

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 269/2006

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SECTION OFFICER (Judl.)

27/10/17

FROM NO. 4  
(SEE RULE 24)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application No. 269/06
2. Mice Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(S) Kabin Koliā  
Respondent(S) U. O. I. Goms

Advocate for the Applicant(S) S. Sauma, M.C. B. Den  
...H.K. Das.....

Advocate for the Respondent(S) For case... G. B. Baisma.

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form is Recd. F. No. 50/- d. No. 286/92-5876 Dated 2.11.06</p> <p><u>[Signature]</u> Dy. Registrar</p> <p><u>[Signature]</u> 24/11/06</p> <p>steps not taken</p> <p><u>[Signature]</u></p>	3.11.06	<p>Issue involved in this case is that the applicant has applied for the Grade 'D' post of Peon In 1994. While he was working as Casual Labour he was denied the benefit of selection even on age relaxation. The applicant earlier approached this Tribunal by filing O.A.No.35 of 05 dated 9.8.06(Annexure 1). The Court directed the respondents to consider the case of the applicant for granting appointment in Grade-D post relaxing his upper age limit by reckoning his casual service period. However, the counsel for the applicant has submitted that the respondents have violated the Tribunal's order passed by this Tribunal in O.A.No.35 of 05. Dated 9.8.06 which has referred to the circular which covers the case of the applicant.</p>

269

3.11.06

Considering the above facts and circumstances I am of the view that the application can be admitted. Application is admitted. Issue notice on the respondents. Six weeks time is granted to the respondents to file the written statement.

Meanwhile, the Court directs the respondents that the applicant will not be terminated if he has already been engaged till the next date of hearing. Post the matter on 18.12.06.

Vice-Chairman

lm

08.12.2006 Present: Hon'ble Sri K.V. Sachidanandan  
Vice - Chairman.

Learned Counsel for the Respondents wanted to have further time to file reply statement. Post on 11.01.2007. Interim order shall continue till the next date.

Vice-Chairman

/mb/

11.1.07.

Counsel for the Respondents wanted to file written statement. Let it be done. Post the matter on 14.2.07.

Vice-Chairman

lm

Notice & order  
Sent to D/Section  
for issuing to  
R-1 to 4 by regd.  
A/D post.

9/11/06 - D/No-1085 to 1088  
Dt= 13/11/06.

Notice duly served  
on R-2,4.

21/11/06.

No Wks have been  
billed.

20  
7.12.06.

order dt- 8/12/06  
issuing to learned  
advocates for both  
the parties.

11/12/06

No Wks have been  
billed.

20  
16.1.07.

No Wks have been  
billed.

20  
13.2.07.

18.5.07. Let the case be listed for hearing on

13.6.07. In the meantime the respondents are at liberty to file reply to the rejoinder. Interim order shall continue.

W/s and rejoinder  
has been filed.

Vice-Chairman

lm

2m  
17.5.07.

13.6.2007

Mr. G. Baishya, learned Sr. C.G.S.C. wanted further time to file reply to the rejoinder. Three weeks' further time is allowed. Thereafter, the matter shall be posted for hearing.

Post on 03.07.2007. Interim order shall continue till such time.

Vice-Chairman

order dt. 18/5/07  
issuing to learned  
advocates for both  
the parties.

bb  
22/5/07.

W/s and Rejoinder  
has been filed. /bb/

2m  
12.6.07 3.7.2007

Pleadings are complete. Let the case be posted after three weeks and thereafter matter will be posted for hearing before the Division Bench.

Post the case on 25.7.2007. Interim order shall continue till such time.

Vice-Chairman

order dt. 13/6/07.  
issuing to learned  
advocates for both  
the parties.

bb  
14/6/07.

The case is ready  
for hearing.

2m  
2.7.07.

order dt. 3/7/07 issuing  
to both the parties.

bb  
5/7/07. W/s and rejoinder  
filed by the parties. lm

2m  
24.7.07.

25.7.07. Counsel for the Respondents wanted  
time to take instructions on the rejoinder.  
Let it be done. Post the matter on 10.8.07.  
Interim order shall continue.

Vice-Chairman

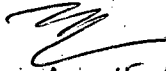
Notes of the Registry	Date	Order of the Tribunal
<p>20.2.07</p> <p>W/S Submitted by Respondent No.1 to 4, page contains 1 to 25.</p> <p><i>Pin.</i></p>	<p>14.02.2007</p> <p>/bb/</p>	<p>Mr.G.Baishya, learned Sr. C.G.S.C submitted that reply statement has been filed. Let it be brought on record, if it is otherwise in order. Counsel for the Applicant has served a copy of the same.</p> <p>Post the case on 16.3.2007. In the meantime Applicant may file rejoinder, if any.</p> <p>Interim order shall continue till the next date.</p> <p><i>[Signature]</i></p> <p>Vice-Chairman</p>
<p>Order dt-14/2/07 issuing to learned advocates for both the parties.</p> <p><i>16/2/07.</i></p> <p>No rejoinder has been filed</p> <p><i>[Signature]</i></p> <p>15.3.07.</p>	<p>16.3.07.</p> <p>lm</p> <p>3.4.07.</p> <p>lm</p>	<p>Rejoinder has not been filed. Post the matter on 3.4.07. for filing rejoinder. Interim order shall continue.</p> <p><i>[Signature]</i></p> <p>Member</p> <p>Vice-Chairman</p>
<p>Order dt-16/3/07 issuing to learned advocate's for both the parties.</p> <p><i>20/3/07.</i></p> <p>26.3.07</p> <p>Rejoinder Submitted by the Applicant. Page No. 1 to 10.</p>	<p>3.5.2007</p> <p>lm</p>	<p>Rejoinder has been filed by the applicant. Post the matter on 3.5.07. Interim order shall continue.</p> <p><i>[Signature]</i></p> <p>Vice-Chairman</p>
<p>Order dt-3/4/07 issuing to the both the parties.</p> <p><i>25/4/07</i></p> <p><i>5/4</i></p>	<p><i>25/4/07</i></p>	<p>Mr. G. Baishya, learned Sr.C.G.S.C. sought for time to take instruction on the rejoinder filed by the Applicant. Let it be done within two weeks.</p> <p>Post on 18.05.2007. Interim order shall continue.</p> <p><i>[Signature]</i></p> <p>Vice-Chairman</p>

-5  
OA-269/06


7.9.2007

Post the case after three weeks in  
the Division Bench.

The case is ready  
for hearing.

  
13.5.08

/bb/

  
Vice-Chairman

14.05.2008

None appears for the Applicant nor the Applicant is present. Mr S. Sarma, learned Counsel for the Applicant, has filed a leave note.

Call this matter on 23.06.2008 for hearing.

Send copies of this order to the Applicant and to the Respondents in the addresses given in the O.A. so that they can come ready for the hearing on the date fixed.

(Khushiram)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

nk m

Order dt. 14/05/08  
Send to D/Section  
for wiring to  
applicant and respondents  
by post.  
D/Mo-2374 to  
D/15/08 D/19/5/08  
2377  
21/5/08.

23.06.08

Mr H. Das, learned counsel  
appearing for the Applicant and Mr G. Baishya, learned Sr. Standing counsel for the Union of India are present. Call this matter on 28.07.2008 before Division Bench.

(M.R. Mohanty)  
Vice-Chairman

pg

the case is ready  
for hearing.  
25.7.08.

20.6.08.

the case is ready  
for hearing.

O.A. 73 of 07

28.07.2008

Mr.K.Borthakur, learned counsel appearing for the Applicant is present. Mr.M.U.Ahmed, learned Addl. Standing counsel seeks an adjournment to file written statement on behalf of UPSC. Call this matter on 04.09.2008 for hearing.

the case is ready  
for hearing.  
31.10.08.

lm

(Khushiram)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

O.A.No.269/2006 - 6 - 6

04.269/2006

X

28.07.2008

On the prayer of Mr. H. K. Das, learned counsel appearing for the Applicant (made in presence of Mr. G. Baisya, learned Sr. Standing counsel), call this matter on 25<sup>th</sup> August, 2008 for hearing.

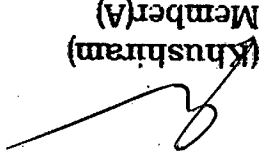
The case is ready for hearing.

22.08.2008

Im

(Khushiram)  
Member(A)

(M.R.Mohanty)  
Vice-Chairman



25.08.2008

Mr.H.K.Das, learned counsel for the Applicant is on accommodation. Mr.G.Baisya, learned Sr. Standing counsel for the Union of India is present.

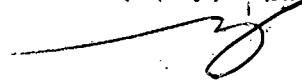
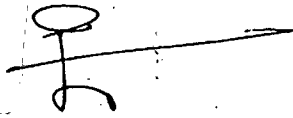
The case is ready for hearing.

3.09.08

/bb/

(Khushiram)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman



Call this matter on 04.09.2008 for hearing.

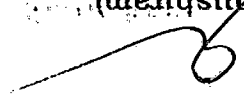
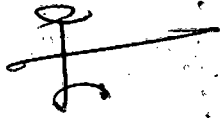
04.09.2008 Mr. H. K. Das, learned counsel

appearing for the Applicant is in difficulty for which the prayer is made (on his behalf) seeking an adjournment. M. G. Baisya, learned Sr. Standing Counsel appearing for the Union of India is present.

Call this matter on 03.11.2008.

(Khushiram)  
Member(A)

(M.R.Mohanty)  
Vice-Chairman



03.11.2008

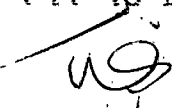
None appears for either of the parties.

Call this matter on 10.11.2008 for

hearing.

(S.N. Shukla)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman





10.11.2008 Mr H.R. Das, learned Counsel appearing for the Applicant is present. Mr G. Baishya, learned Sr. Standing Counsel for the Union of India, is on accommodation.

The case is ready for hearing.

18.11.08.

nkm

Call this matter on 19.11.2008.

(S.N. Shukla)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

The case is ready for hearing.

19.11.09.

lm

19.11.2008 On the prayer of learned counsel appearing for both the parties, call this matter on 02.01.2009.

(S.N. Shukla)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

02.01.2009 None appears for either of the parties.  
Call this matter for hearing on 06.02.2009.

(M.R. Mohanty)  
Vice-Chairman

/bb/

06.02.2009 Call this matter on 24.03.2009 for hearing.

(M.R. Mohanty)  
Vice-Chairman

nkm

O.A. No.269 of 2006

24.03.2009 Court work suspended due to sad demise of Hon'ble Justice Guman Mal Lodha (former Chief Justice of Gauhati High Court) and, accordingly, call this matter on 06.05.2009 for hearing.

The case is ready for hearing.

5.5.09

/pb/

By Order

by  
Court Officer

06.05.2009 Call this matter on 10.06.2009 for hearing.

lm

Y  
(M.R.Mohanty)  
Vice-Chairman

10.06.2009 Call this Division Bench matter on 04.08.2009 for hearing.

The case is ready for hearing

3.8.09

/bb/

Y  
(M.R.Mohanty)  
Vice-Chairman

04.08.2009

Mr.H.K.Das, learned counsel for the Applicant was present. In absence of Mr.G.Baishya, learned Sr. Standing counsel for the Govt. of India, call this matter on 08.09.2009 for hearing.

Copy of The order Dated 4-8-09 prepared and send to D.Section for issuing of The same to The respondents vide D.No - 9229 to 9232 Date:- 6/8/09

6.8.09

The case is ready for hearing.

7.9.09

Y  
(M.K.Chaturvedi)  
Member (A)

Y  
(M.R.Mohanty)  
Vice-Chairman

08.09.2009 On the prayer of the Counsel  
for both the parties, call this matter  
on 09.11.2009.

The case is ready  
for hearing.

/PB/

(M.K. Chaturvedi)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

3  
6.11.09

09.11.2009

Due to general strike call by ULFA, none  
appears for parties.

Adjourned to 16.11.2009

The case is ready  
for hearing.

3  
13.11.09

nkm

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

16.11.2009

It is stated that Mr H.K.Das,  
learned counsel for the applicant is  
out of station.

List on 7.12.2009 for hearing.

Issue vide order  
No. 12842 to 12845  
dt 8.12.09

com  
16.12.09

(Madan Kr. Chaturvedi)  
Member (A)

(Mukesh Kr. Gupta)  
Member (J)

/pg/

18.11.2009

For the reasons recorded separately,  
O.A. stands disposed of.

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

/pb/

12

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI:

O.A. No 269 of 2006

Date of Decision : 18.11.2009

Sri Kabin Kalita

Applicant/s

Mrs. B. Devi

Advocates for the  
Applicant/s

- Versus -

U.O.I. & Ors.

Respondent/s

Mrs. M. Das, Sr. C.G.S.C.

Advocate for the  
Respondents

CORAM :

HON'BLE MR. MUKESH KUMAR GUPTA MEMBER (J)

HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

1. Whether reporters of local newspapers may be allowed  
to see the Judgment ?

Yes/No

2. Whether to be referred to the Reporter or not ?

Yes/No

3. Whether their Lordships wish to see the fair copy  
of the Judgment ?

Yes/No



MEMBER(J) / MEMBER(A)

Judgment delivered by

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI :

Original Application No. 269 of 2006

DATE OF DECISION : THIS, THE 18<sup>TH</sup> OF NOVEMBER, 2009

HON'BLE MR. MUKESH KUMAR GUPTA, JUDICIAL MEMBER

HON'BLE MR. MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

Sri Kabin Kalita  
S/o Late Baliram Kalita  
R/o, Vill & P.O. – Balishatra  
Sarulacha, Dist – Kamrup, (Assam).

... Applicant

By Advocate : Mrs. B. Devi

-Versus-

1. Union of India  
Represented by Comptroller and  
Auditor General of India  
New Delhi.
2. The Accountant General (A & E)  
Meghalaya etc.  
Shillong – 793001.
3. The Accountant General (A & E) Assam  
Maidamgaon, Beltola  
Guwahati – 29.
4. The Senior Deputy Accountant General (Admn)  
O/o the Accountant General (A & E)  
Maghalaya etc.  
Shillong – 793002.

... Respondents

By Advocate : Mrs. M. Das, Sr. CGSC

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ORDER (ORAL)

18.11.2009

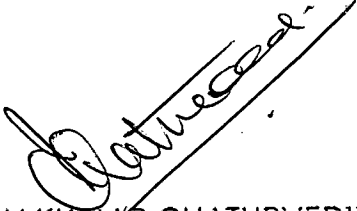
MUKESH KUMAR GUPTA, MEMBER (J)


Mrs. B. Devi, learned counsel appearing for the Applicant states that although this matter has not been listed in today's cause list yet she wants to dispose of the same as being withdrawn.

2. Heard Mrs. M. Das, learned Sr. CGSC appearing for Respondents.

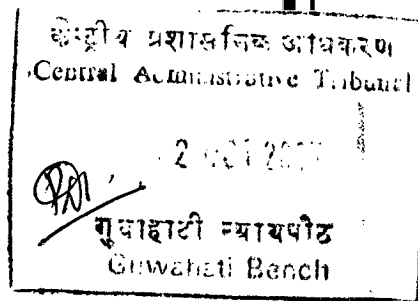
3. Learned counsel for applicant states that applicant has been selected, for appointment for which the matter may be disposed of as being withdrawn.

4. In view of the above, O.A. is disposed of as withdrawn. Opportunity is granted to applicant to agitate the matter, if so required.

  
(MADAN KUMAR CHATURVEDI)  
MEMBER (A)

  
(MUKESH KUMAR GUPTA)  
MEMBER (J)

/PB/



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 269 of 2006

Between

Shri Kabin Kalita. .. .. Applicant.


AND

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

I N D E X

Sl.No.	Particulars	Page No.
1.	Application	1 to 14
2.	Verification	15
3.	Annexure-1.	16 — 24
4.	Annexure-2.	25 — 26
5.	Annexure-3.	27

\*\*\*\*\*

Filed by : 

Regd.No.:

File : d:\private\kabin

Date : 2/11/06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 269 of 2006

Shri Kabin Kalita.

.....Applicant.

AND

Union of India & ors.

..... Respondents.

SYNOPSIS

The applicant in the instant case is aggrieved by the inaction on the part of the respondents in not considering his case for issuing appointment to the post of Peon (Gr.D) for which he was selected. The applicant is also aggrieved by the action on the part of the respondents in ignoring his claim inspite of repeated requests made by him towards issuance of appointment orders for the post of Peon (Gr.D) for which he was selected. The applicant made several requests to the authority concern for consideration of his case but same yielded no result in positive. The respondents however made it clear that unless there is a clear-cut direction from the Hon'ble Court his case for issuance of the appointment order would not be considered. Having regard to said position the present applicant earlier approached this Hon'ble Tribunal seeking redressal of his grievances by way of filing OA NO.35/05. The Hon'ble Tribunal after hearing the parties to the proceeding and after going through the materials on record was pleased to dispose of the said OA directing the respondents to consider the case of the applicant for appointment in Gr.D post relaxing his upper age limit. But surprisingly enough the respondents without applying their mind have issued



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the impugned order dated 16.10.06 rejecting the case of the applicant towards appointment in Gr. D post. By issuing the impugned order the respondents have virtually violated the order passed by this Hon'ble Tribunal for which they are liable to be punished severely under the Contempt of Court Act. Hence this application.

\*\*\*\*\*

Filed by: B.  
The Applicant  
through  
Hidip W. Das.  
Advocate  
2/4/06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

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

O.A.No. 269 of 2006

BETWEEN

Sri Kabin Kalita  
S/o Late Baliram Kalita  
R/o, Vill & P.O. Balishatra  
Sarulacha, Dist.-Kamrup, (Assam)

..... Applicant.

VERSUS

1. Union of India,  
Represented by Comptroller and Auditor General of India  
New Delhi.
2. The Accountant General (A&E)  
Meghalaya etc.  
Shillong-793001.
3. The Accountant General (A&E) Assam  
Maidamgaon, Beltola,  
Guwahati-29.
4. The Senior Deputy Accountant General (Admn)  
O/o the Accountant General (A&E)  
Meghalaya etc.  
Shillong-793001.

..... Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the action of the respondents in not offering the applicant the Gr.D post (Peon) pursuant to his selection to the said post whereas on the same fact situation others have been offered the said appointment. This application is also made against the communication under memo No. Sr.DAG(A)/Conc/2004-05/109 dated 16.10.2006 issued by the respondents rejecting the case of the applicant violating the

Kalita

directions contained in the judgment and order dated 9.8.06. This application is also filed praying for drawing up appropriate contempt proceeding against the respondents in violating the judgment and order dated 9.8.06.

2. LIMITATION:

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

3. JURISDICTION:

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

4. FACTS OF THE CASE:

4.1. That the applicant in the instant case is aggrieved by the inaction on the part of the respondents in not considering his case for issuing appointment to the post of Peon (Gr.D) for which he was selected. The applicant is also aggrieved by the action on the part of the respondents in ignoring his claim inspite of repeated requests made by him towards issuance of appointment orders for the post of Peon (Gr.D) for which he was selected. The applicant made several requests to the authority concern for consideration of his case but same yielded no result in positive. The respondents however made it clear that unless there is a clear-cut direction from the Hon'ble Court his case for issuance of the appointment order would not be considered.

Having regard to said position the present applicant earlier approached this Hon'ble Tribunal seeking redressal of his grievances by way of filing OA NO.35/05. The Hon'ble Tribunal after hearing the parties to the proceeding and after going through the materials on record was pleased to dispose of the said OA directing the respondents to consider the case of the applicant for appointment in Gr.D post relaxing his upper age limit. But surprisingly enough the respondents without applying their mind and disregarding the direction contained in the said judgment have issued the impugned order dated 16.10.06 rejecting the case of the applicant towards appointment in Gr. D post. By issuing the impugned order the respondents have virtually violated the order passed by this Hon'ble Tribunal for which they are liable to be punished severely under the Contempt of Court Act.

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

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

4.3. That the applicant entered the services under the respondents on 13.8.94 as Casual Worker. It is pertinent to mention here that his such appointment was made pursuant to a duly constituted selection process and he was selected for the said post. It is also noteworthy to mention here that the post against which he was selected was a post vacant and at the time

of his appointment as Casual Worker there was sanction from the competent authority for such appointment.

4.4. That the applicant pursuant to such appointment continued to hold the said post to the satisfaction of all concern and he is continuing in the said post till date. Time and again the concern authority certifying his service as satisfactory one issued certificates treating his service to be continuous and satisfactory one.

The applicant craves leave of this Hon'ble Tribunal to produce the said certificates as and when required.

4.5. That the applicant during his service tenure kept on representing his case before the concern authority for his regular absorption against the vacant post but same yielded no positive response from the respondents. The respondents on the other hand kept on assuring him for taking into consideration the vacancy position.

4.6. That certain posts in the cadre of (Gr.D/Peon) fell vacant during the year 1999 and accordingly applications were called for from the eligible departmental candidates including the present applicant. The applicant applied for the said post providing all the service particulars in his application. The respondents considering his such application issued call letters to him asking him to appear in the interview. Date and venue of the interview has been specified by the respondents and accordingly the applicant appeared in the said interview. Apart from the present applicant there were several candidates for the said post.

4.7. That the applicant was informed by the authority concern that he was selected for the said post of Peon in Gr.D cadre. The selection committee recommended the case of the applicant for appointment to the post of Gr.D/Peon, and he was requested to appear before the personal interview scheduled to be held on 25.5.99. To that effect the respondents have issued an order vide memo No.Estt.1(M)/1-15/98-99 dated 5.5.99. Accordingly, the applicant appeared in the said test on the scheduled date and he fared well. Subsequently, on enquiry about the fate of the said selection he was told that, he cleared the test with outstanding remark and the selection committee has recommended his case along with others for appointment in Gr.D cadre (Peon).

4.8. That the respondents after the said selection process issued an order vide memo No.Estt-1(M)/Intention/99/Group-D/90 dated 4.6.99, asking him to submit (1) Character Certificate (2) Attestation form (3) Cast Certificate (4) Declaration regarding marital status (5) No objection Certificate etc. The respondents issued similar letters to other selected candidates along with the applicant.

The applicant craves leave of this Hon'ble Tribunal to produce the communications relating to his selection to Gr. D post as when required.

4.9. That the applicant accordingly submitted the requisite documents as well as declaration as directed by the respondents through order dated 4.6.99. To that effect he submitted a representation dated 10.6.99 enclosing the aforesaid particulars. The aforesaid representation was received by the respondents on 11.6.99.

4.10. That the applicant as well as other selected candidates kept on waiting for the formal appointment order and they kept on pursuing the matter before the concern authority. The respondent authorities kept on assuring them, including the present applicant for issuance of such appointment orders. However, inspite of their repeated requests, the respondents did not do anything in their favour. Situated thus one of the selected candidate namely Sri Nowal Kishore Roy in the year 2002 approached the Hon'ble Tribunal by way of filing OA No.206 of 2002 before the Hon'ble Tribunal. The respondent authority during the pendency of the said proceeding before the Hon'ble Tribunal, kept the matter pertaining to their appointment pending. On visit to the office of the respondents the applicant was informed that due to the pendency of the aforesaid OA, the cases pertaining to others also kept pending awaiting for the result of the case. However, subsequently even during the pendency of the aforesaid OA, the respondents issued appointment orders to other selected candidates namely, (1) Rabin Rizal (2) Krishna Joshi (3) Paresh Das and (4) Sambhu Ram Deka. It is noteworthy to mention here that apart from Sri Sambhu Ram Deka, all other i.e 1, 2 and 3 are Junior to the present applicant and their names appeared below the applicant in the select penal. Said Sri Nawal Kishore Roy (applicant in OA No.206/02) highlighted the aforesaid facts before the Hon'ble Tribunal subsequently.

4.11. That the applicant immediately apprised the authority concerned about the said development, but apart from verbal assurance nothing came out positive. Subsequently, the aforesaid OA 206/02 filed by said Sri Nawal Kishor Roy came up

before the Hon'ble Tribunal for hearing and as per the direction of the Hon'ble Tribunal, the Sr. D.A.G (Admn) attended the Hon'ble Tribunal and he was asked to participate in the hearing proceedings. Said Sr. D.A.G(Admn) fairly apprised the Hon'ble Tribunal that due to pendency of the court proceeding the appoints were kept in abeyance and he assured for releasing the same. The Hon'ble Tribunal while recording the submission made by the said official i.e. Sr. D.A.G. (Admn), the appointing authority, disposed of the OA directing the respondent authorities to issue the appointment order to the applicant therein (Sri Nawal Kishore Roy) within 10 days from the day of passing the judgment (i.e) 5.8.03. The Hon'ble Tribunal however, left it open for the respondents to fix seniority as well as the arrears salary as per law.

4.12. That the respondents authority immediately, thereafter started the process of appointment in case of Nawal Kishore Roy (the applicant in OA No.206/02). The respondents while implementing the judgment and order dated 5.8.03 passed in OA No.206/02 (Nawal Kishore Roy -vs- U.O.I. & Ors), issued an order vide memo No.Estt/P.C./Gr.D/NKR/2003/2203 dated 14.8.03 by which said Sri Nawal Kishore Roy was appointed to the Gr.D cadre in the post of "Watcher". It is pertinent to mention here that the respondents in the said order clearly mentioned regarding the interview as well as selection of 1999 and also mentioned that he (Nawal Kishore Roy) had cleared the same.

4.13. That the applicant immediately approached the concerned authority praying for issuance of his appointment order like that of others but same yielded no result in positive. The



respondents in reply, placed their helplessness in absence of any direction from the Hon'ble Tribunal. The applicant who is a lowly paid casual worker could not approach the Hon'ble Tribunal immediately and apprised the authority to do the needful as has been done in case of other similarly situated employees including Sri Nawal Kishore Roy. The applicant also apprised the authority regarding the appointment of others including the case of Sambhu Ram Deka in whose case there was no order from the Hon'ble Tribunal. The applicant having failed to get any favorable order from the respondents, earlier has approached this Hon'ble Tribunal by way of filing OA No.35/05. In the said OA the respondents have entered appearance and have filed their written statement. The only ground taken by the respondents for not appointing the applicant in Gr.D post is that the applicant is overaged. The Hon'ble Tribunal after hearing the parties at length and also after going through the materials on record was pleased to dispose of the said OA vide judgment and order dated 9.8.06 directing the respondents to appoint the applicant in Gr.D post relaxing his upper age limit. In this regard the Hon'ble Tribunal has also discussed various circulars where provision for relaxation is there.

A copy of the said judgment and order dated 9.8.06 passed in OA NO. 35/05 is annexed herewith and marked as ANNEXURE-1

4.14. That the applicant begs to state that immediately after receiving the certified copy of the said judgment and order dated 9.8.06 he submitted the same before the respondent authorities vide communication dated 21.8.06 with a prayer to appoint him in Gr.D post. But surprisingly enough the respondents have issued the impugned communication dated 16.10.06 rejecting

the case of the applicant. The applicant submits that the respondents have issued the impugned order without applying their mind and same has been issued in violation of the direction contained in the aforesaid judgment.

Copies of the said communication dated 21.8.06 and the impugned order dated 16.10.06 are annexed herewith and marked as ANNEXURE-2 and 3 respectively.

4.15. That the applicant begs to state that inspite of repeated requests the respondents have not done anything in regard to issuance of his appointment order. On the contrary they have issued the impugned communication dated 16.10.06 rejecting the case of the applicant. It is pertinent to mention here that the at present there are number of vacancies in the Gr.D cadre and the respondents on the other hand kept on utilizing the service of the applicant on casual basis even after his selection.

That the applicant craves leave of this Hon'ble Tribunal for an appropriate order directing the respondents to produce/apprise the vacancy position at the time of hearing of this case.

4.16. That the applicant begs to state that the respondents inspite of repeated requests made by him have not issued the appointment order where as other similarly situated employees like that of the present applicant, are enjoying the regular Gr.D posts with higher pay scale. It is stated that the applicant who has been serving as a casual worker since 1994, his service is automatically requires to be regularised invoking the

*K. K. K.*

guidelines as has been issued by the Govt, of India from time to time. On the contrary the respondents even after his selection are yet to be issued with favourable appointment order. Whereas ignoring his claim the respondents have issued order of appointment to the other selected candidates whose names appeared below the applicant in the said select list. Since the respondents have issued the last appointment order on 14.8.03 pursuant to the select list of 1999, it is presumed that the said select is still valid.

4.17. That the applicant begs to state that from the facts narrated above it is crystal clear that the respondents have acted contrary to the settled proposition at law and their action can be termed as discriminatory one. Discrimination in the matter of public employment by the controlling authority is a great illegalities and same is not permissible in the eye of law. It that view of the matter an appropriate order need be issued by the Hon'ble Tribunal directing the respondents to issue appropriate order of appointment to the applicant.

4.18. That the applicant begs to state that The Hon'ble Tribunal has clearly directed the respondents to consider the case of the applicant relaxing his upper age limit. But the respondents have without any basis rejected the case of the applicant and in doing so they have shown total disregard towards the judgment passed by the Hon'ble Tribunal. In such a circumstances the applicant through this application has also prayed for drawing up of contempt proceeding against the respondents and thereafter to punish them severely for such willful and deliberate violation of the direction of the Hon'ble Court in the aforesaid judgment. It is stated that by issuing the

K. K. K.

said impugned order the respondents have virtually tried to rewrite the judgment of the Hon'ble Court. Admittedly the respondents have not yet filed any appeal against the said judgment and same has attained its finality. In such an eventuality, the respondents are duty bound to follow the direction contained in the said judgment. The points raised by the respondent in the impugned order is nothing but the repetition of their contentions made in the written statement filed in the OA No 35/05 ( the earlier O.A.) and after the pronouncement of the judgment and order dated 9.8.06 and having allowed the same to attain its finality, the respondents have waived their right of making such a plea and as such the impugned order is not at all sustainable and liable to be set aside and quashed.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in not issuing the appointment order to the present applicant is per-se illegal and arbitrary and same is liable to be set aside and quashed and appropriate direction need be issued to the respondents, to issue appointment order and to fix his seniority in accordance with law.

5.2. For that the respondents have acted illegally in not issuing appointment order to the applicant who is a selected candidate more so when other similarly situated employees have been enjoying the regular Gr.D post.

5.3. For that the discrimination meted out to the present applicant in public employment is highly illegal and as such entire action on the part of the respondents are liable to be set

*K. Kalita*

aside and quashed.

5.4. For that the impugned order dated 16.10.06 passed by the respondents is not at all sustainable in the eye of law and same is contemptuous and hence liable to be set aside and quashed.

5.5. For that in any view of the matter the action/inaction on the part of the respondents are not sustainable and liable to be set aside and quashed.

The applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the OA.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that they have exhausted all the remedies available to him and there is no alternative remedy available to him.

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

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

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prays that the instant application be admitted, records be called for, and after hearing the parties on the cause or causes that may be shown, and on perusal of records, be grant the following reliefs to the applicants:-

8.1. To set aside and quash the impugned order dated 16.10.06 .

8.2. To direct the respondents to issue the appointment order to the applicant in the post of Peon (Gr.D) immediately with retrospective effect providing all the consequential service benefits including seniority and arrears salary etc.

8.3. To direct the respondents not to fill up any post in the Gr.D cadre without first issuing the appointment order to the applicant as prayed for in para 8.2.

8.4. To draw up suo-moto contempt proceeding against each of the respondents for willful and deliberate violation of the judgment and order dated 9.8.06 and thereafter to punish them severely.

8.5. Cost of the application.

8.6. Any other relief/reliefs to which the applicants are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

In view of the facts and circumstances stated above the applicant prays for an interim order directing the respondents not to fill up any post in the Gr. D cadre without first appointing the applicant and to allow him to continue in his present employment till such formalities are over pending disposal of the DA.

10. This application is filed through Advocate.

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

- 1. I.P.O. No. : 286 925876
- 2. Date : 2.11.06
- 3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

VERIFICATION

I, Sri Kabin Kalita, aged about 35 years, S/o Late Beliram Kalita, R/o (P.O. & Vill) Balisatra (Sarulecha), Dist. Kamrup (Assam), do hereby solemnly affirm and declare that statements made in paragraphs 4.2, 4.16, 4.17..... are true to my knowledge and those made in paragraphs 4.1, 4.3-4.15..... are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 2<sup>nd</sup> day of Nov. of 2006.

Sri Kabin Kalita

Signature.



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 35 of 2005.

Date of Order: This, the 9th day of August 2006.

THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN

THE HON'BLE MR. GAUTAM RAY, ADMINISTRATIVE MEMBER

Shri Kabin Kalita  
Son of Late Baliram Kalita  
R/o Vill. & P.O: Balishatra  
Barulacha, Dist: Kamrup, Assam.

..... Applicant.

By Advocate: S/Shri S.Sarma & B.Devi.

- Versus -

Union of India represented by the  
Comptroller and Auditor General of India  
New Delhi.

2. The Accountant General (A&E)  
Meghalaya etc.  
Shillong-793001.
3. The Accountant General (A&E) Assam  
Maidangaon, Beltola  
Guwahati-29.
4. The Senior Deputy Accountant General (A&E)  
O/o The Accountant General (A&E)  
Meghalaya etc.  
Shillong - 793 001,

.....Respondents.

By Mr.M.U.Ahmed, Addl. C.G.S.C.

*Attended*  
*(Signature)*  
Advocate

O R D E R (ORAL)

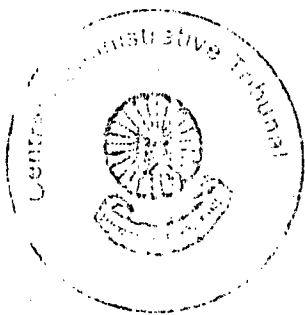
SACHIDANANDAN, K.V., (V.C.):

The applicant was appointed as casual labourer under the respondents at the age of 24 years on 13.8.1994. In the year 1999, some posts of Grade -D/Peon fell vacant and accordingly applications were called for from the eligible departmental candidates. Pursuant thereto applicant also applied for the same. He was called for appearing in the interview, he appeared in the interview alongwith other candidates. He was asked to appear before the personal interview scheduled to be held on 25.5.1999 in which appeared and fared well. According to him, he cleared the test with outstanding remark, and therefore, the Selection Committee has recommended his case along with others for appointment in Grade-D/Peon (Annexure-2). Thereafter, the respondents vide Annexure-3 asked the applicant to submit certain documents before them and the applicant furnished all the required documents before the respondents (Annexure-4). Applicant claimed that the respondents kept assuring him alongwith the other candidates for issuance of appointment orders, but their assurance did not yield any result as yet though the applicant has approached them repeatedly. One similarly situated selected candidate Shri Howal Kishore Roy had

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approached this Tribunal by way of O.A. No.206/2002 and this Tribunal while disposing the matter vide order dated 5.8.2003 directed the respondents to issue appointment order in favour of Shri Roy. During pendency of the said case the respondents have issued appointment orders to other selected candidates. But having failed to obtain appointment orders the applicant preferred representations dated 29.4.2003 and 16.9.2003 before the authority but to of no avail. Hence, this Original Application seeking the following reliefs:

- 8.1 To direct the respondents to reinstate to issue the appointment order to the applicant in the post of Peon (Gr.D) immediately with retrospective effect providing all the consequential service benefits including seniority and arrear salary etc.
- 8.2 To direct the respondents not to fill up any post in the Gr. D cadre without first issuing the appointment order to the applicant as prayed for in para 8.1.
- 8.3 Cost of the application.
- 8.4 Any other relief/reliefs to which the applicants are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal."



2. Late A.K.Chaudhuri, the then Addl.C.G.S.C. had filed a detailed reply statement contending that no Selection Committee was constituted to appoint any casual labourer, and therefore, the claim of the applicant that

he was appointed as a casual labourer against a vacant post. Through the sanction received from Competent Authority, and cleared by Selection Committee is a figment of imagination cherished by him and incorrect. In the event of non-availability of work, casual workers are never engaged. By virtue of possessing character certificate, from an Accounts Officer will not confer any right to continue in any post, which is not any post at all, since he was engaged only for performing casual and intermittent work and for short duration to time. Since the applicant was engaged as a casual labourer in the office of the Accountant General (A&E), Assam, the role of Employment Exchange was performed by their Record Section by sending his candidature for Group -D interview, conducted alongwith other candidates sponsored by the other agencies. The outcome of any interview conducted in any office is always confidential in nature. Thus the applicant is trying to mislead the Hon'ble Court. No verbal assurance was given to the applicant at any point of time. The appointment of Shri Roy to Group-D post was in fact due to the delay in receiving approval from the Headquarters office not because of the intervention of this Tribunal. Further, in para 16 it is stated that Headquarters office found the applicant over aged on the date of interview even after deducting the period rendered by

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him as casual labourer. Therefore, his case could not be considered for appointment.

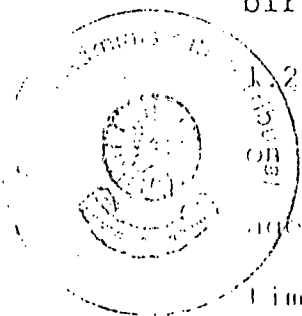
3. We have heard Ms. B.Devi, learned counsel for the applicant. Earlier late A.K.Chaudhuri, the then Addl. C.G.S.C. was appearing for the respondents in this case. Since he is no more, Mr.M.U.Ahmed, learned Addl.C.G.S.C. represented the respondents and we have heard him also.

4. Ms. B. Devi submits that applicant was interviewed, his documents were verified and he was recommended for appointment, but leaving him the other selected candidates were given appointment orders. Despite the fact that he has made several representations nothing has been answered and only in their reply statement in this case respondents are taking the ground of over age. The Addl.C.G.S.C., on the other hand, persuasively argued that even after deducting the period of casual labour service he was found over aged as on the date of interview.

5. We have given due consideration to the pleadings, arguments advanced by the learned counsel for the parties and evidence and materials placed on record. It is borne out from the records that the applicant was engaged as casual labourer w.e.f. 13.8.1994, and according to him, at that point of time he was 24 years of age. He was called for the interview, his documents were verified

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and at no point of time he was reminded that he was over aged and finally when appointment order was not forthcoming and he made several representations which were also not responded, now, the respondents are taking the plea that the applicant is over aged. Counsel for the applicant submits that still posts are vacant. It is quite evident from the Annexure-3 that the applicant was called for production of original documents for verification of records and accordingly vide Annexure-4 he produced all the required documents. Counsel for the applicant has drawn to our attention to the appointment order dated 7.4.2003 at Annexure-5 issued to Shri Sambhu Ram Deka, who according to her, was interviewed along with the applicant. It is specifically mentioned that his date of birth 28.2.1972 whereas applicant's date of birth is 1.2.1970. Even assuming the date of birth is reckoned, as on the date of interview Shri Deka will be of 27 years of age whereas the applicant will be of 29 years at that time. Therefore, it is evident that Shri Deka, though over aged, was selected and appointed relaxing his age by reckoning the period of casual labourer service. Therefore, counsel for the applicant argued that if the said relaxation can be granted to one Shri Sambhu Ram Deka it is equally applicable to the present applicant also, which is not done in this case, and therefore, non-selection of the applicant's case for Grade-D appointment



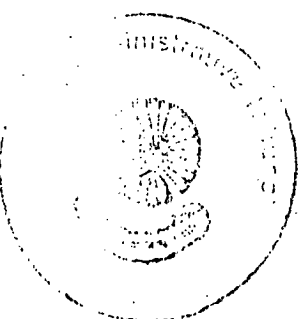
is discriminatory, arbitrary and violative of Articles 14, 16 of the Constitution of India. This Tribunal in O.A. 296/2002 filed by one Shri Haval Kishore Roy, after elaborate discussion vide order dated 5.8.2003 passed the following order:-

"Appointment letter would be issued with utmost expedition and preferably within ten days from today. Thereafter the applicant shall join the post. Regarding other issues, pertaining to seniority, salaries and allowance which were raised here we leave the matter to be amicably resolved between the parties."

Ms. B. Devi, has drawn our attention to the sub-clause 1(x) of Chapter-22 on the subject 'Casual Labour' at Page 230 of Swamy's - Establishment and Administration which reads as follows:-

"(x) The regularisation of the services of the casual workers will continue to be governed by the instructions issued by this Department in this regard. While considering such regularisation, a casual worker may be given relaxation in the upper age-limit only if at the time of initial recruitment as a casual worker, he had not crossed the upper age-limit for the relevant post."

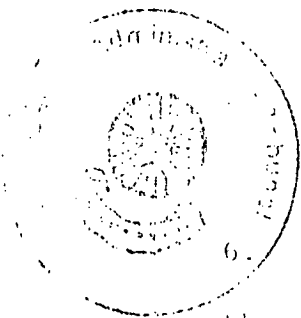
She, in support of her contention, further brought our attention to DOPT O.M. dated 30.1.1990 on the subject 'Relaxation of upper age limit for Departmental Candidates for Groups 'C' and 'D' posts'. The said O.M. provides that age relaxation for departmental candidate can be given upto the age of 40 years for general category and 45 years for



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SC/ST categories. She has also relied upon a celebrated decision of the Principal Bench of this Tribunal in the case of Raj Kamal & Others vs. Union of India reported in 1990(2)SLJ (CAT) 169. Relevant portion of paragraph 21 is quoted below:-

"..... Similarly, they should not be considered ineligible for absorption if at the time of their initial engagement, they were within the prescribed age limit."



6. In the facts and circumstance of the case and the legal position as above, we are fully convinced that since the applicant was selected and recommended for appointment, he should have been considered for giving appointment in Grade-D post relaxing his upper age limit by reckoning his earlier period that he had rendered as casual labourer as had been done in case of appointment of one Shri Sambhu Ram Deka relaxing his age (Annexure 5). Therefore, we are of the view that the applicant has made out a case and hence the respondents are directed to consider the case of the applicant for granting appointment in Grade-D post relaxing his upper age limit by reckoning his casual service period that he had rendered as casual labourer as had been done in case of Shri Sambhu Ram Deka, passing appropriate orders as expeditiously as possible, at any rate, within a period of three months from the date of receipt of copy of this

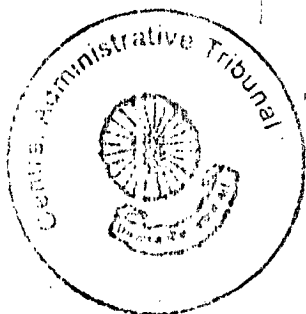


order. It is also made clear that the respondents will consider the case of the applicant's case for appointment to any existing vacancy, if not to next available vacant post.

The Original Application is disposed of as above.

There will be no order as to costs.

sd- Vice-Chairman  
sd- Member (A)



Date of Application : 17.8.06  
Date on which copy is ready : 17.8.06  
Date on which copy is delivered : 17.8.06  
Certified to be true copy

*[Signature]*  
Section Officer (Judl)  
C. A. T. G. Shakti Bench  
Gwalior

*[Signature]*  
17/8/06

- 25 -

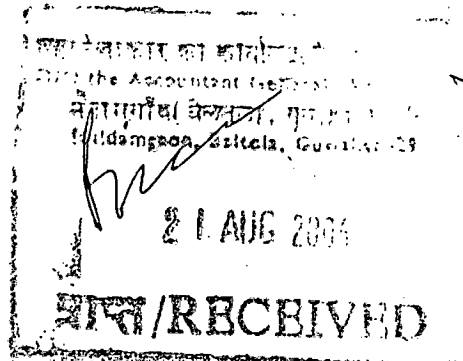
ANNEXURE - 2

To,

The Accountant general (A&E) Assam

Maldamgaon, Beltola

Gumahati-70.



BSM

306

Subj: Judgment and order dated 9.8.06 passed in OA No.35/05.

Sir,

With due deference and profound submission I beg to lay the following few lines for your kind consideration and necessary action thereof.

That Sir, I have been working under your goodself since 1994. In the year 1999 I was selected for appointment in group D /Peon along with some other candidates. But till date appointment order has not been issued to me selected candidates have already been granted the appointment in group D post. I have submitted several representations seeking my appointment in group D post, but same yielded no result in positive. Having no other alternative I preferred the abovenoted OA No.35/05 before the Hon'ble Central Administrative Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said OA directing the respondents to appoint me in any available group D vacancy relaxing my age limit, as expeditiously as possible. (copy enclosed for ready reference).

Attended  
By  
Admote

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That Sir, presently there are 14 vacancies available in group D post. Therefore I pray before your honour kindly to appoint me in any available group D vacancy for which I shall remain ever grateful to you. I hope and trust that your honour would be kind enough to do the needful at an early date.

Thanking you,

Sincerely yours

Sri Kabin Kalita  
Sri Kabin Kalita

21.8.06

S/O Late Baliram Kalita

R/o Balisatra

Dist-Kamrup (Assam).

Copy to:

The Accountant general (A&E)

Meghalaya, Shillong-793001



By Registered/A.D.

No.Sr.DAG(A)/Conc/2004-05/109  
Dated: October 16,2006

Shri Kabin Kalita,  
S/o Late Baliram Kalita,  
Village and Post Office Balishatra Sarulacha,  
District, Kamrup.

Sub:- Hon'ble CAT's order dated 9<sup>th</sup> August 2006 in OA No.35 of 2005 – Shri Kabin Kalita-Versus - UOI and Others

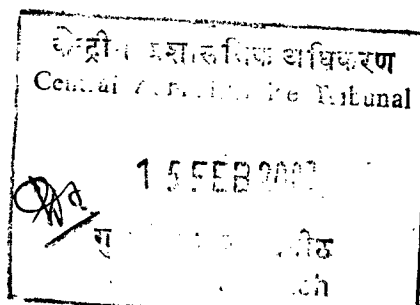
I am directed to refer to the above subject and to state that in compliance with the Hon'ble CAT's order dated 9<sup>th</sup> August 2006 in OA No.35 of 2005, the Accountant General has examined your case for appointment in a Group 'D' post in this department. It has been found that even after relaxation of your age as per Government of India's instructions to the extent of service rendered by you as casual labourer in this department between 1994 and 1998, you are not within the permissible age limit for appointment to a Group 'D' post as on the date the interviews for the post which were held in May 1999 and in which you appeared. It is therefore regretted to inform that your appointment to a Group 'D' post cannot be acceded to.

Deputy Accountant General (Admn.)

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Attested  
Alm  
Almante



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH  
AT GUWAHATI.

IN THE MATER OF

OA No. 269/06

Shri Kabin Kalita

-Versus-

1. Union of India- Represented by the Comptroller and Auditor General of India, New Delhi
2. The Accountant General (A&E) Meghalaya etc. Shillong.
3. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati - 29
4. The Senior Deputy Accountant General (Admn)  
O/o The Accountant General (A&E) Meghalaya etc. Shillong.

-AND-

IN THE MATTER OF

Written statement submitted by the Respondents No. 1 to 4.

The Respondents humbly submit their written statement as follows:

1. With regard to para 4.1 of the OA, the Respondents deny that there has been inaction on their part in the matter. The Applicant's statement that the Respondents wanted a clear-cut direction from the Hon'ble Court for issuing an appointment order to the Applicant is a figment of the Applicant's imagination. The Respondent No. 2 submits that the Order dated 09/08/2006 passed by the Hon'ble Tribunal in OA No. 35 of 2005 was most respectfully considered. However, even after considering "the case of the Applicant for granting appointment in Grade 'D' post relaxing his upper age limit by reckoning his casual service period that he had rendered as casual labourer" as directed by the Hon'ble Tribunal in paragraph 06 of its Order dated 09/08/2006, it was found that the Petitioner had crossed the upper age limit for Group 'D' posts as on the date of the interviews which were held on 24<sup>th</sup> & 25<sup>th</sup> May 1999 and hence he was ineligible for appointment. This was also the view of the Office of the Comptroller & Auditor General of India (Respondent No. 1) to whom the matter was earlier referred to November 2002 (Appendix -I).

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Filed by  
the respondents  
through Grantam Bhai Singh  
14.02.07  
Srl/G-50

Received Copy  
14.2.07

Accordingly, Respondent No.2 vide Registered letter No. Sr.DAG(A)/Conc/2004-05/109 dated 16/10/2006 (Appendix -II) in compliance with the Hon'ble Tribunal's order dated 09/08/2006 accordingly informed the Applicant that his request for appointment to a Group 'D' post could not be acceded to in view of the reasons which were explained to him in the said letter. The contention of the Applicant that the Respondents failed to apply their mind and violated the order passed by the Hon'ble Tribunal is unfounded. A copy of the action taken by the competent authority on the order dated 09/08/2006 of the Hon'ble Tribunal is submitted as Appendix-III which amply proves that the Respondents fully applied their mind in complying with the order of the Tribunal.

The crux of the matter is that the Applicant was, as on the date he appeared in the interview for a group "D" post over the permissible upper age limit prescribed in the Recruitment Rules for appointment to a Group 'D' post even after deducting the period spent as a casual labour as per existing instructions of the Government of India. Thus, while the Office of the Comptroller & Auditor General of India after applying this relaxation in accordance with the extant instructions of the Government of India, approved the recruitment of 08 persons who had appeared along with the Applicant in the interviews held on 24/25 May 1999, the Applicant was found over aged and hence not offered appointment to a Group 'D' post. Granting the Applicant's prayer for appointment to a Group 'D' post despite the fact that he is over aged would be in contravention of the Recruitment Rules and related instructions of the Government of India which are uniformly applicable for appointment to Group 'D' posts in all Central Government departments across the country.

2. With regard to para 4.2 of the OA, the Respondents humbly submit that they have no comments to offer.
3. With regard to para 4.3 of the OA, the Respondents humbly submits that casual workers are engaged on an irregular basis in the office of Respondent No. 2 as and when works of a casual and intermittent nature crop up. On any given day, there are a number of people in want of employment on a daily wage basis who come to the office. If there is any work in the office for that day, some of these

people are employed for that day only. The contention of the Applicant that he was appointed as a casual worker through a selection committee against a vacant post is absurd and intended to mislead the Hon'ble Tribunal. Casual workers are never appointed but engaged from time to time for performing casual and intermittent nature of work. From 1994 up to the time the Applicant appeared in the Interview held on 24/25 May 1999, he was occasionally employed as a casual labour in the office for a total of 668 days as below:

1994 = 73 days  
1995 = 121 days  
1996 = 121 days  
1997 = 154 days  
1998 = 199 days

4. With regard to para 4.4 of the OA, the Respondents humbly submit that issuance of a Certificate by Accounts Officer or Senior Accounts Officer of the office does not confer any right to the petitioner to any post. These type of certificates are general in nature, which are often requested for by casual workers when applying for jobs in other organizations, and frequently issued.
5. With regard to para 4.5 of the OA, the Respondents humbly submit that the claim of the petitioner that assurances were given to him by the Respondents for regularizing his case is totally false, because no authority in the office is in a position or empowered to give any such assurances. The law on the question of regularisation/absorption of Casual labour is now settled by the judgement of the Supreme Court in state of Karnataka Vs Uma Devi (2006) 4 SCC. ?
6. With regard to para 4.6 of the OA, the Respondents humbly admit that these are facts of records.
7. With regard to para 4.7 of the OA, the Respondents humbly submit that the Applicant was on 24<sup>th</sup> /25<sup>th</sup> May 1999 interviewed along with other candidates sponsored by employment exchanges and those who had worked as casual labourers in the office and were registered with Employment exchanges. However, at no point of time was any candidate ever told about his/her performance in the interview as this is a strictly confidential matter. Therefore, the Applicant's contention that he fared well in the interview is entirely his personal opinion.

8. With regard to paras 4.8 and 4.9 of the OA, the Respondents humbly admits that 09 (nine) candidates including the Applicant were in June 1999, in accordance with the prescribed procedures, issued Letters of Intention (Appendix-IV) requiring them to fill in Attestation Forms and submit character/caste/no -objection certificates, declaration regarding marital status, etc. Para 2 of the Letter of Intention clearly states that "*this is not an offer of appointment*". It is admitted that the Applicant submitted the documentation requested for to Respondent No. 2.
  
9. With regard to paras 4.10, 4.11 and 4.12 of the OA, the Respondents humbly submit that in mid-June 1999 a difference of opinion arose between the State Government and Respondent No. 2 on the manner of recruitment/appointment of group 'D' staff (Appendix -V). This was primarily due to the apparent conflict between GOI, Department of Personnel & Training O.M. No. 14024/2/96-Estt(D) dated 18/05/1998 (Appendix-VI) which directs that all vacancies arising in Central Government offices are not only to be notified but also filled up through the Employment Exchange alone and other permissible sources of recruitment can be tapped only if the Employment Exchange concerned issues a non-availability certificate and the decision of the Comptroller & Auditor General of India vide letter No. 980-N/III/8-85/1 dated 15/4/1987 (Appendix-VII) that casual labourers who have put in 206 or more number of days can be considered for appointment against Group 'D' posts. Ultimately Respondent No. 2 took a decision to scrap the entire recruitment exercise in view of the clarification under para 3 of GOI, Department Personnel & Training O.M. No. 14024/2/96-Estt(D) dated 18/05/1998 which states that "*in addition to notifying the vacancies for the relevant categories to the Employment Exchange, the requisitioning authority/establishment may, keeping in view administrative/budgetary convenience, arrange for the publication of the recruitment notice for such categories in the "Employment News" ... .. and then consider the cases* of all candidates who have applied." Respondent No. 2 accordingly informed the State Government of this decision. (Appendix-VIII) and simultaneously took steps to advertise the group 'D' vacancies in the regional papers having wide circulation.



The contention of the Applicant that, that issue of appointment letter were kept pending by Respondent No. 2 during the pendency of OA No. 206/02 filed by Shri Nawal Kishor Roy is therefore incorrect.

Subsequently in November 2002, vide letter No. Estt.I(M)/1-11/2002-03/3380 dated 05/11/2002 (Appendix-IX), Respondent No. 2 pointed out to Respondent No. 1 that 6 out of the 9 candidates who were offered Letters of Intention in May/June 1999 were all since over aged and not eligible for any State/Central government jobs. Respondent No. 1 was requested to regularize the process of recruitment of the 09(nine) candidates by way of allowing relaxation in the upper age limit as per existing rules. It was further pointed out that all the over aged candidates at the time of their initial deployment as casual worker had not crossed the upper age limit. Respondent No. 1 in reply vide vide letter No. 1231-NGE(APP)8-2001/111 dated 21.11.2002 (Appendix -X) 8) approved the recruitment of 08 candidates out of 09 candidates (barring the Applicant) ) to Group 'D' posts who were found to be within the permissible age limit on the date of interview after deducting the period they spent as casual worker. In the Applicant's case, even after deducting the period he spent as casual worker he was found to be over aged as on the date of interview and as such his case was not found eligible by the office of the Comptroller & Auditor General of India (Respondent No. 1) after due consideration.

The contention of the Applicant that Shri Nawal Kishore Roy (one of the 08 candidates approved by Respondent No. 1 for appointment) was appointed as a consequence of his filing of an OA No.206/02 before the Hon'ble Tribunal is therefore, incorrect.

10. With regard to paras 4.13 and 4.14 of the OA, the Respondents humbly submit that the reason why the Applicant was not offered appointment has been explained in the preceding para. The Respondents have also earlier submitted that the Hon'ble Tribunal's order dated 09/08/2006 in OA No. 35/2005 filed by the Applicant was most respectfully and expeditiously complied with in the manner as directed by the Hon'ble Tribunal.
11. With regard to paras 4.15, 4.16 and 4.17 of the OA the Respondents humbly submits that on receipt of the order dated 09/08/2006 of the Hon'ble Tribunal, the Applicant's case was examined de novo by the competent

authority of Respondent No. 2 to check whether there were any errors/omissions/misrepresentation of material facts in the case of the Applicant which resulted in Respondent No. 1 arriving at the conclusion that even after deducting the period the Applicant spent as casual worker, he was found to be over aged as on the date of interview and hence ineligible to be considered for appointment. Respondent No. 2 issued the communication dated 16/10/2006 only after satisfying itself that the Applicant was indeed over aged as on the date of his interview and hence, in terms of the extant rules/orders of the Central Government on the subject, ineligible for appointment.

The Applicant's contention that there are vacancies in Group 'D' is immaterial since there are in fact vacancies also in Group 'B' and 'C' cadres. These vacancies are on account of the fact that recruitment to these cadres in the Central Government has been severely restricted for some years now.

It is totally denied that the Applicant continues to be employed as a casual worker with Respondent No. 2.

12. With regard to para 4.18 of the OA the Respondents humbly submit that the Applicant is misinterpreting the Hon'ble Tribunal's order of 09/08/2006 in OA No. 35/2005. As humbly pointed out by the Respondents in para 1 of this submission, para 06 of the order dated 09/08/2006 reads in part that "*.....respondents are directed to consider the case of the Applicant for granting appointment in Group 'D' post relaxing his upper age limit relaxing his upper age limit passed by reckoning his casual service period as casual labourer as has been done in case of Shri Shambhu Ram Deka, passing appropriate orders as expeditiously as possible, at any rate within a period of three months...*". The Respondents humbly submit that it has been ascertained that even after deducting the period the Applicant had worked as a casual labour as permitted under GOI instructions/clarifications/orders, the Applicant is over aged as on the date of his interview and hence ineligible for appointment. Accordingly, this finding was communicated to the Applicant vide Registered letter No. Sr.DAG(A)/Conc/2004-05/109 dated 16/10/2006. It is humbly pointed out that in Shri Shambhu Ram Deka's case (and five other candidates), he was found to be within the permissible age limit as on the date of the interview and hence approved for appointment by Respondent No. 1. The Respondents have complied with the Hon'ble

-7-

Tribunal's order dated 09/08/2006 in letter and spirit and deny that any disregard has been shown to the Hon'ble Tribunal.

**Relief(s) sought for**

That with regard to para 5.1 to 5.5 of the OA, the Respondents humbly submit that the Prayer of the Applicant has been reexamined and considered as per the orders dated 09/08/2006 of the Hon'ble Tribunal and it has been found that he is ineligible for appointment to a Group 'D' post as he was overaged as on the date of his interview.

In view of the facts and circumstances stated above the Respondents humbly submit that the present OA No. 269/06 be dismissed with costs in favour of the Respondents.

**Verification**

I Shri ..... A - K. Das ..... son of  
(L) ..... T. R. Rabha ..... working as  
Deputy Accountant General (Admn) O/o the Accountant General (A&E) Meghalaya  
etc. Shillong do hereby solemnly declare that the statement are true to my  
knowledge, belief and information and I sign the verification  
..... 7<sup>th</sup> day of February ..... at Shillong.

  
Deponent

OFFICE OF THE ACCOUNTANT GENERAL (A&E),  
MEGHALAYA, MIZORAM & ARUNACHAL PRADESH,  
SHILLONG-793 001

Phone : 223191 (O) Fax : 0364-223103



E. R. Solomon,  
Accountant General.

No. Estt.I(M)/1-11/2002-03/3380

Dated: 5<sup>th</sup> November 2002

Dear Smt. Jyoti,

Kindly refer to HQs letter No. 975- NGE(App.) / 8-2001 / Vol. III dated 20<sup>th</sup> August 2002 on the subject of recruitment in the Gr. D peons cadre. In this connection the discussions we had in Shillong during your recent visit may also be recalled.

The offers of appointment issued to the 9 candidates whose bio-data is shown in Annexure-I mentioned in HQs. letter cited above were not based on the advertisement published in July 1999 but on the recruitment exercise carried out in May 1999. I am to confirm that no action has yet been taken on the thousands of applications received in response to the advertisement of July 1999.

HQs advice that an advertisement be placed in the local newspapers cancelling the advertisement published in July 1999 will place this office under tremendous pressures from local welfare, political, student bodies etc. and also might attract a lot of legal action from individuals, groups etc. unless this action of cancellation is followed up simultaneously with the issue of another advertisement calling for fresh applications for recruitment to the vacant posts in the various Gr. D cadres.

In this same connection HQs letter No. 73- NGE(App.) / 13-2002 dated 23<sup>rd</sup> January 2002 enclosing representations of 6 candidates who had all been issued letters of intention of appointment based on the May 1999 recruitment exercise may please be referred to. The candidates who were issued offers of appointment to the Gr. D posts had filled up the attestation forms supplied to them but were not finally issued offers of appointment. I have inquired into the matter and examined all documents and found that these six complaints are all from Casual employees who are / were working in the Guwahati (A&E) office. I have examined the file relating to the subject of the letters of intention of appointment issued to these 6 and the other 3 candidates [total 9] and find that the then AG had ordered in file [ Annexure-II] that the process of recruitment to the then vacant Gr. D posts be cancelled but did not pass orders for cancellation of the offer of appointments issued to these 9 [nine] candidates presumably as the letters of intention of appointment stated very clearly that :

“ With reference to his interview for the post of Group-D (Peon / Watcher / safaiwala) he /she is informed that there is a likelihood that he / she may be offered appointment for the above mentioned post in the next two months or so for which he / she may keep himself / herself in readiness for joining the post when the offer of appointment is issued to him / her. This is not an offer of appointment.” [ Annexure-III].

In the circumstances the need to officially intimate these 9 [nine] of cancellation of their offers of appointment does not appear necessary.

*True copy  
for  
[Signature]*

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-9-

Despite all this I however, must add that of these 9 candidates who were offered appointments in May / June 1999 all are now over aged [except for Paresh Chandra Das (ST), Shri Monoj Kumar Roy (OBC) & Shri Robin Rizal (SC)] and will not be eligible to apply for jobs in either the State or Central Govts. Keeping this fact in mind as also the Guidelines contained in Paragraph 1(x) of GOI, Deptt. of Personnel & Training's O.M. No. 49014 /2 /86 -Estt. ( C ) dated 7<sup>th</sup> June 1988 and Min. of Labour OM No. 53202 /16/ 86 -W.C. (M.W.) dated 23<sup>rd</sup> August 1988 [ Annexure-IV], HQs. could consider their regularization with relaxation in the upper age limits as at the time of their initial deployment as Casual workers they had not crossed the upper age limits and were registered in the Employment Exchanges.

This office being the cadre controlling authority for cadres from Supervisors to Group 'D' is responsible for posting of staff to the offices of the Accountants General (A&E) Assam and Meghalaya, Arunachal Pradesh & Mizoram including the office of the Principal, Regional Training Institute, Shillong. It might be recalled that in February 2002 a theft of property of the IA&AD amounting to about Rs. 10 lakh took place from the RTI Shillong and till date the stolen property has not been recovered. This was because the sanctioned strength of watchers could not be posted to RTI Shillong as there were vacancies in this cadre and as on date there are 6 [six] and 19 [nineteen] vacancies in the cadre of watchers and peons for these three offices.

HQrs. is, therefore requested to consider:

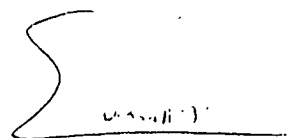
- (i) regularization for employment by relaxation in the upper age limits of the 6 candidates who were selected for appointment in May / June 1999;
- (ii) regularization for employment of the remaining 3 candidates who were selected for appointment in May / June 1999; and
- (iii) allowing this office to fill up the direct recruitment vacancies in the cadre of Group D by allowing this office to cancel the advertisement of July 1999 with the simultaneous issue of another advertisement calling for fresh applications for recruitment to the 6 and 13 vacant posts in the Gr. D watchers & Gr. D peons cadres.

*Regd.*

Encl.: as stated

Smt. R. Iyer,  
Pr. Director (Staff),  
Office of the Comptroller & Auditor General of India,  
10 Bahadur Shah Zafar Marg,  
New Delhi 110002.

Yours sincerely,

  
2 / 8 / 2002

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ANNEXURE-1.

Name	Category DOB	Age when Interviewed in May 1999	Age as on Date	Total Days served as Casual Labourer with yearwise breakup	Office where worked as C.I.
Shri Newal Kishore Roy	General 17.6.1976	22y. 11M	26 yrs. 4M	900 days 1994=142d 1995=171d 1996=205d 1997=210 d 1998=172 d	A.G.(A&E) Meghalaya
Shri Shambu Ram Deka	General 28.2.1972	27y. 3 M	30 yrs. 8M	871 days 1994=26d 1995=193d 1996=238d 1997=214d 1998=200d	A.G.(A&E), Assam
Shri Phostine Nongkhlaw	S.T. 19.4.1971	28y. 1M	31 yrs. 6M	466 days 1997=199d 1998=267d	A.G.(A&E) Meghalaya
Shri Kabin Kalita	General 1.2.1970	29y. 3M	32 yrs. 8M	668 days 1994=73d 1995=121d 1996=121d 1997=154d 1998=199d	A.G.(A&E), Assam
Shri Krishna Joshi	General 22.1.1973	26y. 4M	29 yrs. 9 M	964 days 1995=132d 1996=319d 1997=313d 1998=200d	- do -
Shri Paresh Chandra Das	S.T. 22.12.1976	23y. 5M	25yrs. 10M	891 days 1994=80d 1995=199d 1996=205d 1997=207d 1998=200d	- do -
Shri George F. Binan	S.T. 9.4.1972	27y. 1M	30 yrs. 6M	Sponsored by Employment Exchange, Shillong	
Shri Monoj Kumar Roy	OBC 10.7.1976	22y. 10M	26yrs. 3 M	-do -	A.G.(A&E) Meghalaya
Shri Robin Rizal	S.C. 22.7.1976	22y. 10M	26 yrs. 3M	869 days 1995= 104d 1996=219d 1997=346d 1998=200d	A.G.(A&E), Assam

-27-11-

APPENDIX II

Sent by  
Registered A.D.  
on 17.10.06.

55

By Registered/A.D.

No.Sr.DAG(A)/Conc/2004-05/109  
Dated: October 16,2006

Shri Kabin Kalita,  
S/o Late Baliram Kalita,  
Village and Post Office Balishatra Sarulecha,  
District, Kamrup.

Sub:- Hon'ble CAT's order dated 9<sup>th</sup> August 2006 in OA No.35 of 2005.- Shri Kabin Kalita-Versus - UOI and Others

I am directed to refer to the above subject and to state that in compliance with the Hon'ble CAT's order dated 9<sup>th</sup> August 2006 in OA No.35 of 2005, the Accountant General has examined your case for appointment in a Group 'D' post in this department. It has been found that even after relaxation of your age as per Government of India's instructions to the extent of service rendered by you as casual labourer in this department between 1994 and 1998, you are not within the permissible age limit for appointment to a Group 'D' post as on the date the interviews for the post which were held in May 1999 and in which you appeared. It is therefore regretted to inform that your appointment to a Group 'D' post cannot be acceded to.

*[Signature]*  
Deputy Accountant General (Admn.)

No. of respondents rejecting the case of applicant.

Covers the case of

Conts/-

True copy  
For  
Adv.

-27- -12- - ANNEXURE APPENDIX III  
Sent by Registered A.D.  
On 17/10/06

By Registered/A.D.

No.Sr.DAG(A)/Conc/2004-05/109  
Dated: October 16,2006

Shri Kabin Kalita,  
S/o Late Baliram Kalita,  
Village and Post Office Balishatra Sarulacha,  
District, Kamrup.

Sub:- Hon'ble CAT's order dated 9<sup>th</sup> August 2006 in OA No.35 of 2005.- Shri Kabin Kalita-Versus - UOI and Others

I am directed to refer to the above subject and to state that in compliance with the Hon'ble CAT's order dated 9<sup>th</sup> August 2006 in OA No.35 of 2005, the Accountant General has examined your case for appointment in a Group 'D' post in this department. It has been found that even after relaxation of your age as per Government of India's instructions to the extent of service rendered by you as casual labourer in this department between 1994 and 1998, you are not within the permissible age limit for appointment to a Group 'D' post as on the date the interviews for the post which were held in May 1999 and in which you appeared. It is therefore regretted to inform that your appointment to a Group 'D' post cannot be acceded to.

*[Signature]*  
Deputy Accountant General (Admn.)

*True copy  
Babin  
AM*

applicant covers the case of  
No. of respondents rejecting the case  
Cente/-



REGISTERED POST

OFFICE OF THE ACCOUNTANT GENERAL (A&E), MEGHALAYA, ETC., : : :  
SHILLONG-793001  
-0000-

Estt-1(M)/Intention/ 77/Group-D/ 701 Dated 11-6-99

With reference to his interview for the Post Group-D (Peon / Watcher / Safaiwala) he/she is informed that there is a likelihood that he may be offered appointment for the above mentioned post in the next two months or so for which he may keep himself in readiness for joining the post when the offer of appointment is issued to him.

2. This is not an offer of appointment.

3. He should submit the following documents within 15 days from the date of receipt of this memo.

(i) Certificate of Character in the form enclosed from the Head of Educational Institution last attended or in case such a certificate cannot be obtained a certificate in the same form from a Gazetted Officer (both cases duly attested by a District Magistrate, Sub-Divisional Magistrate or Stipendiary First Class Magistrate. This Certificate should have reference to 2 years immediately preceeding.

(ii) Attestation form (enclosed) duly completed (if not already furnished).

(iii) A Scheduled Castes/Tribes Certificate in the form enclosed from a District Magistrate, Additional District Magistrate, Collector, Deputy Commissioner, Additional Deputy Commissioner, Deputy Collector, First Class Stipendiary Magistrate, City Magistrate, Sub-Divisional Magistrate not below the rank of 1st. Class Stipendiary Taluka Magistrate, Executive Magistrate, Extra Assistant Commissioner, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, District Magistrate, Revenue Officer not below the rank of Assistant, Sub-Divisional Officer of the area he/she or his/her family normally resides.

(iv) A declaration in the form enclosed indicating whether he/~~her husband~~ has more than one wife living.

(v) No Objection Certificate from his previous employer, if any, if he/she is already in employment.

(vi) Displaced person Certificate from a gazetted officer of the Central Government or from a District Magistrate and/or Eligibility Certificate issued by the Government of India or a Citizenship Certificate as a

4. The necessity for such a certificate would be practical to the Bannockburn area of Litanagar or Dignail. However for Administrative reasons they are liable to be posted to the main office at Shillong or Guwahati on purely temporary basis.  
Contd.....27/7.....

True copy  
Boris Adv.

13-A

2

proof of registration as an Indian Citizen.

4. ~~The place of posting will be at Shillong/Guwahati.~~

5. On his appointment as Group 'D', he is liable to be placed in training in Home Guard as per the instruction of Government of India.

No extra correspondence on this memo will be entertained.

Two (2) Copies of Identity Certificate to be signed by two (2) different Gazetted Officers. (enclosed)

*[Signature]*  
Establishment Officer (Megh).  
(ABE)  
Shillong

To  
Shri/Smt.

KABIN KALITA

CASUAL LABOURER

To Mr. A. C. AGGARWAL, GUWAHATI

14-

29

To

The Establishment Officer  
O/O the A.G. (A&E), Meghalaya, etc.  
Shillong.

Subs- Submission of Attestation Form.

Sir,

With reference to your Letter No. Estt-1(M)/Inten-  
tion/99/Group-D/90/ Dated 4.6.99, I am to submit the following  
Forms for your kind consideration and necessary action at your  
end.

1. Attestation Forms (in triplicate)
2. Identity Certificate (from two Gazetted Officers)
3. Certificate of Character (duly countersigned/attested by  
the Sub-Divisional Magistrate, Guwahati).
4. Annexure - III.

Yours faithfully,

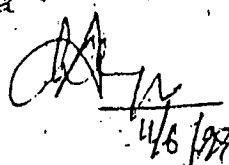
Sri Rabim Kalita

(Rabim Kalita)  
Casual Labourer

O/O the A.G. (A&E), Assam  
Guwahati

Dated, Guwahati  
the 10th June 1999

Received

  
4/6/99

15/6/99 (7)

- 15 - = (113)

60

GOVERNMENT OF MEGHALAYA  
OF THE DEPUTY COMMISSIONER :: EAST KHASI HILLS DISTRICT  
:: SHILLONG ::

195/467.

Dated Shillong, the 9<sup>th</sup> June, 1999.

L. Roy, I.A.S.,  
Deputy Commissioner,  
East Khasi Hills District,  
Shillong.

15/2  
Ready  
ESH-1

To :

The Secretary to the Government of Meghalaya,  
Labour Department, Shillong.

Subject :

Appointment of Group D employees in the Office of the Accountant General (A & E),  
Meghalaya, etc.

Sir,

I enclose herewith a copy of the proceedings of the meeting held in my Office Chamber  
on the 8<sup>th</sup> June, 1999 which will speak for itself.

2/16  
13/4  
As may be seen therein, there is an apparent conflict between Office Memorandum No. 14024/2796-Estt(D) dated 18/5/98 issued by the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Copy enclosed) and the letter No. 980-N/III/8-85/1 dated 15/4/87 from the Comptroller & Auditor General of India (Copy enclosed). The controversy arises from the fact that the Ministry of Personnel, Public Grievances and Pensions very clearly directs that all vacancies arising under, inter alia, Central Government offices irrespective of the nature and duration (other than those filled through the Union Public Service Commission and the Staff Selection Commission) are not only to be notified to but also to be filled through the Employment Exchange alone and other permissible sources of recruitment can be filled only if the Employment Exchange concerned issues a non-availability certificate. On the other hand, the direction of the Comptroller & Auditor General of India vide letter cited above is that casual labourers who have put in 206 or more number of days can be considered for appointment against Group D posts. In fact, during the last interview held on the 24<sup>th</sup> & 25<sup>th</sup> May, 1999 a substantial number of candidates called for the interview are such casual labourers. It may also be mentioned that this has attracted media attention and a number of newspapers have carried this news item alleging irregularity in the procedure etc. In view of the well known lack of employment in the state as well as elsewhere, it is essential that clear instructions be issued which will be followed without ambiguity by all Central Government offices concerned. As you can well understand such a small issue may sometimes blow up into a major controversy with law & order ramifications.

Contd.. Page..2..

7-2-99  
14/6  
17/6  
out up

THE COMPTROLLER GENERAL OF INDIA

I would like to commend the Assistant Director of Employment, Meghalaya, Shillong for the alertness that he has shown in detecting this case but he would definitely need clear and unambiguous instructions which he can follow and enforce with full backing of the law and cooperation of the Government Offices.

Kindly use your good offices to obtain the necessary clarification as stated above.

Yours faithfully,

Deputy Commissioner,  
East Khasi Hills District,  
Shillong.

Memo No. Misc.1/95/467-A.

Dated Shillong, the 9<sup>th</sup> June, 1999.

Copy to :

1. The Commissioner of Division for East, West Khasi Hills, Jaintia Hills & Ri Bhoi District, Meghalaya, Shillong.
2. The Commissioner & Secretary to the Government of Meghalaya, Personnel & A.R. Department, Shillong.
3. The Accountant General (A & E), Meghalaya, etc., Shillong.
4. The Director General of Employment & Training, Government of India, Shram Shakti Bhavan, Rafi Marg, New Delhi-110001.
5. The Assistant Director of Employment, Meghalaya, Shillong.
6. Shri A. K. Sinha, Administrative Officer (APP), O/o the Comptroller & Auditor General of India, New Delhi-110002 with reference to his Circular No. 36/NGE/98 No. 728/NGE(APP)/7-98 dated 23/7/98. He may kindly clarify the matter.

Deputy Commissioner,  
East Khasi Hills District,  
Shillong.

-17-

APPENDIX VI

(16)

No. 14024/2/76-Estt(D).  
Government of India  
Personnel, P.O. & Pensions  
Department of Personnel & Training  
\*\*\*\*\*

New Delhi-110001  
May 18, 1998

OFFICE MEMORANDUM

Subject:- Recruitment of staff through Employment Exchanges.

The undersigned is directed to invite a reference to this Department's Office Memorandum No. 14024/2/77-Estt(D) dt. 13.4.1977. These instructions, inter-alia, provide that all vacancies arising under Central Government offices/establishments (including quasi-Government institutions and statutory organisations) irrespective of the nature and duration (other than those filled through UPSC), are not only to be notified to, but also to be filled through the Employment Exchanges alone and other permissible sources of recruitment can be tapped only if the Employment Exchange concerned issues a Non-availability Certificate. There can be no departure from this recruitment procedure unless a different arrangement in this regard has been previously agreed to in consultation with this Department and the Ministry of Labour (Directorate General, Employment & Training). Similar instructions are also in force requiring vacancies against posts carrying a basic salary of less than Rs. 500/- per month in Central Public Sector Undertakings to be filled only through Employment Exchanges.

2. The Scheme of Employment Exchange Procedure came under the judicial scrutiny of the Supreme Court in the matter of Excise Superintendent, Malkapatnam, Krishan District, Andhra Pradesh v/s. K.B.N. Visweshwara Rao & Ors (1996 (4) SCALE 676). The Supreme Court, inter-alia, directed as follows:-

" It should be mandatory for the requisitioning authority/establishment to intimate the employment exchange and employment exchange should sponsor the names of the candidates to the requisitioning Departments for selection strictly according to seniority and reservation, as per requisition. In addition, the appropriate Department or undertaking or establishment, should call for the names by publication in the newspapers having wider circulation and also display on their office notice boards or announce on radio, television and employment news bulletins.

True Copy  
D. S. Adv.

and then consider the cases of all candidates who have applied."

3. Accordingly, it is clarified that in addition to notifying the vacancies for the relevant categories (excluding those filled through the Union Public Service Commission / the Staff Selection Commission) to the Employment Exchange, the requisitioning authority / establishment may keep in view administrative / budgetary convenience, arrange for the publication of the recruitment notice for such categories in the "Employment News" published by the Publications Division of the Ministry of Information and Broadcasting, Government of India and then consider the cases of all the candidates who have applied. In addition to the above, such recruitment notices should be displayed on the office notice boards also for wider publicity.

4. These orders will take effect from the date of issue and will not apply to such cases where process of recruitment through employment exchanges / open advertisement has been initiated before the said date.

5. All Ministries / Departments are requested to strictly adhere to the aforesaid instructions and also bring to the notice of their attached and sub-ordinate offices for information and compliance.

(HARINDER SINGH)  
JOINT SECRETARY

To:-

All Ministries/Departments of Government of India

Copy to:-

- 1) The Director General, Employment and Training. Ministry of Labour, Rafi Marg, New Delhi.
- 2) The Bureau of Public Enterprises, New Delhi.
- 3) Lok Sabha Secretariat.
- 4) Rajya Sabha Secretariat.
- 5) Union Public Service Commission
- 6) Staff Selection Commission
- 7) Chief Secretaries, All State Governments
- 8) All Union Territory Governments/ Administrations
- 9) All attached & Subordinate Offices of the Department of Personnel & Training
- 10) The Editor, Employment News, East Block-IV, Level 5-7, R.K. Puram, New Delhi 110066

No. G.O.  
Ministry of  
Department

Net

63  
The Office of the  
General of the  
10, Bahadur  
New Delhi

Secy. (D) 000076 27 APR 1987

NGE Group Circular NO. 92C-N.III/8-45/1.

OFFICE OF THE COMPTROLLER & AUDITOR  
GENERAL OF INDIA  
NEW DELHI-110002.

DATED: 27 5 APR 1987

JAC(A)

1. All the Heads of Offices in IASAD (except overseas audit offices abroad).
2. Director (Inspection).
3. D.D.(P), AC(C)
4. OE & Admn, CA-I, NGE-IV (copies)
5. Compendium.

**SUBJECT:-** Regularisation of casual labourers-counting of period of 200 days instead of 240 days in two years for the purpose of regularisation etc.

\*\*\*

Sir,

I am directed to state that para 3(II) of the Government of India, Ministry of Home Affairs, Department of Administrative Reforms, OM, NO. 49C19/4/77-Estt(C) dt. 21.3.1979 (copy enclosed) contemplate inter-alia that casual labourers who have put in at least 240 days as casual labour (including broken period of service) during each of the two years of service shall be eligible for a pointment as group 'D' employees in accordance with the procedure followed for recruitment. This eligibility condition of putting in 240 days of service has been reconsidered by the Govt. of India in respect of organisations observing 5 days week. Henceforth the casual labourers who have put in 2 years of service as casual workers with 200 days of service during each year (as against 240 days) in the organisation have 5 day week may be considered eligible for appointment along with other candidates sponsored by Employment Exchange in accordance with the procedure followed for recruitment against Group 'D' vacancies, vide instructions contained in the Government of India Department of Personnel and Administrative Reforms OM No. 49C14/19/84-Estt(C) dt. 26.10.84, a copy of which is enclosed for information and guidance.

Hindi version is also enclosed.

Yours faithfully,

ASST. COMPT. &amp; AUD. GEN. (D)

ENCL: Copies of the Govt. of India,  
MHA, DPAR OM's dt. (1) 21.3.79  
& (2) 26.10.84.

Some copy  
Rosen  
Adm.



(M)/1-15 = 11

At. 24/6/99

The Deputy Commissioners, -20-  
East Kham Hills,  
Shillong.

Sub: - Recruitment in the cadre of Gr 'S'.

Sir,

In making a reference to your office letter no. P/113 ← Misc. 1/95/467 dated 9.6.99 addressed to the Secy. to the Govt. of Meghalaya Shillong with a copy endorsed to the Accountant General (AGS), Meghalaya, Shillong on the subject mentioned above, I am to inform that on review of the case in the light of all relevant rules/orders, it has been decided to conduct a fresh exercise for recruitment of eligible candidates to fill the vacancies in Gr 'S' (watchmen, Peonies etc.) in terms of Para 2 & 3 of G.O. Ministry of Personnel, P.G. & Pensions, Dept. of Personnel and Training letter no. 14024/2/96 - Estt (S) dated 18.5.98 and that the old exercise on the matter stands cancelled.

This is done with the approval of the Accountant General.

1/25/6/99  
RD  
21/6.

Y. F.  
21/6/99  
No. 14024/2/96

Copy placed on notice Board.

True copy  
of Adv.

21 - - - 150

OFFICE OF THE  
ACCOUNTANT GENERAL (A&E) : MEGHALAYA ETC. SHILLONG.

\*\*\*\*\*

No. Estt-I(M)/1-15/99-2000/1158-62 Dated 30 th June, 1999

To

The Editor,

(1) Shillong Times, Ailbong, Shillong.

(2) Apphira Daily News,  
26 A Cantt. G.S. Road, Shillong/  
Umsohsun, Shillong.

(3) The North East Daily,  
C/O Jayanta Baruah, Maniram Dewari Road,  
Chandmari, Guwahati-781003.

(4) The Sentinel,

Lachumiere, Shillong.

(5) W U MAWPHOR, Nankhon, Shillong-793001

Sub:- Advertisement for recruitment to the post  
of Group "D" (Watcher, Safaiwala, etc.).

Sir,

I am to forward herewith 2 copies of the advertisement letter alongwith a proforma form for recruitment to the post of Group "D" (Watcher, Safaiwala etc) in the office of the A.G.(A&E), Assam, Guwahati and the A.G.(A&E), Meghalaya, Arunachal Pradesh and Mizoram. The advertisement may please be arranged to be published in your esteemed daily either on 3.7.99 or 5.7.99.

A bill in triplicate together with a copy of the advertisement may kindly be sent to this office so that necessary payment can be made.

Kindly acknowledge receipt.

Yours faithfully,

Establishment Officer (Megh).

Appendix - 1A

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OFFICE OF THE ACCOUNTANT GENERAL (A&E),  
MEGHALAYA, MIZORAM & ARUNACHAL PRADESH,  
SHILLONG-793 001

Phone : 223191 (O) Fax : 0364-223103



**E. R. Solomon,**  
Accountant General.

No. Estt.I(M)/1-11/2002-03/3380

Dated: 5<sup>th</sup> November 2002

Dear Smt. Jyer,

Kindly refer to HQs letter No. 975- NGE(App.) / 8-2001 / Vol. III dated 20<sup>th</sup> August 2002 on the subject of recruitment in the Gr. D peons cadre. In this connection the discussions we had in Shillong during your recent visit may also be recalled.

The offers of appointment issued to the 9 candidates whose bio-data is shown in Annexure-I mentioned in HQs. letter cited above were not based on the advertisement published in July 1999 but on the recruitment exercise carried out in May 1999. I am to confirm that no action has yet been taken on the thousands of applications received in response to the advertisement of July 1999.

HQs advice that an advertisement be placed in the local newspapers cancelling the advertisement published in July 1999 will place this office under tremendous pressures from local welfare, political, student bodies etc. and also might attract a lot of legal action from individuals, groups etc. unless this action of cancellation is followed up simultaneously with the issue of another advertisement calling for fresh applications for recruitment to the vacant posts in the various Gr. D cadres

In this same connection HQs letter No. 73- NGE(App.) / 13-2002 dated 23<sup>rd</sup> January 2002 enclosing representations of 6 candidates who had all been issued letters of intention of appointment based on the May 1999 recruitment exercise may please be referred to. The candidates who were issued offers of appointment to the Gr. D posts had filled up the attestation forms supplied to them but were not finally issued offers of appointment. I have inquired into the matter and examined all documents and found that these six complaints are all from Casual employees who are / were working in the Guwahati (A&E) office. I have examined the file relating to the subject of the letters of intention of appointment issued to these 6 and the other 3 candidates [total 9] and find that the then AG had ordered in file [ Annexure-II] that the process of recruitment to the then vacant Gr. D posts be cancelled but did not pass orders for cancellation of the offer of appointments issued to these 9 [nine] candidates presumably as the letters of intention of appointment stated very clearly that :

“ With reference to his interview for the post of Group-D (Peon / Watcher / safaiwala) he /she is informed that there is a likelihood that he / she may be offered appointment for the above mentioned post in the next two months or so for which he / she may keep himself / herself in readiness for joining the post when the offer of appointment is issued to him / her. This is not an offer of appointment.” [ Annexure-III].

In the circumstances the need to officially intimate these 9 [nine] of cancellation of their offers of appointment does not appear necessary.

True copy  
Roshni  
Aaw

-23- 68

Despite all this I however, must add that of these 9 candidates who were offered appointments in May / June 1999 all are now over aged [except for Paresh Chandra Das (ST), Shri Monoj Kumar Roy (OBC) & Shri Robin Rizal (SC)] and will not be eligible to apply for jobs in either the State or Central Govts. Keeping this fact in mind as also the Guidelines contained in Paragraph 1(x) of GOI, Deptt. of Personnel & Training's O.M. No. 49014 /2 /86 -Estt. (C) dated 7<sup>th</sup> June 1988 and Min. of Labour OM No. 53202 /16/ 86 -W.C. (M.W.) dated 23<sup>rd</sup> August 1988 [Annexure-IV], HQs. could consider their regularization with relaxation in the upper age limits as at the time of their initial deployment as Casual workers they had not crossed the upper age limits and were registered in the Employment Exchanges.

This office being the cadre controlling authority for cadres from Supervisors to Group 'D' is responsible for posting of staff to the offices of the Accountants General (A&E) Assam and Meghalaya, Arunachal Pradesh & Mizoram including the office of the Principal, Regional Training Institute, Shillong. It might be recalled that in February 2002 a theft of property of the IA&AD amounting to about Rs. 10 lakh took place from the RTI Shillong and till date the stolen property has not been recovered. This was because the sanctioned strength of watchers could not be posted to RTI Shillong as there were vacancies in this cadre and as on date there are 6 [six] and 19 [nineteen] vacancies in the cadre of watchers and peons for these three offices.

HQrs. is, therefore requested to consider:

- (i) regularization for employment by relaxation in the upper age limits of the 6 candidates who were selected for appointment in May / June 1999;
- (ii) regularization for employment of the remaining 3 candidates who were selected for appointment in May / June 1999; and
- (iii) allowing this office to fill up the direct recruitment vacancies in the cadre of Group D by allowing this office to cancel the advertisement of July 1999 with the simultaneous issue of another advertisement calling for fresh applications for recruitment to the 6 and 13 vacant posts in the Gr. D watchers & Gr. D peons cadres.

*Regd.*

Encl.: as stated

Smt. R. Iyer,  
Pr. Director (Staff),  
Office of the Comptroller & Auditor General of India,  
10 Bahadur Shah Zafar Marg,  
New Delhi 110002.

Yours sincerely,

*[Signature]*  
3 / XI / 2002



APPENDIX X

No. 1231-NGE(App)/8-2001/III Appendix 90  
भारत के नियंत्रक-मेहालियापरिक्षक का कार्यालय  
10, बहादुरशाह जफर मार्ग,  
नई दिल्ली - 110 002  
OFFICE OF THE  
COMPTROLLER & AUDITOR GENERAL  
OF INDIA  
10, BAHADUR SHAH ZAFAR MARG,  
New Delhi - 110 002  
दिनांक / DATE 21-11-2002

To

The Accountant General (A&E),  
Meghalaya etc.,  
Shillong - 793 001.

Subject : Recruitment in Group 'D' cadre.

Sir,

I am directed to invite a reference to your faxed D.O. letter No. Estt.I(M)/1-11/2002-03/3380 dated 05.11.2002 on the above subject and to convey Headquarter's approval to recruit 08 candidates (excluding Sl.No.4 of Annexure selected in May / June 1999, who were within the permissible upper age limits on the date of interview after deducting the period spent as casual labourers as per existing Govt. of India's instruction.

Regarding filling up of fresh vacancies, we have already circulated Annual Recruitment Plan for the year 2003 and your proposal will be considered accordingly.

Yours faithfully,

*Atul*

(A.K. SINHA)

SR.ADMINISTRATIVE OFFICER (APP)

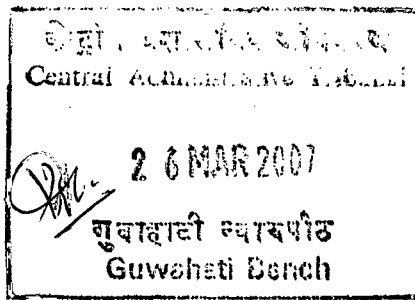
दूर भा० / Phone : 3231440, 3231761  
टैलेक्स / Telex : 031-65981, 031-65847

तार / Telegram : ARGEL NEW DELHI  
फैक्स / Fax : 91-11-3235446, 91-11-3234014

*True copy*  
*Ra for Adv.*

## ANNEXURE-1.

Name	Category DOB	Age when Interviewed in May 1999	Age as on Date	Total Days served as Casual Labourer with yearwise breakup	Office where worked as CL
Shri Newal Kishore Roy	<u>General</u> 17.6.1976	22y. 11M	26 yrs. 4M	900 days 1994=142d 1995=171d 1996=205d 1997=210 d 1998=172 d	A.G.(A&E) Meghalaya
Shri Shambu Ram Deka	<u>General</u> 28.2.1972	27y.3 M	30 yrs. 8M	871 days 1994=26d 1995=193d 1996=238d 1997=214d 1998=200d	A.G.(A&E), Assam
Shri Phostine Nongkhaw	<u>S.T.</u> 19.4.1971	28y. 1M	31 yrs. 6M	466 days 1997=199d 1998=267d	A.G.(A&E) Meghalaya
Shri Kabin Kalita	<u>General</u> 1.2.1970	29y. 3M	32 yrs. 8M	668 days 1994=73d 1995=121d 1996=121d 1997=154d 1998=199d	A.G.(A&E), Assam
Shri Krishna Joshi	<u>General</u> 22.1.1973	26y. 4M	29 yrs. 9 M	964 days 1995=132d 1996=319d 1997=313d 1998=200d	- do -
Shri Paresh Chandra Das	<u>S.T.</u> 22.12.1976	23y. 5M	25yrs. 10M	891 days 1994=80d 1995=199d 1996=205d 1997=207d 1998=200d	- do -
Shri George F. Binan	<u>S.T.</u> 9.4.1972	27y. 1M	30 yrs. 6M	Sponsored by Employment Exchange, Shillong	
Shri Monoj Kumar Roy	<u>OBC</u> 10.7.1976	22y.10M	26yrs. 3 M	-do -	A.G.(A&E) Meghalaya
Shri Robin Rizal	<u>S.C.</u> 22.7.1976	22y. 10M	26 yrs. 3M	869 days 1995= 104d 196=219d 1997=346d 1998=200d	A. G.(A&E), Assam



Filed by:-  
The Applicant  
through  
Indip Mr.  
Advocate  
26.3.07

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A.No.269/06

Shri Kabin Kalita.

.....Applicant.

AND

Union of India & ors.

..... Respondents.

REJOINDER

1. That the applicant has been served with a copy of the Written Statement filed by the respondents. He has gone through the same and understood the contentions made therein. Save and except the statement which are admitted here in below other statements made in the written statement may be treated as total denial and the respondents are put to the strictest proof there of.

2. That with regard to the statement made in para 1 of the Written Statement the deponent while denying the contentions made therein begs to state that in terms of the Hon'ble Apex Court's judgment dated 17.1.86 (Surinder Sing & Ors. -VS- U.O.I & Ors.) the Deptt. of Personnel and Training, Govt. of India issued circulars dated 7.6.88 & 23.8.88 streamlining the issue relating to regularisation of casual workers wherein it has been mentioned that while considering the case of casual worker for regularisation upper age limit is required to be relaxed if at the time of initial recruitment the casual is well within the age limit prescribed for such appointment. The respondents in the written statement have admitted the fact that at the time of initial appointment of the applicant as Casual Worker on 13.8.94 he was below 25 years. This contention has further been reiterated by the Govt. of India in number of occasions.

3. That with regard to the statement made in para 2 of the written statement the deponent does not admit anything contrary to the relevant records of the case.

4. That with regard to the statement made in para 3 of the Written Statement the applicant while denying the contentions made therein begs to state that the contention of the respondents are totally baseless and ill founded. The applicant along with many other casual workers have been working since 1974 and as such the work performed by them can not be treated as casual one and in fact there is a regular need of the service of the applicant. In the instant case the applicant has been serving under the respondents since 13.8.94 and till date he is continuing as such without any break. The respondents with a view to frustrate the claim of the applicant never recorded the days



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X

of work throughout the year and thus created some artificial break. In the instant case the applicant has been serving under the respondents since 1994 continuously and the breakup as projected by the respondents are thus incorrect. For the break periods payment has been made without recording the presence of the applicant with a view to create artificial break in service.

5. That with regard to the statement made in para 4 of the Written Statement the applicant while reiterating and reaffirming the statement made above as well as in the OA begs to state that since 13.8.94 till date the applicant has been continuing as casual worker under the respondents and the fact has been certified duly by the concern competent officer. From those certificates it is crystal clear that the break out given by the respondents indicating the number of days of casual service of the applicant is not at all correct. The respondents with an intention to create artificial break and thereby to mislead the Hon'ble Court have placed the above break out which is not factually correct.

Copies of the certificates are annexed herewith and marked ANNEXURE-A (copy)

6. That with regard to the statement made in para 5 of the Written Statement the applicant begs to state that taking into consideration the facts and circumstances of the case the case law cited by the Respondents is not at all applicable in the instant case. The case projected by the applicant in his OA is completely based on a different fact situation wherein the respondents have failed to exercise the jurisdiction conferred upon them. Even after repeated judicial pronouncement which attained its finality the respondents have not yet implemented

the said directives which indicates the vindictive attitude of the respondents.

7. That with regard to the statement made in para 6 of the written statement the applicant doesnot admit anything contrary to the relevant records of the case.

8. That with regard to the statement made in para 7 & 8 of the Written Statement the applicant while denying the contentions made therein begs to state that so far as the performance of the applicant in the interview and the fact that he was duly selected has already been admitted by the respondents and same can be confirmed by the stand taken by the respondents that he was not offered with the post due to overage. Inspite of having full knowledge about the guidelines regarding relaxation of upper age limit the respondents with a view to frustrate the claim of the applicant have rejected his case being overaged. At the same time the respondents have admitted the fact that at the time of his initial appointment as casual worker he was within the age limit as prescribed for Gr.D employment.

It is further stated that since the applicant was a selected candidates, he was asked to fill up the all selection form for such regular Gr.D appointment and admittedly the applicant submitted the required document to the respondents.

9. That with regard to the statement made in para 9 & 10 of the Written Statement the deponent while reiterating and reaffirming the statement made above beg to state that at the time of initial appointment the applicant was well within the prescribed age limit for appointment in Gr.D service. It is

further stated that the respondents even after admitting the fact now can not take the stand that the applicant was found over aged at the time of selection.

The applicant in this context further begs to state that under similar fact situation the casual workers who even recruited over aged as casual worker initially got the benefit of regularisation and it is only in case of the applicant such plea has been taken only with the sole purpose to frustrate the claim of regularisation.

The respondents in their earlier judicial proceeding before this Hon'ble Tribunal raised all the pleas and the Hon'ble Tribunal was not pleased to entertain any of their pleas and as such reiteration of those pleas by the respondents would amount to re opening of the issue which attained its finality. Needless to say that against the judgment and order passed in OA No. 35/2005 the respondents have not preferred any writ petition and by efflux of time the aforesaid judgment attained its finality and applying the doctrine of finality same operates as res-judicata between the parties to the proceeding. It is thus any reiteration of the earlier stand by the respondents would amount to reopening the issue and same will be treated as an attempt to rewrite the settled law.

10. That with regard to the statement made in para 11 and 12 the applicant while reiterating and reaffirming the statement made therein begs to state that as per the guidelines holding the field the applicant is entitled to get the benefit of age relaxation towards regularisation of his service and the respondents with an ulterior motive have denied him the said

benefit. The applicant as on today has been continuing in his service with utmost sincerity and at no point of time there has been any adverse remark against him. As stated above there are instances where the respondents themselves have relaxed the age of the casual workers at the time of their regularisation.

11. That in view of the above facts and circumstances the O.A deserves to be allowed with cost, directing the respondents to regularise the service of the applicant with retrospective effect and to provide him all back wages.

VERIFICATION

I, Sri Kabin Kalita, aged about 35 years, S/o Late Beliram Kalita, R/o (P.O. & Vill) Balisatra (Sarulecha), Dist. Kamrup (Assam), do hereby solemnly affirm and declare that statements made in paragraphs .....4, 6, 7, 8, 10..... are true to my knowledge and those made in paragraphs .....2, 3, 5, 9..... are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 26<sup>th</sup> day of March of 2007.

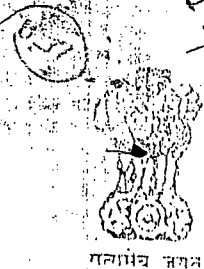
Sri Kabin Kalita

Signature.

7 set.

- 8 -

Annexure - A (copy)



মহালোকসংকর (সি এন এ) অফিস বন কাঠমাঠ,  
Office Of The Accountant General (A & E)  
Assam,  
মৌচাঙ্গাওঁ, বেলতলা, গুৱাহাটী - 781 029  
Maidamgaon, Beltola, Guwahati - 781 029

To Whom It May Concern

This is to certify that Shri Kabin Kalita, son of Late Bali Ram Kalita a resident of Village Balisatra and P.O. Balisatra, P.S. Kayan, in the District Kamrup of Assam, has been working in this office from 13.08.1994 till date as Casual Labour. He is highly energetic and bears good and moral character.

I wish him all success in his life.

১৩/০৮/৯৪  
Asstt. Accounts Officer  
I/c Record Section.

Attested  
  
Advocate

TO WHOM IT MAY CONCERN

This is to certify that Shri Kabin Kalita, son of  
Lt. Bali Ram Kalita, of Balisatra, Distt. Kamrup (Assam) is  
serving as a casual worker in the O/O The Accountant General  
(A&E) Assam, Guwahati, Bellola since 1994.

Shri Kabin Kalita bears a good moral character.

I wish him a bright future.

attested

9/03

प्रमाणित किया गया  
Accounts Officer  
गृहस्थितकार का कार्यालय (वि.प्र. ह.) अखिल  
O/o the Accountant General (A&E) Assam  
मैसोमगॉन, बेल्लोला, गुवाहाटी-29  
Maldamgong, Bellola, Guwahati-29

07.08.03

Accounts Officer  
i/c Record (C)  
O/O The A.G (A&E) Assam,  
Guwahati - 29

न रज लेखा अधिकारी  
Senior Accounts Officer  
गृहस्थितकार का कार्यालय (वि.प्र. ह.) अखिल  
O/o the Accountant General (A & E) Assam  
मैसोमगॉन, बेल्लोला, गुवाहाटी-29  
Maldamgong, Bellola, Guwahati-29

Annexure-A (copy)

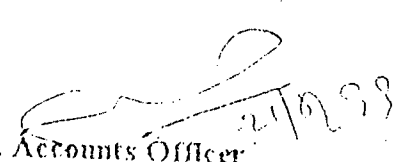
as

TO WHOM IT MAY CONCERN.

This is to certify that Shri Kabin Kalita son/daughter of  
Shri Late Baliram Kalita is working as casual labour in this office (office of the  
Accountant General (A&E) Assam, Bellola, Guwahati-29, since 13.05.94.

He is an efficient and hard working energetic young man.

I wish him success in life.

  
Asstt. Accounts Officer  
Record (Central) Section.

Maibam, Guwahati-29,