with it the liability to serve in any part of Tripura.

(vi) Other conditions of service will be governed by the relevant rules and orders in force from time to time.

The appointment will be further subject to :

(i) Production of a certificate of fitness from the competent medical authority (viz. Medical Board/Civil Surgeon/D.M.O./Authorised Medical Attendant).

(ii) Submission of a declaration in the prescribed form and in the event of the candidate having more than one wife living, or being married to a person having more than one wife living the

Contd.....P/2

Attested
M. Dutta
Advocate

27/07/04 he was selected
fees my sum 24-11-04

appointment will be subject to his being exempted from the enforcement of the recruitment in this behalf.

(iii) Taking of an oath of allegiance/faithfulness to the Constitution of India (or making of a solemn affirmation to that effect) in the prescribed form.

(iv) Production of the following original certificates (where these have not been produced already at the selection stage).

(a) Degrees/Diplomas/Certificates of educational and other technical qualifications.

(b) Certificate of age.

(c) Character certificates in the prescribed form :

(i) attested by a District Magistrate or Sub-Divisional Magistrate or their superior officers in the case of candidates for posts, and

(ii) from a gazetted officer or a Magistrate in the case of candidates for Group-D posts.

(d) Certificates in the prescribed form in support of candidates' claims to belong to a Scheduled Caste or Tribe/ Anglo-Indian Community/ ~~etc~~ certificate.

(e) Discharge certificates in the prescribed form or previous employment, if any.

(f) Any other documents (to be specified).

(v) Any other condition (to be specified), e.g. passing of a type-writing or any other departmental test.

4. It may please be stated whether the candidate is serving, or is undergoing training to serve, another Central Government Department, a State Government or a public authority.

5. If any declaration given or information furnished by the candidate is to be false or if the candidate is found to have wilfully suppressed material information he will be liable to removal from service and such action as Government may deem necessary.

6. If Shri/Smt. Chinmoy Nath accepts the offer on the above terms, he should communicate his acceptance or report to the undersigned ~~within~~ 15(fifteen) days from the date of issue of offer. If no reply is received or the candidate fails to report for duty by the prescribed date the offer will be treated as recalled;

7. No travelling allowances will be allowed for joining the appointment.

or

Travelling allowances at the rates admissible under the relevant rules of the service will be allowed for joining the appointment.

Umesh
DIRECTOR, *22.8.2001*
Census Operations, Tripura
Director of Census Operations, Tripura

Shri/Smt. Chinmoy Nath, s/o ~~late~~ Raemohan Nath, Vill. & P.O. Dhalaswar, Agartala.

with reference to his/her interview, dated the *21.8.2001*

File No. 5726 34

To

The Director,

Census Operations, Tripura

14/1, Krishnanagar, Agartala.

Sub: Joining Report.

Sir,

With due regard I beg to inform you that in pursuance of your memorandum No- 12024/2/80-Estt. Dated - 22nd Aug, 2000 I join to my duties to the post of 'Peon' in the fore noon of the 23rd Aug 2000 under your directorate.

Kindly accept my joy joining and oblige me thereby.

Your faithfully

Chinmoy Nath :

23-08-2000

(CHINMOY NATH)

Dheleswar, Agartala

Tripura, West.

Enclo:-

i) Filled in attestation form

ii) Character Certificate in original

iii) Medical Fitness Certificate in original

iv) Copy of Madhyamik Admit Card

v) Copy of Madhyamik Marksheet

vi) Copy of Madhyamik Certificate

vii) Copy of Citizenship Certificate

viii) Comm. 1 C.B.C Certificate

Dated, Agartala the

23 AUG 2000

O R D E R

Shri Chinmoy Nath, s/o Late Rash Mohan Nath, Dhaleswer Agartala Permanent address Sabroom is appointed on purely temporary basis as Peon in the Directorate of Census Operations, Tripura with effect from 23.8.2000 (EN) until 28th February, 2001 or till further order whichever is earlier in the scale of Rs. 2550-55-2660-60-3200/- plus other allowances as admissible from time to time.

2. His service are liable to be terminated on 1(one) month notice from either side or with one month's pay in lieu thereof.
3. The appointment of Shri Chinmoy Nath is subject to the orders and other conditions of service as applicable to Central Govt. employees and issued by the Govt. of India from time to time.
4. The above appointment have been made against the purely temporary post. The appointment order shall not bestow upon the above mentioned official any claim for regular appointment against long term vacancies or core post.
5. The above official shall automatically stand terminated after expiry of above referred period even if no separate order for termination is issued.

(K.D. Nath)
Director of Census
Operations, Tripura.

Copy to :-

- 1. Shri Chinmoy Nath, Peon, Directorate of Census Operations, Tripura.
- 2. Personal file
- 3. Accounts Section.
- 4. Guard file.

Attested
N. Dutta
Advocate

Worrell N. J. N.
Director of Census
Operations, Tripura.

II : जनगणना
Telegrom : CENSUS



रां०

- 22 -

No. A.12024/2/80-Estt.

गारत परकार

GOVERNMENT OF INDIA

E-mail : deo @ tsu, trp, nlc, In

गृह मंथालय

MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

कार्यालय निदेशक जनगणना कार्य, त्रिपुरा

OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, TRIPURA

210 डी/ऑफिस लेन, 210/D Office Lane

Annexure-6
(series)

अग्रतला

Agartala, the 27/02/2001.

ORDER

The term of appointment of the under mentioned incumbent in the post shown against the name is extended for a further period up to 28-02-2002 or till the post is filled up on regular basis or any such contingencies arise for earlier termination whichever is earlier.

The other conditions given in para 2 of the appointment order issued vide order No.A.12024/2/80-Estt. Dated 23.08.2000 will remain unchanged.

Sl. N. o.	Name of the official.	Designatio n.	Period for which is extended.	Scale of pay.	Previous reference.
1.	2.	3.	4.	5.	6. -
1.	Sri Chinmoy Nath	Peon	01-03-2001 to 28-02-2002	Rs.2550-3200/-	No.A.12024/2/80-Estt. Dt.23-08-2000.

(S. Raye)
Assistant Director
Census Operations, Tripura.

Copy to :-

1. Shri Chinmoy Nath, Peon, office of the Director of Census Operation, Tripura.
2. Personal file/Accounts section/Guard file.

S Raye
Assistant Director
Census Operations, Tripura.

Attested
M. N. Dulle
Advocate

22 yearly

Annexure-6 (Part 3)

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS/GRH MANTRALAYA
कानूनीय विभाग: अधिकारी विभाग, त्रिपुरा
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, TRIPURA
210 D/1/31/11/11, Agartala, 799 001

आगरतला

28 FEB 2002

Agartala, the

ORDER

The term of appointment of the under mentioned incumbent in the post shown against the name is extended for a further period up to 31.1.2003 or any such contingencies arise for earlier termination whichever is earlier.

The other conditions given in para 2 to 5 of the appointment order issued vide order No.A.12024/2/80-Estt. dated 23.8.2000 will remain unchanged.

Sl. No.	Name of the official	Designation	Period for which is extended	scale of pay	Previous reference
1	2	3	4	5	6
1.	shri Chirnay Nath	Peon	1.3.2002 to 31.1.2003	Rs.2550/- to 3200/-	No.A.12024/2/80-Estt.

(S. Raye)
Assistant Director,
Census Operations, Tripura

Copy to : - 1. Shri Chirnay Nath, Peon, Office of the Director of Census Operations, Tripura, 210/D, Office Lane, Agartala.

2. Personal file/Accounts section/Guard file.

S Raye 28.2.02
Assistant Director,
Census Operations, Tripura.

Annexure-6
146 (→)
ws

No.A.12024/2/80-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations, Tripura,
210/D, Office Lane, Agartala.

Dated, the 19 AUG 2003

ORDER

The term of appointment of the under mentioned incumbent in the post shown against the name is extended for a further period up to 31.1.2004 or any such contingencies arise for earlier termination whichever is earlier.

The other conditions given in para 2 to 5 of the appointment order issued vide order No.A.12024/2/80-Estt. Dated 23.8.2002 will remain unchanged.

Sl.No.	Name of the official	Designation	Period for which is extended	Scale of pay	Previous reference
1	2	3	4	5	6
1	Sri Chinmoy Nath	Peon	01.7.2003 to 31.1.2004	Rs.2250/- to 3200/-	No.A.12024/2/80-Estt.

W. D. Nath
(K. D. Nath)
Director.

Copy to :

1. Shri Chinmoy Nath, Peon, Office of the Director of Census Operations, Tripura, 210/D, Office Lane, Agartala.
2. Personal file/Accounts section/Guard file.

W. D. Nath
Director,
Census Operations, Tripura.

W. D. Nath
14.8.03



- 25 -

No. A.12024/2/80-Estt.

राजस्व सरकार

GOVERNMENT OF INDIA

पूर्ण प्रयाप्त

32 2225
Phone 232 6442
Fax. 0381-322225

E-mail: dco@tsu.trip.nic.in

MINISTRY OF HOME AFFAIRS/GHILLI MANTRALAYA
गोपनीय मिनिस्टर प्राधारणीय विभाग, त्रिपुरा
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, TRIPURA
210 चौथी/गोपनीय प्राधारणीय विभाग, 210/D Office Lane
Agartala-799 001

Annexure-5
(Series)

19 FEB 2003

अगरतला
Agartala, Tripura

O R D E R

The term of appointment of the under mentioned incumbent in the post shown against the name is extended for a further period up to 30.06.2003 or any such contingencies arise for earlier termination whichever is earlier.

The other conditions given in para 2 to 5 of the appointment order issued vide order No.A.12024/2/80-Estt. dated 23.08.2000 will remain unchanged.

S.I. No.	Name of the official	Designation	Period for which is extended	Scale of pay	Previous reference
1	2	3	4	5	6
1.	Sri Chinmoy Nath	Peon	01.02.2003 to 30.06.2003	Rs.2550/- to 3200/-	No.A.12024/2/80-Estt.

(S. Raye)
Assistant Director,
Census Operations, Tripura

Copy to:- 1. Shri Chinmoy Nath, Peon, Office of the Director of Census Operations, Tripura, 210/D, Office Lane, Agartala.

2. Personal file/Accounts section/Guard file.

May 19.2.03
Assistant Director,
Census Operations, Tripura.



- 26 -

No. 013/1/99-Estt.

भारत राज्यकार
Government of India

गृह मंत्रालय
Ministry of Home Affairs

कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा
Office of the Director of Census Operations, Tripura
210 डी, आफिरा लेन / 210-D, Office Lane
अगरतला / Agartala - 799 001.

फोन : 232-2225
Phone : 232-2225
Fax : 0381-2322225
E-mail : dco@tsu.trp.nic.in

Annexure-6
(series)

11 JUN 2004

ORDER

In pursuance of the Registrar General, India's letter No.A.11020/1/99-Ad.II dated 21.5.2004 for continuing the post of Daftry in the office of the Registrar General, India, New Delhi, the official concerned continuing to the post of Peon.. Accordingly post of Peon ~~is~~ exists, Sri C. Nath, who was appointed purely temporary basis as chowkidar for one year upto 2.2.2005 against a resultant vacancy of deputation with effect from 3.2.2004 vide order No12024/2/80-Estt. Dated 3.2.2004 is treated as withdrawn.

(K. D. Nath)
Director.

Copy to :-

- ✓ 1. Sri C. Nath, Peon
- 2. Accounts section/P.F./Guard file/ Apptt. File.

Uttam 11.6.04
Director of
Census Operations, Tripura.



सं. NO. A.12024/2/80-Ex. फोन - 232-2225

Phone : 232-2225

भारत सरकार

Fax : 0381-2322225

Government of India

E-mail : dco@tsu.trp.nic.in

युह मंत्रालय

Ministry of Home Affairs

कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा

Office of the Director of Census Operations, Tripura

210 डी. आर्मेस लेन / 210-D, Office Lane

अगरतला / Agartala - 799 001.

Am m xue 6
S. 1

3 FEB 2004

ORDER

In pursuance of the Registrar General, India letter No.A.11020/1/99-Ad.II dated 09.01.2004 for diversion of the post of Duftry in the office of the Registrar General, India, New Delhi the official concerned reverted to his parent post of Peon. Accordingly post of Peon is not exist. Shri Chinmoy Nath, who was appointed purely temporary basis as Peon upto 31.01.2004 automatically treated as retrenched from the post of Peon as per terms and condition of his appointment letter.

(K.D. NATH)
DIRECTOR,
CENSUS OPERATIONS, TRIPURA

Copy to :-

✓ 1. Shri Chinmoy Nath, Peon, Directorate of Census Operations, Tripura

W. 3, 2. 0.
DIRECTOR,
CENSUS OPERATIONS, TRIPURA

रो. A, 120 24/2/80-estt

पुलां 232-2225
Phone : 232-2225

Fax : 0381-2322225

E-mail : dco@tsu.trp.nic.in



गारं राकार

Government of India

मुख्य मंत्रालय

Ministry of Home Affairs

कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा

Office of the Director of Census Operations, Tripura.

210 डी, आफिस लेन / 210-D, Office Lane

आगरतला / Agartala - 799 001.

Annexure 6
3

3 FEB 2004

ORDER

Shri Chinmoy Nath, retrenched Peon of this Directorate is hereby appointed on purely temporary basis to the post of Chowkidar for one year upto 02.02.2005 against a resultant vacancy of deputation w.e.f. 03.02.2004 or from the date of his joining to the post of Chowkidar in the pay scale of Rs.2550-55-2660-60-3200/-.

2. His services are liable to be terminated 1(one) month notice from either side or with one month's pay in lieu thereof.
3. The appointment of Shri Chinmoy Nath is subject to the orders and other conditions of service as applicable to Central Government Employees and issued by the Government of India from time to time.
4. The above appointment have been made against the purely temporary vacancy as the post vacated for deputation of the official for one year. The appointment order shall not bestow upon the above mentioned official any claim for regular appointment against long term vacancies or core post.
5. The above official shall automatically stand terminated after expiry of above referred period even if no separate order for termination is issued.

(K.D. NATH)
DIRECTOR,
CENSUS OPERATIONS, TRIPURA

Copy to : /

Shri Chinmoy Nath, Chowkidar, Directorate of Census Operations, Tripura
2. Personal file.
3. Accounts Section
4. Guard file.

Umesh, L. M.
DIRECTOR,
CENSUS OPERATIONS, TRIPURA.



Ministry of Home Affairs
कायांलय निदेशक, जनगणना निदेशालय, त्रिपुरा
Office of the Director of Census Operations, Tripura
210 डी, आफिस लेन / 210-D, Office Lane
आगरतला / Agartala - 799 001.

Annexure 6
(Series)

11 JUN 2004

ORDER

The term of appointment of the under mentioned incumbent in the post shown against the name is extended for a further period up to 31.01.2005 or any such contingencies arise for earlier termination whichever is earlier.

The other conditions given in para 2 to 5 of the appointment order issued vide order No.A.12024/2/80-Estt. Dated 23.8.2002 will remain unchanged.

Sl. NO.	Name of the official	Designation	Period for which is extended	Scale of pay	Previous reference
1	2	3	4	5	6
1	Sri Chinmoy Nath	Peon	01.02.2004 to 31.01.2005	2550/- to 3200/-	No.A.12024/2/80- Estt. Dt.18.8.2003

(K. D. Nath)
Director.

Copy to :

✓ 1. Sri Chinmoy Nath, Peon, Office of the Director of Census Operations, Tripura.
2. Personal file/ Accounts section/Guard file.

Attested
N. Dutta
Advocate

Moni Nath
Director, 11.6.04
Census Operations, Tripura



৩০- No. F.1(1)-DPC/DCO/TR/02
गोपनीয় নথি
Government of India
মন্ত্রণালয়
Ministry of Home Affairs
কার্যালয় নির্দেশক, জনগণনা নির্দেশালয়, ত্রিপুরা
Office of the Director of Census Operations, Tripura
210 ডি. আফিস লেন / 210-D, Office Lane
আগরতলা / Agartala - 799 001.

ফোন : 232-2225
Phone : 232-2225
ফ্যাক্স : 0381-2322225
E-mail : dco@tsu.trp.nic.in

Annexure - 7 (Series)

Dated : ~ 14th January, 2005

ORDER

As per recommendation of the DPC dated on 19th November 2004, Shri Chinmoy Nath who is working as Peon on temporary basis in this Directorate is hereby absorbed against the permanent vacant post of Peon (core post) since his joining i.e. from 23.08.2000.

2. Necessary order to this effect please be issued immediately.

U. Nath
(K.D.Nath) M. I. O
Director

To

Establishment Section of this office for taking necessary action.

*Attested
M. Datta
Advocate*



Annexure-7
(contd.)

Dated :~ 14th January, 2005.

ORDER

In pursuance of this office order No.F.1(1)-DPC/DCO/TR/02 dated 14th January 2005, Shri Chinmoy Nath who is working as Peon on temporary basis in this Directorate is hereby absorbed to the grade of Peon on regular basis w. e. f. 23.08.2000 i.e. from the date of his joining to the post of Peon in pursuance of this office order No.A.12024/2/80-Estt, dated 23rd August 2000.

2. The other terms and conditions of service to Central Government employees issued by the Government of India from time to time is applicable in respect of Sri Nath.

Upadhyay
(K.D.Nath)
Director

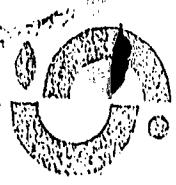
✓ To

Shri Chinmoy Nath, Peon, Directorate of Census Operations, Tripura.

Copy to:-

1. Personal File.
2. Accounts Section.
3. Guard File.

✓
(K.D.Nath)
Director



anti CENSUS

- 32 - रोमांचक (१)-DPC/DCO/TR/02.

Phone : 232-2225
Fax : 0381-2322225
E-mail : dco@tsu.trp.nic.in

मार्ग राज्यार्थ

Government of India

गृह मंत्रालय

Ministry of Home Affairs

कार्यालय निदेशक, जनगणना निवेशालय, त्रिपुरा
Office of the Director of Census Operations, Tripura
210 अमी, आपिरा लोन / 210-D, Office Lane
आगरतला / Agartala - 799 001.

165
50
Annexure-7 (sec. 11)

Dated : ~ 23rd February, 2005

ORDER

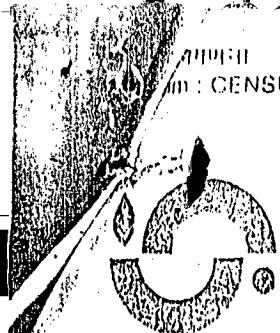
P/165
The order bearing No.F.1(1)-DPC/DCO/TR/02 Dated
14th January, 2005 issued by the office of the Director of Census
Operations, Tripura may be treated as cancelled.

K.D.Nath
(K.D.Nath)
Director

23.2.05

To

Establishment Section of this office for taking necessary action.



- 33 - No.F.1(1)-DPC/DCO/TR/02.
गोरक्ष राज्यकार
Government of India
गृह संचालन
Ministry of Home Affairs
कायांत्रिय निदेशालय, जनगणना निदेशालय, त्रिपुरा
Office of the Director of Census Operations, Tripura
210 अ. अमित्र लैन / 210-D, Office Lane
आगरतला / Agartala - 799 001.

फोन : 232-2225
Phone : 232-2225
Fax : 0381-2322225
E-mail : dco@ctsu.trip.nic.in

Annexure - 7 series

Dated : ~ 23rd February, 2005

ORDER

Shri Chinmoy Nath who is working as Peon on temporary basis under this Directorate is hereby absorbed against the permanent vacant post on regular basis as Peon (core post) w.e.f. from the date of permanent vacancy arises permanently on 24.11.2004.

2. This will take effect w.e.f. 24.11.2004.
3. Necessary order to this effect please be issued immediately.

Chinmoy
(K.D.Nath) 23.2.05
Director

To

Establishment Section of this office for taking necessary action.

Attested
M. Dutta
Advocate

भारत सरकार

Government of India

गृह मंत्रालय

Ministry of Home Affairs

कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा

Office of the Director of Census Operations, Tripura

210 डी. ऑफिस लेन / 210-D, Office Lane

अगरतला / Agartala - 799 001.



Fax : 0381-2322225

E-mail : dco@tsu.trp.nic.in

Annexure-8

25 FEB 2005

O R D E R

The order issued vide this Office Order No.A.12024/2/80-Estt. Dated the 14th January,2005, is hereby treated as cancelled as per order of the authority vide No.F.1(1)-DPC/DCO/TR/02 dated 23rd February,2005.

Further as per another order issued by the authority from the same file & same date as mentioned in the above para Sri Chinmoy Nath who is working as Peon on temporary basis under this Directorate is hereby absorbed against the permanent vacant post on regular basis w.e.f. the date of permanent vacancy arises on 24th November,2004.

Absorption order on regular basis will take effect from 24.11.2004.

(K.D. NATH)
Director

✓ To

Sri Chinmoy Nath, Peon ,Directorate of Census Operations, Tripura,Agartala.

Copy to :-

Personal file/Accounts Section/Guard file.

Director of Census Operations, Tripura.

W.D.NATH 25.2.05

Attested
M. Sulta
Advocate

DIRECTORATE OF CENSUS OPERATIONS, TRIPURA
Government of India,
Ministry of Home Affairs
210/D, Office Lane, Agartala - 799001

File. No. A.28014/2/2006-Estt

Dated : 08.06.06

MEMORANDUM

Shri Chinmoy Nath, S/O Shri Rasmohan Nath was appointed to the post of Peon in Directorate of Census Operations, Tripura w.e.f.23.8.2000. According to Recruitment Rules notified on December 22, 1973 for the post of Peon, the maximum age limit for appointment to the above post is 25 years with 3 years relaxation for the OBC candidate. The then Director had purposely sent a requisition to the Local Employment Exchange on 10.07.2000 enhancing the maximum age limit for the post of Peon to be 27 years which was in violation of the Recruitment Rules. The Employment Exchange had accordingly sent the names of 21 candidates including Shri Chinmoy Nath whose date of birth is 1.9.1970 who had attained the age of 29 years & 10 month on 10.7.2000. Under the rules, he was not eligible for appointment to the post of Peon in Directorate of Census Operations, Tripura. Yet, on the basis of manipulation made by the then Director of Census Operations, Tripura, he (Shri Chinmoy Nath) was made eligible and subsequently appointed the post of Peon.

- As the appointment of Shri Chinmoy Nath is totally irregular and in violation the provision of Recruitment Rules, he is directed to explain as to why his services should not be terminated with immediate effect. His explanation should reach to the undersigned within 15 days from the receipt of this memo. In case no reply is received upto the above period, it will be presumed that he has no explanation to submit and his case will be decided on the basis of available records.
- This issues with the approval of Registrar General, India.

S. Meena
(R.R. Meena)
8/8/06
Director of Census Operations,
Tripura.

To

Shri Chinmoy Nath, Peon, Directorate of Census Operations, Tripura.

*Attested
N. Dutta
Advocate*

To
The Deputy Director,
Census Operations, Tripura,
210/D, Office Lane,
Agartala- 799001.

Subject : **Reply to the Memo. No. A.28014/2/2006-Estt. Dated 08.06.2006**
issued by **Deputy Director of Census Operations, Tripura,**
Agartala.

Sir,

In inviting a reference to the above mentioned subject, I would like to set forth following submission to your kind for sympathetic consideration and necessary action:-

Sir, I am a bonafide citizen of India belongs to OBC and passed Madhyamik Examination under the Tripura Board of Secondary Education, Agartala in the year 1990 and after that I started my life with a serious struggle in this hard days of crisis and have been trying utmost to overcome the hurdles with sorrow and grief.

Be that as it may, in one fine morning, I acknowledged a notice from the DCO, Tripura to appear before the Interview Board for the post of Group D employee and then and there I got ready myself to establish my clarity on the subject for which the Director, Census Operations, Tripura sought for names from the Directorate of Manpower, Government of Tripura, Agartala. It cannot be ignored that my performance before the Board seemed to be satisfactory since I could answer each and every question as asked for by the members of the esteemed Interview Board. My service under the DCO Tripur is nearing 6 (six) years and during the above said period I have been, performing my duties diligently with the satisfaction of my higher officials

Attested
M. Dutta
Advocate

including clerical staff, etc. But after a prolonged span of time in the Directorate of Census Operations, Tripura such type of Memorandum is really very shocking to me. I am to humbly inform you that my service is cent percent bonafide, legal and operative. It would be pertinent to point out herein that I am not aware of the Rules, etc. as quoted in your Memo in question and consequent upon that I would request your honour to kindly supply copy of the above mentioned Recruitment Rules for the post of peon and other relevant Notifications for making proper reply against the Memo otherwise it would not be possible on my part to make reply against the Memo thereof.

I would also request your honour to kindly drop / close the matter considering the fact that I have not suppressed any material fact in respect of my age and qualification and also in consideration of the fact that I belong to OBC, a weaker section of the society of India.

Therefore, I would humbly request your kind to supply copies of the relevant Rules, etc. and allow me at least three months time for making reply for which I have been asked for and I do hope that your honour will be graciously pleased to supply the materials as sought for the ends of natural justice, and oblige there by.

Dated, Agartala.
The 19th June, 2006.

Yours faithfully,

Chinmoy Nath

(Chinmoy Nath)

Peon

Directorate of Census
Operation
Tripura, Agartala.

- 5 JUN 2007

गुवाहाटी न्यायालय
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

82
Deputy Director, Tripura
Census Operation, Tripura
Guwahati Bench
Date : 10/07/2007
File No. 2007
APPLICANT

OA NO. 157/2006

SHRI CHINMOY NATH

.....APPLICANT

-VERSUS-

UNION FO INDOA & ORS

.....RESPONDETS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

I, Shri R. R. Meena, Deputy Director, Office of the Director of Census Operations, Tripura, Agartala, do hereby solemnly affirm and submit as follows:

That I, Deputy Director, Office of the Director of Census Operations, Tripura, Agartala, am acquainted with the facts and circumstances of the case. I have gone through copy of the Original Application and have understood the contents thereof save and except whatever is specifically admitted in this written Statement, the other contentions and statements made in the application may be deemed to have been denied. I am authorized to file this Written Statement on behalf of all respondents.

Brief facts on the appointment of Shri Chinmoy Nath, Peon in DCO, Tripura

The office of Registrar General, India had instructed all the DCOs including DCO, Tripura vide letter No. 12011/4/2000-Ad-IV dated 14.2.2000 that direct recruitment from open market is not to be made in any case for filing p Group 'C' and 'D' posts sanctioned for Census of India, 2001. Further, the ORGI vide its letter No. 12011/16/2000- AD-IV dated 16.8.2001 had instructed that there would be a complete ban on appointment from open market. It was clarified that under no circumstances DCO would resort to ad-hoc appointment from open market. In violation of the directions of ORGI, Shri K.D.Nath, the then Director purposely had sent a requisition to Employment Exchange on 10.7.2000 for the nomination of candidates for filing up 1 vacancy of Peon so that he could appoint his real brother in the office and did not care for the directions of the Head of Department, Registrar General, India.

(i) Age and (ii) Essential Qualification required for the post of Peon as mentioned in the Recruitment Rules notified on 22.12.1973 are as under.

Age for direct recruitment	Educational and other qualifications required for direct recruitment
25 years	Middle School standard pass from recognized school

The date of birth of the applicant is 1.9.1970. The Requisition was sent by the then Director to the Employment Exchange on 10.7.2000. The applicant was 29 years and over 10 months of age on the date on which, the requisition was sent by him to Employment Exchange. The applicant being an OBC candidate, he age could be relaxed up to 3 years maximum. Thus in his case, the eligibility was 28 years (25 years for general candidate+3 years for OBC). But the applicant was over aged, yet the then Director had with a malafide intention and to get his brother selected for the post, had mentioned in the requisition sent to Employment Exchange that upper age limit for candidates would be 27 years + 3 years OBC and 5 years SC/ST in violation of 25 years mentioned in the Recruitment Rules. Conceivably then, in the requisition, if the then Director had mentioned the correct upper age limit (25 years) as prescribed in the Recruitment Rules, the applicants name would not be forwarded by the Employment Exchange for the post of Peon as he was over aged, (29 years and 10 months old).

In the Recruitment Rules, the educational qualification prescribed for the post of Peon is middle school pass. But the then Director had malafidely added on his own a higher qualification i.e., Middle School; standard pass from recognized school; or above, higher qualification i.e., School final", in the requisition sent to the Employment Exchange. By doing so, he had not only exceeded his jurisdiction which he had apparently done favor to the applicant.

The selection procedure adopted for the appointment of Shri Chinmoy Nath was gain malafide Shri K. D. Nath, the then Director had constituted a Selection Committee on 18.08.2000 for conduction interview of candidates for the post of Peon which consisted of-

1. Shri R. C. Meena, Investigator	- Chairman
2. Shri D. B. Bhattacharjee, Investigator	- Member

3. Shri G. Saikia, Investigator	- Member
4. Shri A.B. Das, Office Supdt.	-Member

The Chairman and all the other members of the Selection Committee were Group- 'B' (Non- Gazetted) officials. As per instructions, for conducting interview of candidates of Group 'C' & 'D' posts, sufficiently senior level officers should be members of the Selection Committee. Generally atleast a Group 'A' gazetted officer heads such DPCs. An Asstt. Director, (Gazetted Officer was available in the DCO, Tripura. He was understandably on leave and decided to set up the Committee and hold interview of candidates in an unseemly hurry. Thus, without caring for instructions, the then Director not only constituted the Selection Committee consisting only for Non- Gazetted staff (Chairman and Members) but also proceeded to get the interested candidates in 3 days time on 21.8.2000. The applicant, Shri Chinmoy Nath was selected by the Committee whose constitution is questionable, as the constitution of Selection Committee was completely in violation of Government of India's instructions which stipulates that the Chairman of Group 'D' DPC should be an officer (Extracts of Department of Personnel and Training OM No. 39016/9(S/89-Estt.B dated 16th August 1990 R- 1) and more none of its members was a gazetted officer. The then Director had only officials in the committee who were all non-gazetted and his subordinates with the apparent intention to influence the selection. This is supported by the fact that the Committee selected his brother who was overage. Further, Shri K. D. Nath had done it knowing fully well that there was a ban order of the Head of Department against direct recruitment. He flouted it all, as he wanted to get his brother appointed.

It is clear that the then Director did not care for the circulars regarding ban on direct recruitment issued by the Register General, India on 14.2.2000 and 16.8.2000. He had full knowledge of the ban orders, yet he has acted arbitrarily and without seeking the approval of the Head of the Department and has got his brother selected/appointed malafidely and in violation of instructions/rules.

Thus, the applicant has been selected for the post of Peon in violation of instructions/rules. If the selection was made in accordance with the laid down Rules in which equal chance was afforded to all those who were eligible, he may not have qualified and perhaps, a more deserving candidate would have been selected. This action on the part of the then Director has been malafide and has

deprived the rightful claim of other deserving candidates. Therefore, the appointment of the applicant is *prima facie null & void* and should be struck down. Separate action has been initiated against the Director for this act, which is unbecoming of a Government Servant. [] ←

The answering respondents pray before the Hon'ble Tribunal that the Brief facts of the case may be treated as a part of the Written Statement.

- 1) That with regard to the statement made in paragraph 1 of the OA, the respondents beg to offer no comment except prayer of the applicant for treating him regular Peon. The detailed reply in this regard has been given in reply to the paragraph 4.3 to the OA.
- 2) That with regard to the statement made in paragraph 2 of the OA, the respondents beg to offer no comment.
- 3) That with regard to the statement made in paragraph 3 of the OA, the respondents beg to submit that the applicant has not exhausted the proper channel to redress his grievances. He has submitted his representation on 19.6.2006 on which a decision is yet to be conveyed to him. The applicant should have waited from the competent authority. Therefore the OA, filed by the applicant is liable to be dismissed.
- 4) That with regard to the statement made in paragraph 4.1 and 4.2 of the OA, the respondents do not offer comments.
- 5) That with regard to the statement made in paragraph 4.3 of the OA, the respondents while denying the contentions made therein beg to state that a number of irregularities/lapses were made in the appointment of Shri Chinmoy Nath, the applicant by the then Director, Shri K. D. Nath who was his own brother. Firstly the Office of registrar General, India (ORG) had instructed all the DCOs including DCO, Tripura vide letter No. 12011/4/2000-Ad-IV dated 14.2.2000 (Annexure- I) that direct recruitment from open market is not to be made in any case for filing up Group 'C' and 'D' posts sanctioned for Census of India, 2001. Further, the ORG vide its letter No. 12011/16/2000-Ad-IV dated 16.8.2000 (Annexure-II) again instructed that there will be a complete ban on

appointment from open market. It was clarified that under no circumstances DCO will resort to ad-hoc appointment from open market. In violation of the directions of ORGI, Shri K. D. Nath the then Director purposely sent a requisition (Annexure-III) to Employment Exchange on 10.7.2000 for the nomination of candidates for filing up 1 vacancy of Peon so that he could appoint the applicant in his office and did not care for the Directions of the Head of the Department, Registrar General, India.

Secondly (i) Age (ii) Essential Qualification required for the post of Peon as mentioned in the Recruitment Rules notified on 22.12.1973 (Annexure-IV) are as under:

Age for direct recruitment	Educational and other qualifications required for direct recruitment
25 years	Middle School standard pass from recognized school

Date of birth of the applicant is 1.9.1979. The requisition was sent by the then Director to the Employment Exchange on 10.7.2000. The applicant was 29 years and over 10 months of age on the date on which the requisition was sent by him to Employment Exchange. The applicant being OBC was eligible for the post only up to the age of 28 years (25 years for general candidates +3 years for OBC). The applicant was over aged but the then Director wanted to appoint the applicant in his Directorate as a Peon. In order to make him eligible for the post of Peon he had purposely mentioned in the requisition sent to Employment Exchange the upper age limit for candidates as 27 years +3 years OBC and 5 years SC/ST (Annexure-III) instead 25 years mentioned in the Recruitment Rules. In case, the requisition sent to upper limit of 25 years as prescribed in the Recruitment Rules, the applicant would have been disqualified for appointment as Peon as he was over aged, 29 years 10 months old.

Thirdly, in the Recruitment Rules the educational qualification prescribed for the post of peon was middle school pass but since the applicant was possessing higher qualification (matriculation), the then Director purposely on his own added higher qualification i.e. Middle School standard pass from recognized school or above, higher qualification i.e. school final, in the requisition sent to the Employment Exchange. This appears to have been done purposely to make the applicant

apparently better than other eligible candidates. He was disqualified for appointment to the post of Peon as Stated above. Therefore, the application of the Applicant is liable to be dismissed.

Fourthly, the selection procedure adopted for the appointment of the applicant was against the Rules; as a close relative of a candidate couldn't participate/ take decision in the actual selection process. The Selection Committee formed by the then Director on 18.8.2000 (Annexure- V) for taking interview of candidates for the post of Peon, consisted of Chainman and 3 other members but all were Group- 'B' employees of the DCO. As per instructions sufficiently senior level Officers should be the Member of the Selection Committee for taking interview of the candidates for Groups 'C' and 'D' posts. One Asstt. Director, (Gazetted Officer) was available in the DCO Tripura who was on leave for short duration. The then Director should have waited for the return of Asstt Director from leave and only thereafter interview of candidates should have been taken. But he did not care for the instructions and constituted a Selection Committee, which consisted only Non- Gazetted staff (Chairman and Members), which had conducted interview on 21.8.2000 in which the applicant was selected. The constitution of the Section Committee was totally illegal as none of its member was Gazetted Officer. Shri K. D. Nath utilized his influence on the illegal Section Committee to select the candidate who was over aged. Shri K D Nath was fully aware regarding ban order of the Head of Department for direct recruitment but he wanted to appointment the applicant.

Thus, it is very clear that the then Director did not care for the circular regarding ban on Direct Recruitment issued by the Registrar General, India (Head of Department) on 14.2.2000 and 16.8.2000. He was fully aware about the said ban orders but acted arbitrarily without seeking the approval of the Head of the Department and appointed the applicant in violation of all instructions/ Rules by hook or crook. It is pertinent to mention here that disciplinary action has already been taken against Shri K D Nath for his illegal and unauthorized action. Hence the averments made by the applicant have no merit and liable to be dismissed.

- 7) That with regard to the statement made in paragraph 4.4 of the OA, the respondents while denying the contentions made there in beg to state that as explained in the preceding paragraph, the recruitment procedure adopted was not against the rules in so much as a close relative cannot participate /take decision

directly or indirectly in the matter of recruitment, promotion, etc. of their own relations. In this case, Chairman and other members of the Selection Committee were Group B Non- Gazetted staff of the same office. Shri Nath did not directly participate in the selection procedure but managed to constitute it in such a manner that he could influence the decision taken by the Committee. The then Director, Shri K. D. Nath, was well aware of the fact that there is a ban on direct recruitment (Letter No. 12011/4/2000-Ad.IV dated 14.02.2000). ^{inspite} ~~in spite~~ of this, he appointed the applicant as peon arbitrarily and in violation of the rules and procedure set by the Government of India.

- 8) That with regard to the statement made in paragraph 4.5 of the OA, the respondents beg to state that *Shri Chinmoy Nath* was appointed against a temporary vacancy of Peon, arising on promotion of its incumbent against the temporary post of Dafty created for Census 2001. The tenure of this post was extended further and simultaneously the tenure of the person appointed as Dafty was extended. The appointment of Shri Chinmoy Nath as Peon was also ^{extremely} by the then Director of Census Operations. Since, the initial appointment of the applicant itself is illegal, all extension thereafter cannot be treated as regular.
- 9) That with regard to the statement made in paragraph 4.6 of the OA, the respondents beg to state that as already explained in the preceding para, procedure for appointment of the applicant as Peon was illegal and arbitrary, therefore his subsequent regularization by the Selection Committee headed by Shri K.D. Nath himself cannot be treated as regular. In fact, all rules & regulation were violated in his case to the extend that when no post of Peon was available in the Directorate (on the reversion of Datry to his parent cadre of Peon, when the post was diverted to the Office of Registrar General, India vide letter No. A. 11020/1/99-Ad.II dated 09.01.2004, Annexure-VII), the applicant was appointed temporarily against the vacant post of Chowkidar (the Chowkidar was appointed as Driver on deputation basis). When the post of Dafty was subsequently resorted to the Directorate of Census Operations, Tripura, the appointment order of the applicant to the post of Chowkidar was withdrawn and he was re-appointed as Peon (Annexure-VII to (IX)). This proves that no concern was shown to the rules and regulations in this case. The applicant continued to work in the Office

with the connivance of the then Director who misused his powers. This is pertinent to mention here that a disciplinary action has been taken against Shri K. D. Nath, the then Director for his arbitrary and unauthorized action.

- 10) That with regard to the statement made in paragraph 4.7 of the OA, the respondents beg to state that the absorption of the applicant with effect from 24.11.2004 as Peon is irregular. It was done by the Committee headed by the then Director of Census Operations, Shri K. D. Nath, who is brother of the applicant, Shri Chinmoy Nath. The Committee, which was constituted by Shri K. D. Nath without the approval of the competent authority. This was done with a view to regularize the appointment of Shri Chinmoy Nath against the regular vacancy of Peon, which occurred in the Directorate. However, the method of regularization is irregular, arbitrary and against the rules.
- 11) That with regard to the statement made in paragraph 4.8 of the OA, the respondents beg to state that as already explained in the preceding paragraphs the recruitment of the applicant is irregular. When this irregular came into light, the competence authority decided it, which is the Registrar General, India to issue a notice to the applicant against whom this application has been filed.
- 12) That with regard to the statement made in paragraph 4.8, 4.10 and 4.11 of the OA, the respondents while denying the contentions made therein beg to state that a copy of the Recruitment Rules is attached as Annexure-VI. Extension of time for 3(three) months for filing a reply to the notice, as requested by the applicant is not necessary as the matter is now already under jurisdiction of Hon'ble CAT. The applicant claims that he has not suppressed any facts regarding his age, qualification etc. and has rendered nearly 6 years of service satisfactorily. This cannot be accepted as a plea for regularizing his appointment to the post of Peon, which was done illegally by his real brother who misused his authority with total disregard to other eligible candidates. Therefore, the applicant's case does not merit any consideration and deserves to be rejected.

- 13) That with regard to the statement made in paragraph 5, 5.1 to 5.9 of the OA, the respondents beg to deny the contentions made therein for reasons explained in the preceding paragraphs.
- 14) That with regard to the statement made in paragraph 6 and 7 of the OA, the respondents beg to state that the applicant has not exhausted the remedies available to him as he has not awaited for the decision of the Competent Authority.
- 15) That with regard to the statement made in paragraphs 8, 8.1 to 8.3 of the OA, the respondents beg to submit that application has no merit and liable to be dismissed with cost to established the rules of law in view of the position explained in the preceding paragraphs wherein it has been stated that the appointment of the applicant was completely invalid, illegal and irregular as per Recruitment Rules which has been made under constitutional provision of the Article 309 of the Constitution of India .
- 16) That with regard to the statement made in paragraph 9 of the OA, the respondents pray that the interim order passed by the Hon'ble CAT, Guwahati Bench on 23.06.2006 may pleased be vacated as the claim of the applicant is devoid of any merit and deserves to be rejected.

VERIFICATION

I, Shri R. R. Meena, Deputy Director, Office of Census Operations, Tripura, Agartala, aged about 46 years. who is one of the respondents and taking steps in this case, being duly authorized and competent to sign this verification for all respondents, do hereby solemnly affirm and state that the statement made in paragraph

15, 16 are true

to my knowledge and belief, those made in paragraph

1 to 14 being matter of records, are

true to my information derived there from and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this 4th day of January 2007 at Guwahati.


DEPONENT
Deputy Director,
Census Operation, Tripura

"REGENLIND"

S/o/No. 12011/4/2000-Ad.IV

गार्य सलाह
GOVERNMENT OF INDIAगृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYAभारत के महा रजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA

Annexure - I

नई दिल्ली, दिल्ली 2/A, Mansingh Road,
New Delhi, the

14.02.2000

To,

All DCOs,

Subject : Filling up the post sanctioned for Census of India-2001.

Sir,

I am directed to say that a number of posts have been sanctioned for Census of India-2001. These posts are required to be filled in as early as possible. As you are aware all the Group 'C' posts sanctioned for the above Census and the vacancies caused in Group 'C' and 'D' categories due to promotion in higher grades are to be filled by DCOs and the posts coming under Group 'A' and 'B' are to be filled by this office. You are requested to ensure that the posts available for Census of India - 2001 in Group 'C' and 'D' are filled in only either by promotion or on deputation basis in accordance with the provisions of Recruitment Rules. Direct recruitment from open market is not to be made in any case for the above posts. A suggested model 'order' for promotions against above mentioned posts is enclosed, which may be used with suitable need based modifications.

If some of the officials appointed against Census of India - 2001 posts have to be regularised later, on availability of long-term vacancies due to retirement etc, separate orders for their regularisation must be issued.

So far as Group 'B' posts are concerned you are requested to send by 25th February 2000 the A.C.R. dossiers for last 5 years, vigilance clearance and seniority list of the feeder grades of each category of Group 'B' posts to enable us to process the cases for their promotions. Where eligible persons are not available for promotion against Group 'B' posts, action to fill up the post on deputation may be initiated by the directorate. Action taken in this regard be communicated to ORGI.

All posts, to be filled in by deputation may be advertised in leading newspapers and Employment News, through DAVP, in addition to circular to Govt. of India and State Govt. offices etc.

Yours' faithfully,

R. Singh

भारतीय राजनीतिकार्यालय
मंत्रालय, दृष्टि भवान, २५ मानसिंह रोड, नई दिल्ली ११० ०११

OFFICE OF THE REGISTRAR GENERAL, INDIA

(Government of India, Ministry of Home Affairs)

2A MANSINGH ROAD, NEW DELHI 110 011

100%
SUS OF PWD
PEOPLES ORIENTED

Ref. No.: 12011/16/2000-Ad. IV

Date: 16.08.2000

To,

All DCOs/Language Division.

Subject: Guidelines for filling up Group 'C' and 'D' posts.

Sir/Madam,

I am directed to say that it has been observed that large number of Court Cases have arisen due to non-compliance of Government rules and procedures relating to filling up of posts. All the DCOs/Language Division are requested to kindly avoid irregularities in appointments and promotion and follow rules and procedures laid down by Government in this regard.

For the sake of uniformity within the Office of RGI(HQ), Language Division at Calcutta and various Directorates, following guidelines are provided for compliance :-

For promotion to selection post : If, according to Recruitment Rules, the post proposed to be filled up by promotion, happens to be a selection post, the bench mark would be 'Good'. Though requisite number of persons would be considered according to guidelines relating to zone of consideration, the senior most person will be promoted to the post, if he/she satisfied the required bench mark of 'Good'. He/she may not be superseded by a junior official because the junior official happens to be having 'Very Good' or 'Outstanding' C.R.s.

Sometime questions are raised about who can be categorized as 'Good'. It is clarified that an official having majority of C.R.s as 'Good' would be categorized as 'Good'. For example, if five C.R.s are to be considered for promotion to a particular post and if senior most official in the feeder grade happens to be having three 'Good' and two 'Average' C.R.s, he may be graded as 'Good' and granted promotion.

For promotion to non-selection post : If, according to Recruitment Rules, promotions have to be given on "non-selection basis", the DPC need not make a comparative assessment of the record of officers and it should categorize the officers as 'Fit' or 'Not yet fit' for promotion on the basis of assessment of their record of service. If the senior most official in the feeder grade is categorized as 'fit' for promotion, he/she should be granted promotion even if the C.R.s of persons below him happen to be better.

Appointment by deputation : Though Directorates of Census Operations are empowered to make appointments to Group 'C' and 'D' posts, appointment by deputation, even to Group 'C' and 'D' posts, have to be approved by the RGL. Guidelines regarding appointment by deputation have been issued in recent past. However, it has been observed that several Directorates have been issuing vacancy circulars by specifying short time limit for receipt of applications. By the time the advertisement is published in Employment News, the last date is either over or is about to be over in a few days. According to Government instructions on the subject, a minimum time of two months should be allowed for the receipt of nominations. This can be reduced to six weeks, where there are compelling reasons to fill up the vacancy on urgent basis. Since, DAVP also takes some time in publishing the advertisement in Employment News, it would be better if, instead of specifying a date in the vacancy circular, last date is mentioned as "six weeks from the date of publication in Employment News".

It has also been observed that adequate efforts are not made to obtain C.R. dossiers and vigilance clearance of outside applicants. Adequate efforts in this regard may be made so that all eligible candidates are considered for appointment on deputation basis.

Complete ban on ad-hoc appointment from open market

In spite of clear directions issued in this regard during last few months, requests are still being received for filling up of posts by ad-hoc recruitment through Employment Exchange. It is reiterated that this option is not at all available and under no circumstances DCOs will resort to ad-hoc appointments from open market. Similarly, appointments on daily wages is also banned.

This issues with the approval of RGL.

Yours faithfully,

M. R. Singh

(M. R. Singh)
Under Secretary to the Govt. of India

Copy to Ad. II Section,

FORM FOR NOTIFICATION OF VACANCIES TO THE
EMPLOYMENT EXCHANGE BY BOTH ACT AND NON-ACT
ESTABLISHMENT.

Annexure - III

1. Name & address of the employer : Shri K.D.Nath, Director,
4/1, Krishnanagar, Agartala,
West Tripura.

2. Telephone number of employer, if any : 22-2225

3. Nature of vacancy : Peon (Group-D)

a) Type of workers required (Designation) : For attending the office work,
messengerial duties etc.

b) Description of duties : Middle School standard pass from a
recognised school or above. Higher
qualification i.e. school final.

c) Qualifications required : (Age 27 years) + 3 years OBC & 5 years
SC/ST as on 31.7.2000.

d) Age limits, if any : Yes

e) Whether women are eligible : 1 (one) Temporary

4. Number of vacancies : 1 (one) Regular

a) Regular : 1 (one) Temporary

b) Temporary : 1 (one) Regular

5. Pay & allowances : Rs. 2,550-55-2,660-60-3,200/- plus all
admissible to Central Govt. employees.

6. Place of work (name of Town/village) : Agartala, Tripura

7. Probable date by which the vacancy will be filled : Immediately.

8. Particulars regarding interview/test of applicants : To be intimated to the candidates
directly from this office.

a) Date of interview/test : Shri K.D. Nath, Director
b) Time of interview/test : 14/1, Krishnanagar, Agartala,
c) Place of interview/test : West Tripura.

d) Designation and dress of the person to whom applicants should report : Shri K.D. Nath, Director
14/1, Krishnanagar, Agartala,
West Tripura.

9. Whether there is any obligation of arrangements for giving preference to any category of persons in filling up the vacancies e.g. : 1 (one) Un-reserved

Scheduled Castes/Scheduled Tribes
Priority applicants, Ex-service
man etc. (also please indicate the number of vacancies reserved for SC/ST)

10. Any other relevant information : Names of candidate only with the essential qualification indicated in col. 3 above may be sponsored within 15 days from the date of receipt of the notification.

No.A.12024/2/80-Estt.

Dated, the 10 JUL 2010

To
The Sub-Regional Employment Officer,
Government of Tripura,
Agartala.

Uphill L.T.Y.
DICTION, COTTON OPERATION, TRIPURA

16. Proof Reader	2	General Central Service, Class III	Rs. 150-5-175-6-205-EB-7-240	Not applicable	25 years	Essential :
		Non-gazetted, Non-Ministerial				1. Matriculation or equivalent. 2. Two years' experience of proof correction in a Government Office/Press or private press of repute.
17. Drafter	4	General Central Service, Class III, Non-gazetted, Non-Ministerial	Rs. 150-5-175-6-205-EB-7-240	Not applicable	25 years	Essential :
						1. Matriculation or equivalent. 2. Diploma in Commercial or Fine Art or Draughtsmanship from a recognised Institution with some knowledge in drawing maps, charts and book covers.
						Desirable : At least one year's experience as Drafter-cum-Artist.
8	9	10	11	12	13	
Not applicable	2 years	By transfer on deputation failing which, by direct recruitment.	Transfer on deputation : From among suitable proof readers of Central/State Government Presses. (Period of deputation ordinarily not exceeding 3 years).	Not applicable	Not applicable	Not applicable.
Not applicable	2 years	By direct recruitment, failing which, by transfer on deputation.	Transfer on Deputation : Suitable officials from Central/State Survey Offices. (Period of deputation ordinarily not exceeding three years)	Not applicable	Not applicable	Not applicable.

[No. 4/80/71-RG(Ad.I)]

सा. का. नि. 1387.—संविधान के अनुच्छेद 309 के परन्तु क्षारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रपति जनगणना कार्य निदेशक और पदेन जनगणना कार्य अधीक्षक त्रिपुरा के कार्यालय में श्रेणी 3 और श्रेणी 4 के पदों की भर्ती का विनियमन करने वाले निम्नलिखित नियम एतद् इवारा बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और ग्रामभ.—इन नियमों का नाम जनगणना कार्य निदेशक और पदेन जनगणना कार्य अधीक्षक, त्रिपुरा का कार्यालय (श्रेणी 3 और श्रेणी 4 के पद) भर्ती नियम, 1973 है।

(2) ये नियम शासकीय राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. लागू होना.—ये नियम संलग्न अनुसूची के कालम 1 में निर्दिष्ट पदों पर लागू होंगे।

3. पदों की संख्या, वर्गीकरण और वेतनमान.—उक्त पदों की संख्या, उनका वर्गीकरण और उनके वेतनमान वे होंगे जो संलग्न अनुसूची के कालग 2 से 4 तक में विविर्दिष्ट हैं।

4. भर्ती की पद्धति, आयु-सीमा और अर्हताएं आदि.—उक्त पदों पर भर्ती की पद्धति, आयु-सीमा, अर्हताएं और उनसे संबंधित अन्य बातें वे होंगी जो उक्त अनुसूची के कालम 5 से 13 तक में विविर्दिष्ट हैं।

5. निरर्हताएं.—वह व्यक्ति—

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

(ख) जिसने अपने पति या अपनी पत्नी के जीवित होते हुए किसी व्यक्ति से विवाह किया है, या विवाह करना स्थिर किया है, सेवा में नियुक्ति का पात्र नहीं होगा,

परन्तु वर्दि केन्द्रीय सरकार का समाधान हो जाए कि एसा विवाह एसे व्यक्ति और विवाह के अन्य पक्षकार को लागू स्वीकृति के अधीन अनुमति दी जाए एसा करने के लिए अन्य आधार माँजूद हैं तो वह किसी व्यक्ति को इस नियम के प्रवर्तन से छूट दे सकती।

6. अपवाद.—इन नियमों की किसी चात का, इस संबंध में केन्द्रीय सरकार इवारा समय-समय पर चाती किए गए आदेशों के अनुसार अनुसूचित जातियों तथा अनुसूचित आदिम जातियों और अन्य विशिष्ट वर्गों के व्यक्तियों के लिए अपेक्षित आरक्षणों और अन्य रिचायतों पर कोई प्रभाव नहीं पड़ेगा।

7. छूट देने की शर्ति.—जहां केन्द्रीय सरकार की राय हो कि एसा करना आवश्यक या समीचीन है वह, उसके लिए जो कारण है उन्हें लिपिबद्ध करके तथा संघ लोक सेवा आयोग से परामर्श करके, इन नियमों के किसी उपबंध, से किसी वर्ग या प्रवर्ग के व्यक्तियों या पदों की बात, आदेश इवारा छूट दे सकेगी।

परिशिष्ट

जनगणना कार्य निदेशक और पदेन जनगणना कार्य अधीक्षक, बिहार के कार्यालय में थेणी III और थेणी IV के पदों के लिए भर्ती के नियम

पद का नाम	पदों की संख्या	वर्गीकरण	वेतनमान	प्रवरण पद है या अप्रवरण	सीधी भर्ती वालों सीधी भर्ती वालों के लिए शैक्षणिक और अन्य अर्हताएँ	प्रतिशिष्ट	
1	2	3	4	5	6	7	
1. सुधा सहायक	1	सामान्य केन्द्रीय देवा थेणी III अराजपत्रित अनुचित्रीय	रु 350-20-450. द०रो०-२५- 475	लागू नहीं होता	35 वर्ष	अनिवार्यः (1) किसी मान्यता प्राप्त विश्वविद्यालय की स्नातकीय उपाधि। (2) किसी सरकारी कार्यालय प्रसिद्ध वाणिज्यिक संस्थान (कम) में स्थायना, रोकड़ और लेखा संबंधी विषयों का न्यूनतम 5 वर्ष का अनुभव	
2. लेखाकार	1	सामान्य केन्द्रीय देवा थेणी III दृश्यजपत्रित अनुचित्रीय	रु 210-10- 290-15-320 द०रो०-१५- 380	प्रवरण	25 वर्ष	अनिवार्यः (1) किसी मान्यता प्राप्त विश्वविद्यालय या समाज संस्थान की स्नातकीय उपाधि, आदि वाणिज्यिक विषय की उपाधि ही तो अधिक उत्तम होगा। (2) किसी सरकारी कार्यालय या मान्यता प्राप्त सार्वजनिक संस्थान में प्रशासनिक लेखा और बजट कार्य का तीन वर्ष का अनुभव और सरकारी विभागों लेखा, बजट और वित्तीय मामलों सम्बंधित नियमों और विनियमों का विस्तृत ज्ञान	
स्था सीधी भर्ती वालों के लिए नियमीकृत शैक्षणिक अवधि यदि भर्ती या पदोन्नति या प्रतिनियुक्ति स्थानान्तरण द्वारा भर्ती की जानी हो तो किन ग्रेडों से पदोन्नति प्रतिनियुक्ति/स्थानान्तरण किया जाना है	क्या भर्ती की पद्धति अवर्तत सीधी विभागीय वे परिस्थितियां जिनमें भर्ती या पदोन्नति या प्रतिनियुक्ति स्थानान्तरण द्वारा भर्ती की जानी हो तो उसकी संरचना सेवा आयोग से क्या है परीक्षण किया जाना है						
नहीं	2 वर्ष	स्थानान्तरण/स्थानान्तरण पर प्रतिनियुक्ति द्वारा और ऐसा न हो सकने की स्थिति में सीधी भर्ती द्वारा	पदोन्नति: संहायक ग्रेड (रु 210-10-290-15- 320-द०रो० 15-4-425) में तीन वर्ष की नियमित सेवा वाले सहायक स्थानान्तरणः राज्य सरकार में या भारत सरकार के अन्य किसी विभाग में किसी समकक्ष पद पर काम करने वाले उपयुक्त कर्मचारी को स्थानान्तरित करके। प्रतिनियुक्ति पर स्थानान्तरणः केन्द्रीय सरकार/राज्य सरकार के व उपयुक्त कर्मचारी, जिनकी सेवा रु 210-380 या इससे अधिक वेतनमान में 5 वर्ष हो चुकी हो, और उन्हें बजट और लेखा कार्य का अनुभव हो, और कार्यालय पद्धति और नियमों की जानकारी हो। (प्रतिनियुक्ति की अवधि साधारणतः 3 वर्ष से अधिक नहीं होगी)	पदोन्नति: रु 130-5-160-8-200-द०रो० 8-256 द०रो०-8-280-10-300 के ग्रेड में तीन वर्ष की नियमित सेवा वाले उच्च थेणी लिपिक प्रतिनियुक्ति पर स्थानान्तरणः केन्द्रीय सरकार/राज्य सरकारों के कार्यालयों में प्रशासनिक, लेखा और बजट संबंधी कार्य का अनुभव रखने वाले उपयुक्त कर्मचारी (प्रतिनियुक्ति की अवधि साधारणतः तीन वर्ष से अधिक नहीं होगी)	लागू नहीं होता	लागू नहीं होता	लागू
नहीं	2 वर्ष	पदोन्नति द्वारा, और ऐसा न हो सकने की स्थिति में प्रतिनियुक्ति/स्थानान्तरण द्वारा और ऐसा न हो सकने की स्थिति में सीधी भर्ती द्वारा	पदोन्नति: रु 130-5-160-8-200-द०रो० 8-256 द०रो०-8-280-10-300 के ग्रेड में तीन वर्ष की नियमित सेवा वाले उच्च थेणी लिपिक प्रतिनियुक्ति पर स्थानान्तरणः केन्द्रीय सरकार/राज्य सरकारों के कार्यालयों में प्रशासनिक, लेखा और बजट संबंधी कार्य का अनुभव रखने वाले उपयुक्त कर्मचारी (प्रतिनियुक्ति की अवधि साधारणतः तीन वर्ष से अधिक नहीं होगी)	थेणी III विभागीय लागू नहीं होता पदोन्नति समिति			लागू

1	2	3	4	5	6	7		
3. उच्च श्रेणी लिपिक	3	सामान्य केन्द्रीय रु 130-5-160 अप्रवरण सेवा श्रेणी III 8-200-द०रो०	लागू नहीं होता	लागू नहीं होता				
		अराजपत्रित 8-256						
		अनुसंचित 8-280-10-300						
4. अवर श्रेणी लिपिक/टक्का रिकाईकीपर	7	सामान्य केन्द्रीय रु 110-3-131- लागू नहीं होता सेवा श्रेणी III 4-155-द०रो०	25 वर्ष अवर इष्ट (अराजपत्रित) 4-175-5-180 (अनुसंचित)	से. कम	(1) मैट्रिकुलेशन या समकक्ष परीक्षा । (2) (केवल टंकनों/अवर श्रेणी लिपिकों के लिए) न्यूनतम 30 शब्द प्रतिमिनट टक्का की गति और यह भी व्यवस्था की जाती है कि (क) टक्कण की उपर्युक्त योग्यता न रखने वाले व्यक्ति को इस शर्त पर नियुक्त किया जा सकता है कि जब तक वह टक्कण में न्यूनतम 30 शब्द प्रति मिनट की गति प्राप्त नहीं कर लेगा वह वेतन दृढ़ियां पाने या स्थायीकरण या स्थायीकरण का पात्र नहीं होगा । (ब) ऐसा बोई विकलांग व्यक्ति, जो अन्यथा लिपिक पद पर नियुक्त के लिये पात्र हो, परन्तु टक्कण की उपर्युक्त योग्यता न रखता हो, उसे इस शर्त पर नियुक्त किया जा सकता है कि विकलांगों के विशेष रोजगार कार्यालय से सम्बद्ध मैट्रीकल बोई यह प्रमाणित कर दे कि उक्त विकलांग व्यक्ति टक्कण कर सकने की स्थिति में नहीं है (अन्य बातें समान होने पर भूतपूर्व जन- गणना कर्मचारियों को प्राथमिकता दी जायेगी)			
5. लागू नहीं होता	8	पदोन्तति दारा 1 और ऐसा न हो सकने की स्थिति में प्रति- नियुक्ति पर स्थानान्तरण दारा ।	पदोन्तति :	श्रेणी III विभागीय लागू नहीं होता				
	9		रु 110-3-131-4-155-द०रो०-4-175 5-180 के ग्रेड में तीन वर्ष की नियमित सेवा वाले अवर श्रेणी लिपिकों/टक्कों/ रिकाई कीपरों में से वरिष्ठता और उपयुक्तता के आधार पर 66 $\frac{2}{3}$ प्रति- शत ।	पदोन्तति समिति				
	10		रु 110-3-131-4-155-द०रो०-4-175 5-180 के ग्रेड में दो वर्ष की सेवा वाले अवर श्रेणी लिपिकों में से भीमित प्रतिशो- गति के आधार पर 33 $\frac{1}{3}$ प्रतिशत ।					
	11		प्रतिनियुक्ति पर स्थानान्तरण :					
	12		केन्द्रीय सरकार/राज्य सरकार के ऐसे उपयुक्त अवर श्रेणी लिपिक जिनकी न्यूनतम सेवा उस ग्रेड में तीन वर्ष वी हो ।					
6. लागू नहीं होता	2 वर्ष	सीधी भर्ती द्वारा	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता			
7. लागू नहीं होता	2 वर्ष	सीधी भर्ती द्वारा	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता			
टिप्पणी :—	10 प्रतिशत रिक्तियां निम्नलिखित शर्तों पर (जनगणना कार्य निदेशक और परेन जनगणना कार्य अधीक्षक के कार्यालय की नियमित कर्मचारी स्थापना में सम्मिलित) श्रेणी IV के कर्मचारियों में से भर्ती ले लिए ग्राहित थी जायेगी :—							
	(क) न्यूनतम शैक्षिक योग्यता, अपूर्त मैट्रिकुलेशन या इसके समकक्ष योग्यता की शर्त पूरी करने वाले श्रेणी IV के कर्मचारियों के लिए ग्राहित विभागीय परीक्षा के माध्यम से चयन किया जायगा ।							
	(ब) इस परीक्षा के लिए अधिकतम आयु सीमा 45 वर्ष (अनुसंचित जांचों/आदिम जातियों के उम्मीदवारों के लिए 50 वर्ष) होगी ।							
	(ग) श्रेणी IV में न्यूनतम 5 वर्ष की सेवा की अनिवार्य शर्त होगी । अवर श्रेणी लिपिकों के संवर्ग में किसी एक वर्ष में होने वाली रिक्तियों में से अधिकतम 10 प्रतिशत रिक्तियां इस पद्धति से भरी जायेगी, और भरी न गई रिक्तियों को आगे नहीं ले जाया जायगा ।							

1	2	3	4	5	6	7
5. आशुलिपिक	1	मामान्य केन्द्रीय रु 210-10-290 प्रब्रह्म सेवा श्रेणी III 15-320-द० आराजपत्रित रो०-15-425 अनुमतिवीय	25 वर्ष	नवार्य :		
6. प्रब्रह्म आशुलिपिक	1	सामान्य केन्द्रीय रु ०-३०-५-१६० लागू नहीं होता 25 वर्ष सेवा श्रेणी III ८-२००-द०रो० आराजपत्रित ८-२५६-द०रो० अनुमतिवीय ८-२८०-१०- 300	25 वर्ष	(1) मैट्रिकुलेशन या इसके समकक्ष परीक्षा । (2) अंग्रेजी टंकण की न्यूनतम 40 शब्द प्रति मिनट की गति और अंग्रेजी आशुलिपि की न्यूनतम 120 शब्द प्रतिमिनट की गति होनी चाहिए ।	वांछीय :	किसी सरकारी कार्यालय या प्रसिद्ध वाणिज्यिक संस्थान में आशुलिपिक के रूप में न्यूनतम दो वर्ष कार्य करने का अनुभव
					अनुवार्य :	
					(1) मैट्रिकुलेशन या इसके समकक्ष परीक्षा । (2) अंग्रेजी टंकण और आशुलेखन में कम से कम क्रमण 40 और 100 शब्द प्रतिमिनट की गति होनी चाहिए ।	वांछनीय :
						किसी सरकारी कार्यालय या प्रसिद्ध वाणिज्यिक संस्थान में आशुलिपिक आशुटक्क के रूप में न्यूनतम एक वर्ष कार्य करने का अनुभव ।
8	9	10	11	12	13	
आयु संबंधी शर्त—नहीं	2 वर्ष	पदोन्नति द्वारा, और ऐसा न हो गकर्ते की स्थिति में प्रति- नियुक्ति पर स्थानान्तर द्वारा, और ये दोनों ही न हो सकते की स्थिति में सीधी भर्ती द्वारा	पदोन्नति :	श्रेणी III विभागीय लागू नहीं होता पदोन्नति समिति		
लागू नहीं होता	2 वर्ष	तीन वर्ष की सेवा वाने ऐसे प्रब्रह्म श्रेणी लिपिकों में से, जिनके पाप बालम 7 में निर्धारित थोप्पतां हों, आगेनेवन और टंकण की परीक्षा के माध्यम से चयन द्वारा, और ऐसा न हो सकते की स्थिति में प्रति- नियुक्ति पर स्थानान्तरण द्वारा, और ये दोनों न हो सकते की स्थिति में सीधी भर्ती द्वारा	प्रतिनियुक्ति पर स्थानान्तरण :	लागू नहीं होता	लागू नहीं होता	

	2	3	4	5	6	7
द्वाइवर	1	सामान्य केन्द्रीय रु० 110-3-131 सेवा श्रेणी III (अराजपत्रित) (अनुमतिवीय)	लागू नहीं होता 4-139	23-30 वर्ष	प्रनिवार्य :	
					(1) अंग्रेजी और हिन्दी का कार्य साधक ज्ञान।	
					(2) ड्राइविंग (गाड़ी चलाने) का व्यावसायिक ज्ञान, मोटर-यांत्रिकी की जानकारी, सामान्य रूप से चुस्त व्यवितर्त्व कार और भारी गाड़ियों को चलाने का लाइसेंस, और ड्राइविंग का न्यूनतम् 5 वर्ष का अनुभव।	
					वांछनीय :	
					किसी मान्यता प्राप्त स्कूल से मिडिल स्कूल के स्तर तक की शिक्षा प्राप्त।	
पत्ती	2	सामान्य केन्द्रीय रु० 75-1-85- सेवा श्रेणी IV अप्रवरण अप्रवरण द०रो०-2-95 अराजपत्रित	लागू नहीं होता	लागू नहीं होता		
चपरासी	10	सामान्य केन्द्रीय रु० 70-1-80- सेवा श्रेणी IV अप्रवरण द०रो०-1-85 अराजपत्रित	लागू नहीं होता	25 वर्ष	किसी मान्यता प्राप्त स्कूल से मिडिल स्कूल के स्तर तक की शिक्षा प्राप्त।	
वाचमन	2	सामान्य केन्द्रीय रु० 70-1-80- सेवा श्रेणी IV अप्रवरण द०रो०-1-85 (अराजपत्रित)	लागू नहीं होता	25 वर्ष	वांछनीय :	
					किसी मान्यता प्राप्त स्कूल से प्रायमिक स्कूल के स्तर की परीक्षा पास हो।	

8	9	10	11	12	13
लागू नहीं होता	2 वर्ष	स्थानान्तरण द्वारा, और ऐसा न हो सकने की स्थिति में सीधी भर्ती द्वारा, और ये दोनों न हो सकने की स्थिति में प्रतिनियुक्ति पर स्थानान्तरण द्वारा।	स्थानान्तरण :	लागू नहीं होता	लागू नहीं होता

लागू नहीं होता	2 वर्ष	स्थानान्तरण द्वारा, और ऐसा न हो सकने की स्थिति में सीधी भर्ती द्वारा, और ये दोनों न हो सकने की स्थिति में प्रतिनियुक्ति पर स्थानान्तरण द्वारा।	स्थानान्तरण :	कालम 7 में निर्धारित योग्यताओं वाले (इस कार्यालय के) नियमित श्रेणी IV, कर्मचारियों में से ड्राइविंग आदि की परीक्षा द्वारा।	लागू नहीं होता	लागू नहीं होता
लागू नहीं होता	2 वर्ष	पदोन्नति द्वारा	पदोन्नति :	केन्द्रीय सरकार/राज्य सरकार के कार्यालयों में समान/समंकक्ष पदों पर कार्य करने वाले व्यक्ति (प्रतिनियुक्ति की अवधि साधारणतः 3 वर्ष से अधिक नहीं होगी)	श्रेणी IV विभिन्नीय लागू नहीं होता	पदोन्नति समिति
लागू नहीं होता	2 वर्ष	सीधी भर्ती द्वारा	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता

1	2	3	4	5	6	7
11. सारणीकरण अधिकारी/ वरिष्ठ तकनीकी सहायक	3	सामान्य केन्द्रीय सेवा श्रेणी III (अराजपत्रित) (अननुसंचिवीय)	रु 350-20-450-द०रो० 25-475।	प्रदरण	25 वर्ष	अनिवार्यः किसी मान्यता प्राप्त विश्व विद्यालय से गणित सांख्यिकी/अर्थशास्त्र (सांख्यिकी सहित) में एम०ए० या उसके समकक्ष आनंद की उपाधि।
12. सांख्यिकीय सहायक	5	सामान्य केन्द्रीय सेवा श्रेणी III (अराजपत्रित) (अननुसंचिवीय)	रु 210-10-290-15-320 द०रो०-15-425।	प्रदरण	25 वर्ष	अनिवार्यः किसी मान्यता प्राप्त विश्वविद्यालय से गणित/सांख्यिकी/अर्थशास्त्र (सांख्यिकी सहित) के विषय के साथ स्नातकीय उपाधि और किसी मान्यता प्राप्त सांख्यिकी संस्थान में दो वर्ष तक सांख्यिकी विषय का स्नातकोत्तर प्रशिक्षण।
आयु 1 नहीं/प्रैक्षणिक 2 वर्ष योग्यता कालम II में यथानिर्दिष्ट सीमा तक	8	पदोन्नति द्वारा, और ऐसा न हो सकने की स्थिति में प्रतिनियुक्ति पर स्थानान्तरण द्वारा या सीधी भर्ती द्वारा	पदोन्नति : रु 210-10-290-15-320-द०रो०-15-425 के ग्रेड में तीन वर्ष की नियमित सेवा वाले ऐसे सांख्यिकीय सहायक/कनिष्ठ अवधारक (जूनियर इन्वस्टीगेटर) जिनके पास किसी मान्यता प्राप्त विश्वविद्यालय की व्यवस्था स्नातकीय उपाधि हो।	11	12	13
लागू नहीं होता	9	पदोन्नति—50 प्रतिशत (i) 50 प्रतिशत सीधी भर्ती द्वारा, और ऐसा न हो सकने की स्थिति में प्रतिनियुक्ति पर स्थानान्तरण द्वारा	पदोन्नति : रु 150-5-160-8-240-द०रो०-8-280 10-300 के ग्रेड में तीन वर्ष की नियमित सेवा वाले कम्प्यूटर प्रतिनियुक्ति पर स्थानान्तरण :	श्रेणी III विभागीय लागू नहीं होता पदोन्नति समिति		
	2 वर्ष	(ii) 50 प्रतिशत सीधी भर्ती द्वारा, और ऐसा न हो सकने की स्थिति में प्रतिनियुक्ति पर स्थानान्तरण द्वारा	पदोन्नति : रु 150-5-160-8-240-द०रो०-8-280 10-300 के ग्रेड में तीन वर्ष की नियमित सेवा वाले कम्प्यूटर प्रतिनियुक्ति पर स्थानान्तरण :	श्रेणी III विभागीय लागू नहीं होता पदोन्नति समिति		

1	2	3	4	5	6	7
विश्व विद्यालय सांख्यिकी/अर्थशास्त्र में एम०ए० नर्स की उपाधि	3. कनिष्ठ अवैषक	1 सामान्य केन्द्रीय रु 210-10-0 सेवा श्रेणी III 290-15-320-0 (अराजपत्रित) द०रो०-१५-0 (अननुसचिवीय) 425	लागू नहीं होता	25 वर्ष	प्रनिवार्यः किसी मान्यता प्राप्त विश्वविद्यालय की सांख्यिकी/गणित/अर्थशास्त्र/भाषा/विज्ञान/ नृविज्ञान/भूगोल/समाजशास्त्र में एम०ए० या इसके समकक्ष अनन्स की उपाधि । या	
विश्वविद्यालय स्तर (सांख्यिकी/ स्नातकोत्तर ग्राप्त सांख्यिकी/ सांख्यिकी विषय वर्ष का अनुभव					गणित/सांख्यिकी/अर्थशास्त्र (सांख्यिकी सहित) विषय के साथ किसी मान्यता प्राप्त विश्वविद्यालय की स्नातकोत्तर प्रशिक्षण और किसी मान्यता प्राप्त सांख्यिकीय संस्थान में दो वर्ष की अवधि का स्नातकोत्तर प्रशिक्षण और सांख्यिकी आकड़े एकवित्त, संक- लित करने धौर उनका अर्थाभिधान करने के सांख्यिकीय कार्य का अनुभव । या	
विद्यालय की (सांख्यिकी/ के समकक्ष सांख्यिकी मान्यता/ नातकोत्तर प्राप्त वर्ष का होता					अर्थशास्त्र/भाषा/विज्ञान/नृविज्ञान/भूगोल/ समाजशास्त्र विषय के साथ किसी मान्यता प्राप्त विश्वविद्यालय की स्नात- कोत्तर उपाधि, ग्रामों, हस्तशिल्पों या अन्य सामाजिक, आर्थिक विषयों, भाषा- विज्ञान संबंधी नृविज्ञान, भौगोलिक या समाजशास्त्रीय मामलों के सर्वेक्षण का दो वर्ष का अनुभव ।	
13 होता	14. कम्प्यूटर	15 सामान्य केन्द्रीय रु 150-5-160 अप्रवरण सेवा श्रेणी III 8-240-द०रो० (अराजपत्रित) 8-280-10-0 (अननुसचिवीय) 300	25 वर्ष	प्रनिवार्यः गणित या अर्थशास्त्र या सांख्यिकी विषय के साथ किसी मान्यता प्राप्त विश्वविद्यालय की स्नातकोत्तर उपाधि ।		
				वांछनीयः किसी मान्यता प्राप्त संस्थान से कम्प्यूटर का प्रमाण पत्र । या		
				सांख्यिकीय आंकड़े इकट्ठे करने और कैलकुलेटिंग मशीनों को प्रयोग करने का एक वर्ष का अनुभव ।		

लागू नहीं होता लागू नहीं होता
 श्रैणी III विभागीय लागू नहीं होता
 प्रदूषक गमिति

रु 130-5-160-8-1200-द०रो-8-256-
द०रो-8-280-8-300 के ग्रेड में तीन
वर्ष की नियमित सेवा वाले उच्च श्रेणी
लिपिक ।

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1	2	3	4	5	6	7
15. सहायक संकलनकर्ता	14. सामान्य केन्द्रीय रु 110-3- सेवा श्रेणी III 131-4-155- (प्राराजपत्रित) द०रो-०-175- (अनन्तुमित्रीय) 5-180	लागू नहीं होता	21 वर्ष	अनिवार्य :		
16. ड्राफ्टसमैन	2. सामान्य केन्द्रीय रु 150-5-175- सेवा श्रेणी III 6-205-द०रो- 7-240	लागू नहीं होता	25 वर्ष	(1) मैट्रिकुलेशन या इसके समकक्ष परीक्षा (2) कैलकुलेटिंग सशीलों के प्रयोग में दक्षता		
				या यांत्रिक सारणीकरण के उपस्कर वाले किसी कार्यालय या कर्म में कोडिंग यीर परियों का अनुभव		
				अनिवार्य :		
				(1) मैट्रिकुलेशन या इसके समकक्ष परीक्षा (2) किसी मान्यता प्राप्त संस्थान से वाणिज्य या ललित कला या ड्राफ्टसमैन शिष्य में डिप्लोमा और नवजो चार्ट और पुस्तकों के आवरण पृष्ठ तैयार करने का कुल जीत।		
				वंछनीय :		
				ड्राफ्टसमैन और आटिस्ट के रूप में न्यूनतम एक वर्ष का अनुभव		
8	9	10	11	12	13	
लागू नहीं होता	2 वर्ष	सीधी भर्ती द्वारा	लागू नहीं होता	लागू नहीं होता	लागू नहीं होता	
लागू नहीं होता	2 वर्ष	सीधी भर्ती द्वारा, और ऐसा न हो सकने की स्थिति में प्रतिनियुक्ति के उभयुक्त केन्द्रीय/राज्य सर्वेक्षण कार्यालयों के उभयुक्त कर्मचारी।	प्रतिनियुक्ति पर स्थानान्तरण के उभयुक्त कर्मचारी।	लागू नहीं होता	लागू नहीं होता	
			(प्रतिनियुक्ति की अवधि साधारणतः 3 वर्ष से अधिक नहीं होगी)			

[सं ४/३६/७१-आर० जी० (ए० ड००.२)]

ए० चन्द्र शेखर
भारत के पदेन महापंचीयक और भारत सरकार

गृह मंत्रालय में अतिरिक्त सचिव

5. Disqualifications.—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 any of the said posts.

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

7. Power to relax.—Where the Central Government is of 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 of persons or posts.

G.S.R. 1387.—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 Class III and Class IV posts in the Office of the Director of Census Operations and ex-officio Superintendent of Census Operations, Tripura namely :—

2. Short title and commencement.—(1) These rules may be called the Office of the Director of Census Operations and ex-officio Superintendent of Census Operations, Tripura (Class III and Class IV posts) Recruitment Rules, 1973.

(2) They shall 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 hereto.

3. Number of posts, classification and scale of pay.—The number of the said posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications etc.—The method of recruitment, age limit, qualifications and other conditions relating to the said posts, shall be as specified in column 13 of the Schedule aforesaid.

CONFIDENTIAL

- 23 -

A.12024/2/80-Sect.

Annexure - V
64

19 AUG 2000

OFFICE ORDER

A committee is formed with the following officials for taking interview on 21.8.2000 at 3 P.M. to recommend the name of a suitable candidate among the persons available for interview vide this office letter No. A.12024/2/80 dated 14.8.2000.

1.	Sri R.C. Neena, Inv.	- Chairman
2.	" D.B. Bhattacharjee, Inv.	- Member
3.	" G. Sakti, Inv.	- -do-
4.	" A.B. Das, O.G.	- -do-

The committee will recommend the name after the interview is over to appoint the candidate for the post of Peon.

Wkaw 18/8/00
(K.D. NATH)
Director

Copy to all concerned for compliance.

- 2 -

Annex - V (A)

SWAMY'S — SENIORITY AND PROMOTION

2. As promotions take effect only from a prospective date, any adjournment of the DPC meetings is not in the interest of employees. Such adjournments also result in disturbance in the time-schedule specified in Model Calendar for DPCs prescribed vide the Department of Personnel and Training Office Memorandum No. 22011/9/98-Estt. (D), dated September 8, 1998 for holding regular DPC meetings in advance.

3. All Ministries/Departments are, therefore, advised to ensure participation of the Departmental DPC Members in the DPC meetings convened by the Commission (if necessary, by re-scheduling their work priorities and engagements) so that no DPC meetings are adjourned for want of quorum resulting in disturbance in the prescribed time-schedule as per the Model Calendar for DPCs, delay in promotions and dislocation of the work of the Commission.

[G.I., Dept. of Per. & Trg., O.M. No. 22013/1/2001-Estt. (D), dated the 18th April, 2001.]

2.5 *In the case of Groups 'C' and 'D'.* — In respect of a DPC for Groups 'C' and 'D' posts, the Chairman of the DPC should be an officer of a sufficiently high level and one of the members of the DPC should be an officer from a Department not connected with the one in which promotions are considered. The other member(s) should be an officer of the Department familiar with the work of the persons whose suitability is to be assessed. The officer of another Department appointed as a member of the DPC should also be of an appropriate level keeping in view the level of the other members of the DPC and the post to which promotion is to be made. In the case of a DPC constituted for promotions to a technical post, it may also be ensured that the officer nominated by another Department has also the requisite technical competence to advise on the suitability of the candidates under consideration.

2.6 *Representation for SC/ST and Minorities.* — Wherever a Selection Committee/Board exists or has to be constituted for making recruitment to 10 or more vacancies, in Group 'C' or Group 'D' posts/services, it shall be mandatory to have one member belonging to SC/ST and one member belonging to minority community in such Committees/Boards. Where, however, the number of vacancies against which selection is to be made is less than 10, no effort should be spared in finding a Scheduled Castes/ Scheduled Tribes Officer and a Minority Community Officer for inclusion in such Committees/ Boards.

Where an outside member has to be associated with the DPC for Group 'C' or Group 'D' posts, there would be no objection to nominate on such a DPC, an SC/ST officer from such other Ministry/Department in the event of such officer not being available in the Ministry/Department itself.

[Para 2.6 as modified by G.I., Dept. of Per. & Trg., O.M. No. 39016/9 (S)/89-Estt. (B), dated the 16th August, 1990.]

2.7 In Group 'A' and Group 'B' services/posts, if none of the officers included in the DPC as per the composition given in the Recruitment Rules is an SC or ST officer, it would be in order to co-opt a member belonging to the SC or ST if available within the Ministry/Department. If no such officer is

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Office of the Registrar General, India
 (Government of India, Ministry of Home Affairs)
 2/A, Mansingh Road, New Delhi-110011.

2003
 अमन्तरिक्ष
 PEOPLE ORIENTED

Ref. No.: A.11020/1/99-Ad.II
 To

Date: 9.01.2004

The Pay & Accounts Officer (Census)
 Ministry of Home Affairs
 AGCW&M Building
 New Delhi.

Subject: Census of India - 2001 - Creation of temporary posts in the headquarters of the Directorate of Census Operations.

Sir,

In continuation of this office letter of even no. dated 27.02.2003 on the above subject, I am directed to convey sanction of the President to the continuation of the under-mentioned temporary posts for the Directorate of Census Operations, Tripura for a further period with effect from 1.2.2004 to 31.1.2005:-

S.No.	Name of the post	Scale of pay	No. of posts sanctioned upto 31.1.2004	No. of posts abolished from the Directorate as on 1.2.2004	No. of posts now sanctioned w.e.f. 1.2.2004 to 31.1.2005
1	2	3	4	5	6
1.	Dy. Director of Census Operation	Rs. 10000- 15200	1✓	-	1
2	Senior Geographer	Rs. 6500- 10500	1✓	-	1
3	Statistical Investigator Gr.II	Rs.5,500- 9,000	1✓	-	1
4	Confidential Assistant	Rs.5,500- 9000	1✓	-	1

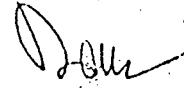
Ref. ID: No 2425/2003-2004
 Re / Date: 3/2/04

26

5	Sr. Drawing Assistant	Rs.6,500- 10500	1	-	1
6	Sr. Draftsman	Rs.5,500- 9000	1	-	1
7	Statistical Investigator Gr.III	Rs.5,000- 8,000	-	-	-
8	Compiler	Rs.4,000- 6,000	1	-	1
9	Drafty	Rs.2,610- 3,540	1	1	(Diverted to RGI HQrs.)
		Total	8	1	7

1. The expenditure involved is non-plan and is debitible to the Major Head 3454-Census, Surveys & Statistics; 01-Census; 800.02 - Abstraction and Compilation; 800.02.00.01-Salaries for the year 2003-2004 and 2004-2005.
2. This has the concurrence of the Ministry of Finance, Department of Expenditure's I.D No. 2097/E Coord 1/2002, dated 26.11.2002 and IED (Home)'s Diary No. 5197/7A (I) /02 dated 26.11.2002.
3. It is clarified that since these are temporary posts created for specific work connected with the Census-2001, quarterly review shall be undertaken by Government and on such review if it is found necessary, posts which are not required shall be abolished from time to time.

Yours faithfully,


(B. MALLIK)
JOINT REGISTRAR GENERAL, INDIA

ENSUS,

रा० NO. A.12024/2/80-ESU, फॉन: 232-2225
गारत राजार्थ Phone: 232-2226

Government of India

Fax: 0381-2322225,

E-mail: dco@cto,tripura.nic.in

गृह गोपन्य

Ministry of Home Affairs

गोपन्य विवेशक, जगत्पाना विवेशालय, त्रिपुरा

Office of the Director of Census Operations, Tripura

210 डी. गारतला लेन / 210-D, Office Lane

गारतला / Agartala - 799 001.

Annexure - V

Ex 3 FPP

ORDER

In pursuance of the Registrar General, India letter No.A.11020/1/99-Ad.II dated 09.01.2004 for diversion of the post of Duly in the office of the Registrar General India, New Delhi the official concerned reverted to his parent post of Peon. According post of Peon is not exist. Shri Chinnay Nath, who was appointed purely temporary basis as Peon upto 31.01.2004 automatically treated as retrenched from the post of Peon as per terms and condition of his appointment letter.

W.M.
(K.D. NATH)

DIRECTOR,
CENSUS OPERATIONS, TRIPURA

Copy to :-

1. Shri Chinnay Nath, Peon, Directorate of Census Operations, Tripura

W.M. 3-2-04
DIRECTOR,
CENSUS OPERATIONS, TRIPURA

QC J. D. 3-2-04



रा. 12024/2/89-ESU
गारत राजकार
Government of India
मंत्री पंत्रालय
Ministry of Home Affairs
कार्यालय निदेशक, जनगणना निदेशालय, त्रिपुरा
Office of the Director of Census Operations, Tripura
210 डी. अपर्सन लेन / 210-D, Office Lane
गुगरतला / Agartala - 799 001.

२८
फोन - 232-2225
Phone : 232-2225
Fax : 0381-2322225
E-mail : dco@tsu.tripura.gov.in

Annexure - VIII

3 FEB 2004

ORDER

Shri, Chinmoy Nath, retrenched Peon of this Directorate is hereby appointed on purely temporary basis to the post of Chowkidar for one year upto 02.02.2005 against a resultant vacancy of deputation w.e.f. 03.02.2004 or from the date of his joining to the post of Chowkidar in the pay scale of Rs.2550-55-2660-60-3200/-.

2. His service are liable to be terminated 1(one) month notice from either side or with one month's pay in lieu thereof.
3. The appointment of Shri Chinmoy Nath is subject to the orders and other conditions of service as applicable to Central Government Employees and issued by the Government of India from time to time.
4. The above appointment have been made against the purely temporary vacancy on the post vacated for deputation of the official for one year. The appointment order shall not bestow upon the above mentioned official any claim for regular appointment against long term vacancies or core post.
5. The above official shall automatically stand terminated after expiry of above referred period even if no separate order for termination is issued.

Chinmoy Nath
(K.D. NATH)
DIRECTOR,
CENSUS OPERATIONS, TRIPURA

Copy to :-

1. Shri Chinmoy Nath, Chowkidar, Directorate of Census Operations, Tripura
2. Personal file.
3. Accounts Section.
4. Guard file.

*Received
Chinmoy Nath
3.2.04*

*Chinmoy Nath
3.2.04*
DIRECTOR,
CENSUS OPERATIONS, TRIPURA.

*Q.E
S. D. Deo
3.2.04*



No. A.1013/1/99-Estt.

गोपनीय राजकारण
Government of India

पृष्ठ गंत्रात्मय

Ministry of Home Affairs

गांगत्रात्मय निदेशक, जनगणना निदेशालय, त्रिपुरा

Office of the Director of Census Operations, Tripura

210 चौ. आगंत्रात्मय / 210-C, Office Lane

गांगत्रात्मय / Agartala - 799 001.

फोन : 232-2225
Phone : 232-2225
Fax : 0381-2322224
E-mail : dco@tsu.tsp.nic.in

Annexure - X

11/1/2004

ORDER

In pursuance of the Registrar General, India's letter No. A.11020/1/99-Ad.II dated 21.5.2004 for continuing the post of Daftry in the office of the Registrar General, India, New Delhi, the official concerned continuing to the post of Peon. Accordingly post of Peon वाला exists, Sri C. Nathi, who was appointed purely temporary basis as chowkidar for one year upto 2.2.2005 against a resultant vacancy of deputation with effect from 3.2.2004 vide order No 12024/2/80-Estt. Dated 3.2.2004 is treated as withdrawn.

(K. D. Nath)
Director.

Copy to :

1. Sri C. Nathi, Peon
2. Accounts section/P.P./Guard file/ Apptt. File.

W. Nathi 11.6.04
Director of
Census Operations, Tripura

সিন্সেস অসম প্রিন্সিপাল অধিকরণ
Census Administrative Tribunal

22 JUN 2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Bench

GUWAHATI BENCH: GUWAHATI

filed by the applicant
through
S. N. Das
Advocate 9/
18.06.07.

In the matter of: -

O.A. No. 157 of 2006

Shri Chinmoy Nath.

..... Applicant.

-Vs-

Union of India and Others.

..... Respondents.

-AND-

In the matter of: -

Rejoinder submitted by the applicant in
reply to the written statements
submitted by the Respondents.

The humble applicant above named most humbly and respectfully state as
under: -

1. That in reply to the statements pertaining to the brief facts on the appointment of the applicant to the post of Peon in the Directorate of Census Operations, Tripura, stated by the respondents in the first few paragraphs of the written statement, the applicants begs to submit that the said appointment of the applicant was perfectly in accordance with the rules in force and he was appointed against a regular vacancy after being selected by a duly constituted selection committee and also through an elaborate selection process. His age at the relevant time was within the limit as prescribed under government rules for the reason stated in the succeeding paragraphs herein under and the post of Peon which was

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examined by the Selection Committee prior to his appointment. As such his appointment was neither illegal nor in violation of any rules. As regards the constitution of selection committee and ban on recruitment etc., if any, as alleged by the respondents in this context, the applicant begs to submit that such matters are not attributable to the applicant for appointment nor vitiate his selection in any manner whatsoever. As such the contention of the respondents that the appointment of the applicant is prima-facie null and void is unsustainable, arbitrary and malafide.

2. That the applicant denies the statements made in para 1 and 3 of the written statement and states that he had exhausted all the remedies available to him even before submitting his representation and having failed to get justice, he has filed this Original Application only after the respondents decided to terminate his services. The Original Application therefore merits consideration and deserved to be allowed.
3. That the applicant categorically denies the statements made in para 5, 7, 8, 9, 10 and 11 of the written statement and begs to state that in the impugned memorandum dated 08.06.06 (Annexure- 9 to this O:A), which has been challenged under this O.A before this Hon'ble Tribunal, the respondents had raised only one allegation that the applicant was over aged at the time of appointment as Peon since his age at the relevant time was 29 years 10 months as against the maximum permissible limit of 28 years in case of OBC candidate and directed the applicant to submit his explanation thereto so as to justify that why his services should not be terminated. But surprisingly, the respondents have raised many other points now in their written statement which they did not mention in their impugned memorandum dated 08.06.06 aforesaid. All these new allegations are their after thoughts which they concocted/fabricated after receipt of the notice from this Hon'ble Tribunal in O.A. No. 157/2006 which clearly reflects their mind-set and attitude. It indicates that the

allegation raised earlier in memorandum dated 08.06.06 was not the real exposure of the iceberg but there has been a deep conspiracy hidden underneath for victimizing the applicant which has now been manifested in the written statement. As such none of the new allegations raised in the written statement is sustainable and the Hon'ble Tribunal be pleased to reject those new allegations and the respondents pleadings be confined to the only allegation which they made in their impugned memorandum dated 08.06.06, which is the issue involved in this case.

However, the applicant most respectfully begs to submit before this Hon'ble Tribunal that non-compliance of the ban on recruitment of Group 'C' and 'D' posts and recruitment of the applicant in violation of the alleged ban by the authority who was appointed through a detailed selection process and after having been found as eligible for appointment by a duly constituted selection committee.

→ Further, the plea of age limit of 28 years (25 years for General candidate + 3 years of OBC) in case of the applicant as contented by the respondents is false and misrepresentation of facts. The Government of India, Deptt. of Personnel and Training vide notification No. 15012/6/98-Estt. (D) dated 21.12.1998, under G.S.R. 758 (E) as quoted in Swamy's "Manual on Establishment and Administration for Central Government Offices" (Tenth Edition- 2006), has raised the upper age limit for recruitment to all Central Civil Services and civil posts by two years effective from 01.04.1999 under the "Central Civil Services and Civil posts (upper age-limit for Direct Recruitment) Rules, 1999". It was expressly provided in the said rules that all rules regulating the method of recruitments of persons to the Central Civil Services and Civil posts under the Union stands amended to that extent i.e. in respect of upper age-limit. As such the recruitment rules of the respondent department deemed to have been amended in respect of upper age-limit w.e.f. 01.04.1999 for direct recruitment, as notified by the Govt. of India, D.O.P.T vide notification dated 21.12.1998.



In view of above policy rules, the permissible upper age-limit for the applicant in the instant case was 30 years (25+2+3 years for OBC) but the applicant at the time of recruitment was only 29 years 10 months as admitted by the respondents. As such he was well within the prescribed age limit and was not over aged as wrongly contented by the respondents.

As regards qualification, the applicant being a matriculate was fully qualified for the post which was examined by the Selection committee prior to his selection. It has nowhere been mentioned in the relevant recruitment rules that a matriculate candidate is debarred from being appointed as Peon because of higher qualification since the prescribed qualification was Middle School Standard pass.

This apart, the composition of the Selection committee and adjustment of post etc. if any, as alleged by the respondents, are not attributable to the applicant and such pleas resorted to now are barred by the principles of estoppel and the respondents do not have any right to make new pleas one after another at this stage deviating from their original allegation in the memorandum dated 08.06.06 which is the issue in the instant Original Application. As such the contentions of the respondents are not sustainable and liable to be rejected and there was no irregularity, arbitrariness or illegality whatsoever in the appointment of the applicant to the post of Peon in DCO, Tripura.

Copy of extract from Swamy's Manual (page 122-123) is annexed hereto for perusal of Hon'ble Tribunal as Annexure- A.

4. That the applicant categorically denies the statements made in paragraph 12, 13 and 14 of the written statement and further begs to submit that the applicant's name was sponsored by the local Employment Exchange, Agartala against a valid requisition made by the Director of Census Operation, Tripura for appointment to the post of Peon in Group 'D'

category. The applicant possessed the requisite qualification and was eligible for the said post in terms of his qualification, age etc. on the basis of his eligibility, he was selected by a duly constituted selection committee and pursuant to that only, he was appointed by the competent authority. At the time of selection, the applicant submitted all his certificates/documents pertaining to his age, qualification etc. and he did not suppress any material fact. After his appointment to the post of Peon, the applicant has been rendering valuable service for more than 6 years and there was no illegality or irregularity whatsoever in the appointment of the applicant for the reasons stated in the preceding paragraphs herein above. Further, the applicant exhausted all the remedies available before him and had no other alternative than to approach this Hon'ble Tribunal which was resorted to only after the respondents decided to terminate his service on the unfounded and unattainable plea that his appointment was illegal and irregular. As such, the Original Application deserves to be allowed with costs.

5. That the applicant categorically denies the statements made in paragraph 15 and 16 of the written statement and begs to submit that the appointment of the applicant to the post of Peon in the Directorate of Census, Tripura was completely valid, legal, regular as per recruitment rules and Government rules in force and was perfectly in accordance with the procedures established by law. As such, the application is full of merit and the interim order passed by this Hon'ble Tribunal on 23.06.2006 being the true reflection of justice, deserves to be continued.
6. That in the facts and circumstances, the applicant humbly submits that he is entitled to the reliefs prayed for and the Original Application deserves to be allowed with costs.

VERIFICATION

I, Shri Chinmoy Nath, S/o- Late Ramesh Mohan Nath, aged about 36 years, presently working as Group 'D' Peon, in the office of the Director of Census Operation, Tripura, Agartala- 01, applicant in the instant Original Application, do hereby verify that the statements made in paragraph 1 to 6 of the rejoinder are true to my knowledge and rest are my humble submission before the Hon'ble Tribunal, I have not suppressed any material fact.

And I sign this verification on this the 17 day of June 2007.

Chinmoy Nath

CHAPTER 15

AGE RELAXATIONS FOR APPOINTMENTS

Upper age-limit increased by 2 years for recruitment through Direct Open Competitive Examination

[G.I., Dept. of Per. & Trg., Notfn. No. 15012/6/98-Estt. (D),

dated 21st December, 1998.]

G.S.R. 758 (E).—In exercise of the powers conferred by the proviso to Article 309 and Clause (5) of Article 148, of the Constitution and after consultation with the Comptroller and Auditor-General of India in relation to the persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules regulating the upper age-limit for recruitment to the Central Civil Services and Civil posts under the Union, namely:—

1. *Short title and commencement:*—

(1) These rules may be called the Central Civil Services and Civil Posts (Upper Age-Limit for Direct Recruitment) Rules, 1998.

(2) They shall come into force on the 1st day of April, 1999.

2. *Application:*—

(1) These rules shall apply to all Central Civil Services and Civil Posts under the Central Government.

(2) These rules shall not apply to direct recruitment to any Central Civil Service or Civil post under the Central Government for which action for recruitment is initiated through open advertisement or otherwise before the 1st day of April, 1999.

(3) These rules shall not apply also to recruitment to Armed Forces or Paramilitary Forces, namely, Assam Rifles, Border Security Force, Central Industrial Security Force, Central Reserve Police Force and Indo-Tibetian Border Police.

3. *Increase in the upper age-limit:*—

The upper age-limit for recruitment by the method of Direct Open Competitive Examination to the Central Civil Services and Civil posts specified in the relevant Service Recruitment Rules on the date of commencement of the Central Civil Services and Civil posts (Upper Age-Limit for Direct Recruitment) Rules, 1998, shall be increased by two years.

NOTE.— "Direct Open Competitive Examination" for the purpose of these rules shall mean direct recruitment by Open Competitive Examination conducted by the Union Public Service Commission or the Staff Selection Commission or any other authority under the Central Government and it shall not include recruitment through Limited Departmental Examination or

through shortlisting or by interview or by contractor or by absorption or deputation.

4. *Amendment of Recruitment Rules:*—

All rules regulating the method of recruitment of persons to the Central Civil Services and Civil posts under the Union including those in the Indian Audit and Accounts Department and the rules governing Open Competitive Examinations shall stand amended to the extent provided for in Rule 3.

5. *Interpretation:*—

If any question arises as to the interpretation of these rules, the same shall be decided by the Central Government.

1. *Categories of persons and extent of concessions:*— Certain age concessions have in the past been sanctioned to few specified categories of persons for the purpose of appointment under the Government of India. These concessions are still in force until further orders. Details of the categories of persons and age concessions admissible to them, as given below are hereby published for general information.

Category of Persons to whom Age concession is admissible	Categories of Posts to which the Age concession is admissible	Extent of Age concessions
(1)	(2)	(3)
(i) Scheduled Castes and Scheduled Tribes.	(a) All posts filled by direct recruitment. (b) All posts filled by promotion when an upper age-limit not exceeding 50 years is prescribed, except posts which have arduous field duties or are meant for operational safety or are in paramilitary organizations.	Five years. Five years.
(ii) Retrenched Central Government Employees.	For posts filled otherwise than through UPSC on the basis of competitive tests, i.e., filled through Employment Exchange.	Period of previous service under the Government of India plus three years.
(iii) Ex-Servicemen and demobilized personnel of Armed Forces.	do-	Service rendered in Army, Navy and Air Force plus three years.
(iv) Whole-time Cadet Instructors in NCC.— (a) who were released from NCC after the expiry of their initial/extended tenure.	do-	(a) Period of service rendered in NCC plus three years.

Affected
Advocate