

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓ O.A/T.A No. 226/2006

R.A/C.P No.

✓ E.P/M.A No. 21107

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SECTION OFFICER (Judl.)

Kalish
26.10.07

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:**

ORDERS SHEET

1. Original Application No. 226/06
 2. Misc Petition No. _____
 3. Contempt Petition No. _____
 4. Review Application No. _____

Applicant(s) Mustaqim Ali

Respondant(s) h-o-r 40M

Advocate for the Applicant(s) D.K. Das

Ms. R. S. Chandray
Mr. G. Baishya

Advocate for the Respondant(s) Dr. J. L. Sarker
for Resp No 2 & 3

Notice of the Registry	Date	Order of the Tribunal
	01.09.2006	Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

This application is in form
 is filed C.F. for Rs. 10/-
 deposited vide IPO/BD
 No. 266/324/566
 Dated 19.8.06

Heelt
 Dy. Registrar

Dr.

NY
31/8/06

Steps taken

Dr.

Recd
1/9/06
Recd
26.02.07

Notice & order sent to
 D/section for issuing to
 resp. nos. 1, 2 and 3 by
 regd. A/D post.

19/06 D/No- 946 to 948
12/07

The issue involved in this case is
 that the Applicant is working as Assistant
 Project Officer. He is the senior most
 Assistant Project Officer and juniors have
 been promoted. Because of pendency of
 the disciplinary proceeding against him,
 he could not ~~be~~ promoted. It is
 averred that he has already been
 exonerated in the year 2004 and he is
 entitled for benefits from the year 2004.

Heard Mr D.K. Das, learned Counsel
 for the Applicant and Mr G. Baishya,
 learned Sr. C.G.S.C. for the Respondents.

Considering the issue involved, I am
 of the view that the O.A. ^{is} to be admitted.
 Admit. Issue notice to the Respondents.

Post on 26.10.2006 for filing reply
 statement.

✓
 Vice-Chairman

/mb/

O.A. 226/2006

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

24.10.06

Nofa issued
Service awaited

10.

The matter was admitted on 01.09.2006. The issue involved in this case is non-promotion of the Applicant to the cadre of Project Officer. When the matter came for hearing, learned Counsel for the Respondents wanted time to file reply statement. Mr D.K. Das, learned Counsel for the Applicant submitted that there are averments in paragraph 5.7 of the O.A. that there are vacancies in the cadre of Project Officer and the Respondents did not consider for promotion of the Applicant. The submission is recorded and it is made clear that if the Respondents intend to promote the Applicant in the cadre of Project Officer in the existing vacancies in the meantime, pendency of this Application will not be a bar.

Vice-Chairman

/mb/

11.12.06.

~~XXXXXXXXXX~~

Counsel for the Respondents would like to file written statement. Let it be done. Post the matter on 24.1.07.

Vice-Chairman

lm

24.01.07

At the request of learned counsel for the respondents four weeks time is granted to file written statement.

Post the matter on 27.2.07.

Vice-Chairman

lm

Panor filed by S.N.
Tandi.

19.12.06

8.12.06.
no W/S filed.

No W/S has been
filed.

23.1.07

Amul
Gopinathan
27.10.06

Received
dt. 26/10/06
w/ (M. Al.)

15.2.07. In view of the order passed in
M.P.No.21 of 07 the O.A. is dismissed on
withdrawal.



Vice-Chairman

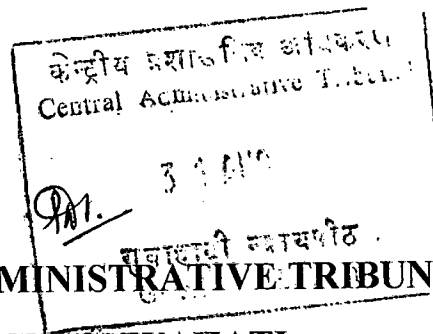
lm

15.2.07

As per the
Respondent withdrawal
the O.A. 2296/06.

Pd'

R
Pand
Advocate



**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

O.A. No. 226 of 2006

Shri Mustaquim Ali

... Applicant.

- VERSUS -

Union of India & Ors.

... Respondents.

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Filed by

(Mrs. R. S. Chowdhury)
Advocate

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 226 OF 2006

SYNOPSIS/LIST OF DATES/CHRONOLOGY OF EVENTS

- 24.09.1987 The Applicant was appointed as Assistant Project Officer under the Central Social Welfare Board (CSWB).
(ANNEXURE – A, Pg.)
- 12.02.1990 Services of the Applicant were confirmed and he was appointed against a substantive post vide Order dated 12.02.1990 as an Assistant Project Officer.
(ANNEXURE – B, Pg.)
- 07.07.1999 The Applicant was placed under suspension pending a departmental proceeding. The articles of charges accompanied by the statement of imputations of his conduct were served on the Applicant only on 07.02.2000.
- 13.11.2000 The Applicant filed O.A. No. 319/2000 challenging the legality and validity of the Order of suspension-dated 07.07.1999. The Original Application was disposed of with a direction to the Respondent authorities vide Order dated 30.11.2000 by this Hon'ble Tribunal to conclude the disciplinary proceeding pending against the Applicant expeditiously.
- 01.03.2001 The suspension of the Applicant was revoked and accordingly the Applicant resumed/rejoined his duties. The Departmental Proceeding, however, continued against the Applicant.
(ANNEXURE – C, Pg.)
- 20.04.2004 While the Disciplinary Proceeding was pending against the Applicant, a provisional All India Seniority List of Assistant Project Officers was published. As per the said seniority list, the name of the Applicant figured at Sl. No. 7. However, it is pertinent to note that the persons placed above the Applicant in the said seniority list were promoted to the post of Project Officer on 30.05.2003. As such, the Applicant

20/11/

1

became the senior most Assistant Project Officer as per the said seniority list dated 20.04.2004.

(ANNEXURE – G, Pg.)

02.07.2004

The Disciplinary Proceeding pending against the Applicant was concluded and minor penalty of 'Censure' was imposed on the Applicant in view of the fact that most of the charges brought out against the Applicant were held to be not proved.

(ANNEXURE – D, Pg.)

29.07.2004

The Applicant, after completion of such proceeding, represented before the authorities for regularization of his period of service under suspension.

(ANNEXURE- E, Pg.)

04.10.2004

The authorities vide Order under Memo No.1-2/F.O.'87-F.O. Estt, dated 04.10.2004 were pleased to treat as on duty the period of service with effect from 07.07.1999 to 01.03.2001. Further, in the said Order, the Respondent authorities had themselves stated that the Applicant will be entitled to all consequential benefits in accordance with law, rules and instructions.

(ANNEXURE – F, Pg.)

August, 2006

However, despite the elapse of more than 2 years since the completion of the Disciplinary Proceeding, such consequential benefits are yet to be given effect to, in the case of the Applicant. The authorities have illegally deprived him to promotion to the post of Project Officer. Further, the Applicant has also been denied financial up-gradation under the Assured Career Progression Scheme, despite having rendered almost 20 years of service under the C.S.W.B.

16.08.2005 &
03.08.2006

The Applicant filed representations before the authorities for consideration of his case for promotion as well as for granting him financial up-gradation under the Assured Career Progression Scheme.

(ANNEXURE – H-1 & H-2, Pg.)

m

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Filed By
The Applicant -
THROUGH
Mr. R.S. Chowdhury
Advocate
3/8/06

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI**

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

ORIGINAL APPLICATION NO. 226/2006

BETWEEN

Sri Mustaquim Ali,
Son of Late Mehboob Ali,
Resident of 7th Mile, Jalukbari,
P.O. & P.S. Jalukbari,
Guwahati - 781 014, Dist. Kamrup, Assam.

... **APPLICANT**

-AND -

1. The Union of India,
Represented by the Secretary to the Govt. of India
Ministry of Human Resource Development, ,
Department of Women and Child Development,
New Delhi.
2. The Chairman,
Central Social Welfare Board,
Samaj Kalyan Bhawan,
B-12, Qutab Institutional Area, South of I.I.T.,
New Delhi - 110016
3. ~~The Executive Director,
Central Social Welfare Board,
New Delhi - 110016~~

... **RESPONDENTS.**

DETAILS OF THE APPLICATION

**1. PARTICULARS OF ORDERS AGAINST WHICH THIS APPLICATION IS
MADE:**

The present application is not directed against any particular order, but is, in fact, being filed impugning the actions of the Respondent authorities of not considering the case of the Applicant for promotion to the post of Project Officer from Assistant Project Officer despite the fact that the Applicant has been working at the said post of Assistant Project Officer for nearly 20 (twenty) years. Vide this application the Applicant further challenges the actions of the Respondent authorities in promoting his juniors and not taking into consideration the case of the Applicant. The

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Applicant is further aggrieved by the actions of the authorities of not granting him the financial benefits as per assured Career Progression Scheme.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

The Applicant further declares that this application is filed within the 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 a resident of Jalukbari, Guwahati in the State of Assam and as such, he is entitled to all the rights, privileges and protections guaranteed to the citizens of India under the Constitution of India and the laws framed thereunder.

4.2 That the applicant is presently serving as Assistant Project Officer (hereinafter referred to as APO in short) of the Assam State Social Welfare Board at Guwahati. Be it stated herein that the Applicant had been given the additional charge of APO, Arunachal Pradesh.

4.3 That, the Applicant was initially appointed to the Central Social Welfare Board (hereinafter referred to as C.S.W.B. in short) as Assistant project Officer in the year 1987 vide memo No. F.6-1/FO/(APO)/87-SB. Admn. Dated 24.09.1987 and was posted at Itanagar in Arunachal Pradesh.

A copy of the said Memorandum dated 24.09.1987 is annexed herewith and marked as **ANNEXURE – A.**

4.4 That, after rendering 3 (three) years of continuous service, the Applicant, vide Office Order under memo No. F.5-1/WO/76-Admn. (SB. Admn) dated 12.02.1990, was confirmed and appointed substantively to the post of Assistant Project Officer in accordance with the instructions issued by the Ministry of Personnel, Public Grievance and Pension.

A copy of the said Order dated 12.02.1990 is annexed herewith and marked as **ANNEXURE – B.**

4.5 That, the Applicant continued to render sincere and dedicated services to the department and was accordingly posted at various State Welfare Boards in Arunachal Pradesh, Meghalaya, Nagaland as well as Assam. However, in the year 1999 while the Applicant was rendering his services as Assistant Project Officer in the Assam State Board, to the utter shock and surprise of the Applicant, he was placed under suspension vide an Order dated 07.07.1999. The said suspension was made under Rule 10(i)(a) of the Central Civil Services (Class, Control and Appeal) Rules, 1965, in contemplation of a disciplinary proceeding. In due course a departmental proceeding was initiated against the Applicant by the Respondents by serving upon the Applicant the Articles of Charges along with the statement of imputation vide Memo dated 10.01.2000. However, the said Departmental Proceeding was kept pending for a long time and being aggrieved by such inaction of the Respondents, the Applicant approached this Hon'ble Tribunal by way of an Original Application No. 319/2000 for setting aside the Order of suspension dated 07.07.1999. This Hon'ble Tribunal vide its Order dated 13.11.2000 issued a direction to the Respondent authority to conclude the disciplinary proceeding pending against the Applicant expeditiously within a period of three months from the date of receipt of the said Order.

4.6 That, however, the Respondent authorities did not dispose of the Disciplinary Proceeding against the Applicant, as directed by this Hon'ble Tribunal, instead, the Respondent authorities, vide Order under Memo No. 1-2/FO/87/SB.Admn/F.O. Estt. Dated 1.03.2001, revoked the Order of suspension dated 07.07.1999 in exercise of the powers conferred under clause (c) of Sub-clause (5) of Rule 10 of the Central Civil Services (Class, Control and Appeal) Rules, 1965.

A copy of the said Order dated 01.03.2001, revoking the suspension of the Applicant, is annexed herewith and marked as **ANNEXURE - C.**

4.7 That, accordingly the Applicant resumed/rejoined his services as Assistant Project Officer. It is pertinent to mention at this stage that most of the charges so brought out against the Applicant in the disciplinary proceeding, were ultimately held to be 'NOT PROVED' and accordingly, the Respondent No. 2, vide Order under Memo No. 19-3/MA/DP/03-F.O. Estt. Dated 02.07.2004 was pleased to impose a minor penalty of 'Censure' on the Applicant. It is further relevant to state that on the representation of the Applicant dated 27.07.2004,

to the Deputy Director (F.O. Estt), C.S.W.B., for regularization of his annual increment, the Respondent authority vide an Order dated 04.10.2004 issued under Memo No. 1-2/F.O.'87-F.O. Estt, in exercise of the provisions of FR SR 13 was pleased to regularize the period of suspension of the Applicant with effect from 07.07.1999 to 01.03.2001, as period spent on duty and further held that the Applicant shall be entitled to all consequential benefits in accordance with law, rule and instructions.

Copies of the Orders dated 02.07.2004, representation of the Applicant dated 27.07.2004 and Order dated 04.10.2004 are annexed herewith and marked as ANNEXURE – D, E & F respectively.

- 4.8 That, however, prior to the imposition of such minor penalty on the Applicant and prior to the regularization of his period of service under suspension, the Deputy Director (F.O. Estt.) vide an Order issued under Memo No. 2-4/FO/84-F.O. Estt dated 20.04.2004 was pleased to prepare and circulate the provisional seniority list of Project Officers and Assistant Project Officers of the C.S.W.B. As per the said provisional seniority list, the name of the Applicant figured at Sl. No. 7.

A copy of the said letter dated 20.04.2004 enclosing the seniority list is annexed herewith and marked as ANNEXURE – G.

- 4.9 That, however, subsequent to the publication of the said seniority list on 20.04.2004, the persons who had been placed above the Applicant as Assistant Project Officer, namely, Sri A. K. Shaji and Sri C. Sakthibel were promoted to the post of Project Officer with effect from 30.05.2003. As such, a bare glance at the said seniority list reveals that the Applicant was the senior most Assistant Project Officer in the C.S.W.B. The Applicant states that considering the fact that a departmental proceeding was pending against him, the Respondent authorities ought to have kept his case under Sealed Cover Procedure and accordingly, immediately on the charges brought out against the Applicant, having been dropped, the Applicant's case ought to have been considered for promotion to the post of Project Officer. However, the authorities, in a most vindictive manner, are yet to consider his case for promotion despite the fact that the departmental proceeding initiated against the Applicant was dropped vide Order dated 02.07.2004.

- 4.10 That, the Applicant further states that despite the fact that he has rendered more than 19 years of service under the C.S.W.B., he is yet to receive any

benefit under the Assured Career Progression Scheme also. Be it stated herein that the said scheme for Central Government employees had been introduced by the Government of India on the recommendation of the 5th Central Pay Commission to deal with the problem of stagnation and hardship faced by employees due to lack of adequate promotional avenues. The scheme envisages grant of two financial up-gradations to employees on completion of 12 years and 24 years of regular service respectively. It is respectfully stated that considering the fact that the Applicant has completed almost 20 years of regular service, it was incumbent upon the Respondent authorities to have granted him atleast one financial up-gradation as per the said scheme. The same not having been done has resulted in grave prejudice being caused to the Applicant, besides having caused equally grave financial hardship.

- 4.11 That, being aggrieved by such inaction of the authorities of not granting him regular promotion by opening the sealed cover and further being aggrieved by the inaction of the authorities of not granting him financial up-gradation as per the Assured Career Progression Scheme, the Applicant preferred representations before the Respondent authorities vide his letters dated 16.08.2005 and 03.08.2006. However, no positive response has been forthcoming from the authorities till date.

Copies of the representations dated 16.08.2005 and 03.08.2006 are annexed herewith and marked as **ANNEXURE – H-1 & H-2** respectively.

- 4.12 That, being highly aggrieved by such impugned inaction of the authorities of not considering the case of the Applicant either for regular promotion (considering the fact that he is the senior most Assistant Project Officer in the All India seniority list under the C.S.W.B.) or for grant of any financial increment under the Assured Career Progression Scheme, the Applicant has approached this Hon'ble Tribunal by way of the instant application for redressal of his grievances.

5. **GROUND FOR RELIEF/S WITH LEGAL PROVISIONS:**

- 5.1 For that, the Respondent authorities have failed and neglected to follow the procedure and guidelines to be followed in cases, which are kept under sealed cover pending finalization of disciplinary proceeding.
- 5.2 For that, the Respondents have acted in a most illegal, arbitrary and malafide manner against the Applicant in as much as, although the Applicant has been

duly exonerated from the departmental proceedings pending against him, vide Order dated 02.07.2004 (Annexure – D herein), however, the authorities are yet to consider his case for promotion to the post of Project Officer despite the fact that clear vacancies exists in the said post and despite the fact that the Applicant is the senior most Assistant Project Officer as per the All India seniority list circulated vide Order dated 20.04.2004. As such, the authorities have acted in a manner, which is contradictory to the Service Jurisprudence.

- 5.3 For that, considering the fact that the departmental proceeding against the Applicant had been dropped in the year 2004, it was incumbent upon the Respondent authorities to have opened the sealed cover with regard to the Applicant and accordingly, consider his case for promotion to the post of Project Officer. The same not having been done has resulted in violation of the provisions of Articles 14 and 16 of the Constitution of India and the same has adversely affected the Applicant.
- 5.4 For that, a bare glance at the Order dated 04.10.2004 (Annexure – F herein) clearly reveals that while regularizing the service period of the Applicant with effect from 07.07.1999 to 01.03.2001, the Respondent authorities have stated that the Applicant would be “entitled to all consequential benefits in accordance with law, rule and instructions”. However, the authorities, in a most malafide manner, have not taken any follow up action with regard to the same.
- 5.5 For that, considering the fact that the Applicant has rendered almost 20 years of service under the C.S.W.B., it was incumbent upon the authorities to have granted him financial up-gradation as per the recommendation of the 5th Pay Commission for Central Government employees under the Assured Career Progression Scheme. The same not having been done has resulted in grave prejudice being caused to the Applicant, besides grave financial hardship.
- 5.6 For that, it is a settled position of law that pending departmental proceedings, the recommendation of the Departmental Promotion Committee ought to be kept under sealed cover and once the said departmental proceeding is dropped/the incumbent is exonerated, the said sealed cover, so adopted if any, ought to be opened and accordingly be proceeded with. However, in the instant case, the authorities have deliberately flouted all norms and rules in this regard and have willfully deprived the Applicant of his legitimate due. Such impugned action of the authorities ought to be interfered into by this Hon’ble Tribunal by issuing appropriate directions in this regard.

5.7. For that, considering the fact that persons placed above the Applicant had been granted promotion to the post of Project Officer with effect from 30.05.2003 and further considering the fact that the same rendered the Applicant as the senior most Officer in the grade of Assistant Project Officer in the C.S.W.B. as on 29.03.2004, the authorities ought to have considered the case of the Applicant for promotion, specially in view of the fact that vacancies existed in the post of Project Officer. The same not having been done has resulted in grave prejudice being caused to the Applicant, which cannot be compensated in terms of money. There has been a complete non-application of mind to the relevant factors and it is evident that the authorities, in colourable exercise of powers, have neither considered the case of the Applicant for promotion nor granted him any financial up-gradation as per Assured Career Progression Scheme.

5.8 For that, the Applicant has a strong prima facie case in his favour. The Applicant shall suffer irreparable loss and injury if the Respondent authorities are not directed to consider the case of the Applicant for promotion to the post of Project Officer as per his legitimate due, as well as for granting of financial up-gradation under the Assured Career Progression Scheme.

5.9 That the applicant has no other adequate, equally efficacious alternative remedy available to him and the relief as prayed for, if allowed, shall be just, adequate and proper.

5.10 That the applicant demanded justice but the same has been denied to him.

5.11 That this application is made bonafide and for the ends of justice

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has no other alternative and efficacious remedy available to him except by way of this instant application.

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

That the applicant declares that no such writ petition or suit has been filed regarding the matter in respect of which this application has been made, before any Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, and a notice be issued to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case 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 reliefs:

- 8.1 To direct the Respondent authorities to consider the case of the Applicant for promotion to the post of Project Officer from the date his juniors were appointed to the post of Project Officer after opening the sealed cover, if any so adopted, and accordingly, grant him all consequential benefits thereof, considering the fact that clear vacancies exist in the post of Project Officer.
- 8.2 To direct the Respondent authorities to grant financial up-gradation to the Applicant under the Assured Career Progression Scheme to which he is legally and lawfully entitled to considering the extent of his service for more than a period of 20 years.
- 8.3 Any other relief or reliefs to which the applicant is entitled to, under the facts and circumstances of the case, as may be deemed fit and proper by the Hon'ble Tribunal.
- 8.4 Cost of the Application.

9. PARTICULARS OF THE IPO.

- i. I.P.O. NO. : 266324566
- ii. Date of Issue : 19. 8. 86.
- iii. Issued from : Guwahati
- iv. Payable at : Guwahati

10. DETAILS OF ENCLOSURES:

As stated in the Index.

m

V E R I F I C A T I O N

I, Shri Mustaquim Ali, son of Late Mehboob Ali, resident of 7th Mile, Jalukbari, P.O. & P.S. Jalukbari, Guwahati – 781 014, Dist. Kamrup, Assam., aged about 48 years, do hereby solemnly affirm and verify that I am the Applicant in the instant application and as such, I am fully conversant with the facts and circumstances of the case. The statements made in Paragraphs-1, 2, 3, 4.1, 4.2, 4.3, 4.4, 4.5(pt), 4.7(pt), 4.8(pt), 4.9, 4.10(pt), 4.11, 4.12 are 6 to 10 true to my knowledge and those made in Paragraphs- 4.5(pt), 4.6, 4.7(pt), 4.8(pt), 4.9(pt), 4.10(pt)being matters of records are true to my information derived therefrom, which I believe to be true and those made in paragraphs - 5 - are true to my legal advice and I have not suppressed any material fact.

And I sign this Verification on this the 31st day of August, 2006 at Guwahati.

Mustaquim Ali

SIGNATURE OF THE APPLICANT

REGISTERED A.D.

THE CENTRAL SOCIAL WELFARE BOARD

JEEVAN DEEP, SANSAD MARG, NEW DELHI - 110001

No.F. 6-1/FO/(APO)/87-SB.Admn. DATED:

24 SEP 1987

M E M O R A N D U M

The undersigned hereby offers Shri/Smt/Ms. Mustaqim Ali.
 a temporary post of Assistant Project Officer
 of the Central Social Welfare Board on a pay of Rs. 2000/- p.m.

in the scale of pay of Rs. 2000-60-2300-EB-75-3200-100-3500....

Shri/Smt/Ms. Mustaqim Ali..... will also be entitled to draw
 dearness and other allowances as admissible to Central Govt.
 employees under, and subject to conditions laid down in, rules
 and orders covering the grant of such allowances in force from
 time to time.

2. The terms of appointment are as follows:-

- i) The post is temporary for the present, but is likely to
 continue. If the post is eventually made permanent his/her
 claim for permanent absorption will be considered in
 accordance with the rules in force from time to time.

ii) The period of years
 from the date of appointment.

- iii) During the probationary period and thereafter, for so long
 as he/she holds the appointment in a temporary capacity,
 the appointment may be terminated at any time by one
 month's notice given on either side, without assigning
 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/her of a sum equivalent
 to the pay and allowance for the period of notice or the
 expired portion thereof.

- iv) The appointment carries with it the liability to serve
 in any part of India.

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

3. The appointment will be further subject to:-

- i) production of a certificate of fitness from a competent
 medical authority;
- ii) submission of a declaration in the form enclosed and in
 the event of the candidate being married to a person
 having more than one wife living the appointment will be
 subject to her/his being exempted from the enforcement
 of the requirement in this behalf;
- iii) taking of an oath of allegiance to the constitution
 of India; and

....2/-

Certified to be true copy.

Rshy
Admiral

-: 2 :-

- iv) production of the following original certificates:
- a) degree/diploma/certificates of educational and other technical qualifications;
 - b) certificates of age;
 - c) Character Certificate from two Gazetted Officers of the Central/State Government or stipendary magistrate in the prescribed form attached; and
 - d) discharge certificate in the prescribed form of previous Government appointment, if any.
 - e) Certificate of Scheduled Caste/Scheduled Tribe from District Magistrate or from Sub Divisional Magistrate.

4. If any declaration given or information furnished by Shri/~~Shri/Kum.~~Mustaguim Ali.....proves to be false or if he/she is found to have wilfully suppressed any material information, he/she will be liable to removal from service and such other action as Board may deem necessary.

5. If Shri/~~Shri/Kum.~~Mustaguim Ali.....accepts the offer on the above terms and conditions he/she should report for duty to the Chairman, Arunachal Pradesh State Social Welfare Advisory Board, Arunachal Pradesh Secretariat Building, Itanagar..... latest by ...16.10.87..... If the candidate fails to report for duty by the prescribed date, the offer will be treated as cancelled.

6. No travelling allowance will be allowed for joining the appointment.

Parminder Hira

(PARMINDER HIRA)
EXECUTIVE DIRECTOR

Sh.Mustaguim Ali,
C/o, Mohboob Manzil,
P.O. Gauhati-781014.
(ASSAM)

Copy to:-

- 1. Chairman, Arunachal Pradesh State Social Welfare Advisory Board, Itanagar..... with a request to furnish the following information to this office.
 - a) Joining report of Shri/~~Shri/Kum.~~Mustaguim Ali.....
 - b) The Certificates as mentioned in para 3 above.
- 2. P.OAO 3. DD(FC&I) 4. Personal file.

EXECUTIVE DIRECTOR

Telegram: 'SANGHASEVA'

THE CENTRAL SOCIAL WELFARE BOARD

JEEVAN DEEP, SANSAD MARG, NEW DELHI - 110 001

No.F.5-1/WO/76-Adm(SB.ADMN.)

DATED: 12-2-90

OFFICE ORDER

The following Officers have been confirmed and appointed substantively to the post indicated below in accordance with the instructions contained in the Govt. of India, Ministry of Personnel, Public Grievances and Pension (Deptt. of Personnel and Training) O.M.No. 180011/1/86-Estt(B) dated the 28th March, 1988.

SL. NO.	NAME OF THE POST	SCALE OF PAY	NAME OF THE OFFICER APPOINTED SUBSTANTIVELY
1.	Assistant Project Officer	Rs.2000-60-2300-EB-V5-3200-100-3500	1. Sh.A.K.Shaji 2. Sh.C.Sakthivel 3. Sh.Mustaquim Ali 4. Sh.A.K.Ranga 5. Sh.A.Philipose

Sh. Mustaquim Ali APO.
Meghalaya State School
Welfare Advisory Board
Shillong

(V.G.KUTTY)
JOINT DIRECTOR (SB.ADMN.)

ALL CONCERNED OFFICERS

Copy to:-

1. IFA+cum-BAOU
2. P&AO
3. Personal files of all concerned officers.

(Signature)
JOINT DIRECTOR (SB.ADMN.)

Certified to be true copy.

(Signature)
Advocate

केंद्रीय समाज कल्याण बोर्ड

THE CENTRAL SOCIAL WELFARE BOARD

समाज कल्याण भवन

बी-१२, कुतुब इंस्टीट्यूशनल एरिया, नई दिल्ली-११००१६

SAMAJ KALYAN BHAVAN

B-12, Qutub Institutional Area, New Delhi-110016

दिनांक / Dated 1/3/2001

ORDER

Whereas an order placing Sh. Mustaquim Ali, Welfare Officer under suspension was made by Executive Director from 7/7/1999.

Now, therefore, the undersigned in exercise of the powers conferred by clause (C) of Sub Rule (5) of Rule No. 10 of the Central Civil Services (Classification Control and Appeal) Rules, 1965 hereby revokes the said order of suspension with immediate effect.

This issues with the approval of the Competent Authority.

(VIJAYA SRIVASTAVA)
EXECUTIVE DIRECTOR

Sh. Mustaquim Ali, APO
Assam State Social
Welfare Advisory Board,
Guwahati.

Certified to be true copy.

Rohy
Advocate

फाइल नं- File No. 19-3/MA/DP/03-F.O. Estt.

फैक्स :

Fax : 26960057

तार :

Telegram :

'SANGHASEVA'

केंद्रीय समाज कल्याण बोर्ड

THE CENTRAL SOCIAL WELFARE BOARD

समाज कल्याण भवन

बी-12ए कुतुब इन्स्टीट्यूशनल एरिया नई दिल्ली-110016

SAMAJ KALYAN BHAVAN

B-12, Qutab Institutional Area, New Delhi-110016

दिनांक / Dated .02/07/2004

ORDER

An inquiry against **Sh. Mustaquim Ali, Asstt. Project Officer**, was held under Rule 16 of the CCS (CCA) Rules 1965 for violation of the provisions of Rule 3 of the CCS (Conduct) Rules during his posting in the Assam State Social Welfare Board. He was charged for not performing his duties as a field officer, irregular in attendance and misbehaviour with his fellow employees. The inquiry report and the comments of the charged officer on the inquiry report have been examined by the undersigned.

The first charge was that Sh. Mustaquim Ali, APO, did not undertake tours for inspections of programmes during the year 1997-1999 as a result of which sanction and release to the institutions was hampered. The charged officer claimed that he was engaged in other activities of the Board on the directions of the Chairperson of the State Board but this argument is not found tenable as verbal instructions were not followed by written directions. Moreover, nothing was reflected in the monthly diaries, which is a serious lapse and omission on part of the charged officer. The charged officer has defended his stand stating that due to his mother's ill-health he could not visit institutions and he was denied the opportunity of completing the inspections due to withdrawal of the district in the middle of the year. Instead of conducting visit he was doing other work as assigned by the Chairperson. This explanation has not been found tenable as the charge relates to his work as field officer for conducting inspections and submitting appraisal reports which was not done by the officer. **The charge is proved.**

The second charge was that Sh. M. Ali, APO, did not attend office regularly and he also marked his attendance in the attendance register on the days he did not attend office. This charge could not be proved, as facts could not be verified from the original documents. **The charge could not be proved.**

Contd.../Pg.2

Certified to be true copy.

(Signature)
A. W. S. S.

The third charge was that Sh. M. Ali, APO, misbehaved with his fellow employees and authority during his posting in Assam State Board. Since no specific case of misbehaviour was indicated nor the charge substantiated, due to lack of evidence **the charge could not be proved.**

Though disciplinary proceedings were initiated under Rule 14 of the CCS (CCA) Rules for imposition of major penalty, in view of the gravity of charges and also taking into account his family problems, a lenient view has been taken against Sh. M. Ali and the undersigned imposes a minor penalty of "**censure**" on Sh. M. Ali.

M. Sinha
(MRIDULA SINHA)
CHAIRPERSON

Sh. Mustaquim Ali
Assistant Project Officer
Nagaland State Social
Welfare Board,
Kohima.

ARUNACHAL PRADESH STATE SOCIAL WELFARE BOARD, NAHARLAGUN

NO. APSSWB/APO/ESTT/2004/ 560

Date 27/7/2004

To,
The Deputy Director (F.O. Estt)
Central Social Welfare Board
New Delhi.

Sub- Regularisation of increment and sanction of ACP

Ref- CSWB's order No.19-3/MA/DP/03-FO .Estt. dtd 2/7/04

Madam,

I have the honour to refer to CSWB's order dt 2/7/04 (copy enclosed) and to request you to kindly to take necessary action for regularization of my annual increment including sanction of ACP and thereby enhancing basic pay since 1999 in the light of above CSWB's order.

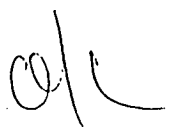
Yours faithfully,



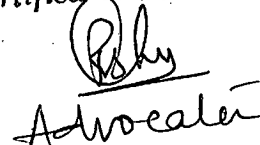
(M. ALI)

A.P.O.

Attached to Arunachal Pradesh State Social
Welfare Board: Naharlagun.



Certified to be true copy.


Advocate

File No. 1-2/FO/87- F.O. Estt.

फैक्स :

Fax : 26960057

तार :

Telegram :

'SANGHASEVA'

केंद्रीय समाज कल्याण बोर्ड

THE CENTRAL SOCIAL WELFARE BOARD

समाज कल्याण बोर्ड

श्री 129 नमो इन्दिराप्रसाद एडवोकेट्स बिल्डिंग-110016

SAMAJ KALYAN BHAVAN


B-12, Qutab Institutional Area, New Delhi-110016

Dated: 04/10/2004

ORDER

WHEREAS the minor penalty of "censure" was imposed on Sh. Mustaqim Ali, Assistant Project Officer on the ground of irregular attendance and misbehaviour with his fellow employees under CCS / CCA Rules vide Order No. 19-3/MA/DP/03-F.O. Estt. Dated 02/07/2004.

Now, therefore, the undersigned in exercise of FR SR 13 hereby states that the suspension period of Sh. Mustaqim Ali, APO, w.e.f. 07/07/1999 to 01/03/2001 shall be treated as period spent on duty and he will be entitled to all consequential benefit in accordance with law, rule and instructions.

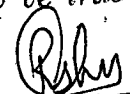

(VIJAYA SRIVASTAVA)
EXECUTIVE DIRECTOR

Sh. Mustaqim Ali
Assistant Project Officer
Arunachal Pradesh State
Social Welfare Board,
Naharlagun.

Copy to:-

1. Pay & Accounts Officer, CSWB, with the request to disburse the pay and allowances for the period from 7/7/99 to 01/03/2001 with all consequential benefits in accordance with the law, rules and instructions.
2. IFA-cum-CAO, for information and necessary action.
3. Accounts Officer.
4. J.D. (Vigilance)
5. Personal file of Sh. M. Ali., 6. Increment file, 7. Office order file
8. Incumbency file
9. P. S. to Chairperson / P.A. to Executive Director.

Certified to be true copy


Advocate

गिरील न. File No. 2-4/FO/84-F.O. Estt.

फैक्स :

Fax : 26960057

तार :

Telegram :

'SANGHASEVA'

केंद्रीय समाज कल्याण बोर्ड

THE CENTRAL SOCIAL WELFARE BOARD

समाज कल्याण भवन

बी-12ए कुतुब इन्स्टीट्यूशनल एरियाए नई दिल्ली-110016

SAMAJ KALYAN BHAVAN

B-12, Qutab Institutional Area, New Delhi-110016

दिनांक / Dated : 20/04/2004

OFFICE ORDER

The provisional seniority list of Pos/APOs/Wos of the Central Social Welfare Board as on date has been prepared and is enclosed. If any officer has any objection he / she may convey the same to the CSWB within 10 days from the date of receipt of this list.

R Chopra

(ROMILA CHOPRA)

DEPUTY DIRECTOR (F.O.ESTT.)

Sh./Smt./Km. Sh. Mustaqim Ali

Azamachal Pradesh State Social

Welfare Advisory Board,

Azamachal Pradesh

Encl.: As above.

Certified to be true copy.

Rishi
Advocate

**✓ SENIORITY LIST OF ASSISTANT PROJECT OFFICERS IN THE CENTRAL
SOCIAL WELFARE BOARD AS ON 29/03/2004**

Scale of Pay

Sanctioned Strength

Mode of Recruitment

Rs. 6500-200-10500

50

75% by Promotion

25% by Direct Recruitment

S. No.	Name of the Officer	Whether belongs to SC/ST, if not say neither	Date of Birth	Date of Regular Appointment	Remarks
1.	Sh. Rajmohan Singh	Neither	25/2/1957	31/8/1982	
2.	Smt. Snehlata Mailick	Neither	23/11/1953	21/8/1987	
3.	Sh. P. G. Redappa	S. C.	2/2/1952	19/8/1987	Promoted as PO on ad hoc w.c.f. 30/5/03
4.	Smt. Ghyam Kishori Kaul	Neither	16/7/1947	7/12/1987	-DO-
5.	Sh. C. Sekthivel	Neither	22/11/1949	7/10/1987	-DO-
6.	Smt. K.R. Selvamani	Neither	27/3/1951	15/2/1988	-DO-
7.	Sh. Mustaqim Ali	Neither	26/2/1958	13/10/1987	
8.	Sh. A. K. Ranga	SC	23/5/1957	30/9/1987	
9.	Dr. A. Philipose	Neither	28/5/1961	7/1/1988	
10.	Smt. Ghansum N. Ali	Neither	5/5/1959	31/12/1987	
11.	Sh. R. J. Wahlang	S T	1/4/1952	5/2/1990	
12.	Sh. B. N. Kamble	S C	30/7/1956	2/2/1990	
13.	Sh. C. Sreenivasan	Neither	2/5/1948	1/5/1990	
14.	Sh. M. L. Kaul	Neither	17/4/1944	1/11/1990	To be retired on 30/04/04
15.	Sh. D. D. Mandal	S C	30/12/1952	19/8/1992	
16.	Km. Rita Wahi	Neither	15/2/1947	22/6/1992	
17.	Smt. Meera Srivastava	Neither	15/9/1954	30/7/1992	
18.	Sh. P. Elango	Neither	20/10/1956	10/6/1992	
19.	Sh. Patram Meena	S T	7/7/1966	5/11/1992	
20.	Sh. Sita Ram	S C	1/12/1963	22/1/1993	
21.	Sh. S. L. Bahri	Neither	10/1/1953	15/2/1993	
22.	Sh. M.D. Satpute	S C	1/7/1948	16/2/1993	
23.	Sh. S.R. Choudhary	Neither	14/2/1962	22/4/1993	
24.	Sh. P. N. Rai	Neither	12/2/1955	15/1/1994	
25.	Sh. B. C. Kandpal	Neither	20/8/1953	20/12/1993	
26.	Sh. S. K. Bajaj	Neither	24/6/1949	20/12/1993	
27.	Sh. N. A. Jena	Neither	15/12/1955	27/12/1993	
28.	Sh. B. N. Mishra	Neither	13/5/1953	21/2/1994	
29.	Sh. N. Ramaswamy	Neither	6/4/1955	31/1/1994	
30.	Smt. Pratibha Suresh	Neither	1/5/1955	8/3/1994	
31.	Sh. C. K. Sebastian	Neither	27/6/1954	1/6/1994	
32.	Sh. V. K. Mohanan	Neither	5/3/1952	1/11/1994	
33.	Sh. G. Perumalsamy	S C	23/7/1966	16/12/1994	
34.	Sh. Bhushan Toppo	S T	19/9/1967	13/12/1994	

35.	Sh. O. P. Gupta	Neither	1/7/1960	27/11/1995	
36.	Smt. L. Padmaja	Neither	15/4/1967	30/11/1995	
37.	Sh. N. G. Jani	Neither	6/10/1951	2/12/1994	
38.	Smt. D. B. Trivedi	Neither	29/7/1955	14/12/1994	
39.	Sh. A. K. Sharma	Neither	26/1/1954	22/04/1998	
40.	Sh. Nikhilesh Sinha	Neither	20/10/1951	4/5/1998	
41.	Smt. A. S. Shete	Neither	3/3/1953	4/5/1998	
42.	Sh. A. K. Roy	Neither	9/1/1955	4/5/1998	
43.	Sh. V. J. Patel	Neither	08/05/1951	18/02/2000	
44.	Smt. C. Rajsulochana	Neither	25/06/1953	31/10/2000	
45.	Sh. A. Kumaraswamy	Neither	12/4/1950	11/11/2003	
46.	Sh. V. L. Palaniappan	Neither	24/4/1952	11/11/2003	

A. S. P.

11/5

No. APSWB/PER/2005

Date: - 16-08-05

To,

The Executive Director
Central Social Welfare Board,
New Delhi - 110016

Subject: - Petition for consideration of promotion to the post of Project Officer.

Madam,

With reference to the subject cited above, I have the honour to bring before you the following facts for your kind perusal in connection with my promotion to the next higher post of Project Officer from Assistant Project Officer.

That Madam, myself along with four others were directly recruited to the CSWB in 1987 as A.P.O. and my position was 3rd in the seniority list. During May, 2003 two of my batch mates were promoted to the post of Project Officer as per seniority and since then I stood as the senior most Assistant Project Officer in the department. I am to state that the departmental proceeding which was initiated against me was dropped Vide No. F. 19-3/MA/DP/03-F.O. Estt. Dt. 02-07-04 and as such my promotion was due since July/04 being the senior most Assistant Project Officer and due to the fact that vacant posts of Project officer were in existence. But I am extremely pained to bring to your kind notice that till date i.e. more than two years have passed from the date of my legitimate promotion I am being deprived of my promotion to next higher post of Project Officer.

In view of above, you are therefore fervently requested to kindly look into the matter and take requisite action so that my long due promotion to the next higher post is effected at the earliest.

Yours faithfully

inl
16/8/05

(MUSTAQUIM ALI)

A.P.O. : C.S.W.B

Attached to Arunachal Pradesh
State Social Welfare Board
Naharlagun

Certified to be true copy.

Advocate

ASSAM STATE SOCIAL WELFARE BOARD
Beltola : Guwahati-28

No.ASWB/ESTT/PER/2006/ 916

DATEL-31.07.06.

At . 28-8-06

To
The Executive Director,
Central Social Welfare Board,
New Delhi-110016.

For kind attn. of Dy.Director(F.O. Estt).

Subject:-Request for Sanction of Assured Career Progression -regarding.

Respected,

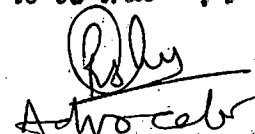
With reference to the above quoted subject, I have the honour to request you kindly to sanction Assured Career Progression which was due to me w.e.f. October, 1999 at an early date as I am facing financial hardship for non receipt of financial upgradation since October, 1999 and obliged.

Yours faithfully,



(MUSTAQUIM ALI)
A.P.O. & Secretary (Deputation)
Assam State Social Welfare Board, Guwahati.

Certified to be true copy.


Advocate