

W.M. No.
(S.R. Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 86/06
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Mr. N. S. Rathore

Respondents U.O.T. Form

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

Advocate for the Respondent(s) C.O.L.

Notes of the Registry	Date	Order of the Tribunal
	<u>06.04.06.</u>	

This application is in form
is filed/C.V. of Rs. 0/-
deposit BD
No. 266322946
Dated 27.3.06

Q.W.M.
Dy. Registrar
RAI
NS
5.4.06

Steps. Taken

Q.W.M.

The claim of the applicant is that the applicant was Hindi Translator Grade -1. The respondents appointed the applicant to the post of Hindi Officer on transfer on deputation basis on 29.6.2000. The applicant submitted representation to the competent authority for regularizing his appointment as Hindi Officer. The applicant finding no response from the respondents submitted another representation for the same. The respondents instead of regularizing/absorbing the applicant as Hindi Officer, issued the order dated 27.06.03 thereby reverting/repatriating the applicant to the post of Hindi Translator. Being aggrieved the applicant approached this Tribunal, by filing O.A.No.154 of 2003 and by order dated 31.03.04 the Tribunal disposed of the said O.A. with direction to the applicant to file a fresh representation within one month. In compliance with the direction passed by this Tribunal the applicant submitted a

OA 86/06

6.4.06.

Notice & Order
Sent to D/Section
for issuing to
resp. nos. 1 to 4
by regd. A/D post.

Copy 104/06. D/No = 446 to 449
Dt = 18/4/06.

22 - 5 - 06

① Service report awaited.
② No W.Ls. has been
filed

representation, before the respondents for consideration of his case for appointment/promotion to the cadre of Hindi Officer. The respondents have stated that the case of the applicant for promotion to the post of Hindi Officer has been considered by the DPC for the year 2003-04 but his case was not recommended by the DPC due to lack of ACR and it was further stated that the case of the applicant will be considered for next DPC for promotion to the post of Hindi Officer.

Heard Mr M.Chanda, learned counsel for the applicant and Miss U. Das, learned Addl.C.G.S.C for the respondents. In view of the larger issue involved in this O.A, I am of the view that the O.A is to be admitted. O.A. is admitted. Issue notice on the respondents. Six weeks time is granted to file written statement.

Post the matter on 25.5.2006 for order.

Vice-Chairman

19.6.06
W.Ls filed (by)
The Respondents:

23.5.2006

At the request made by Ms.U.Das, learned Addl.C.G.S.C. four weeks time is granted to the respondents to file reply statement. Post on 23.6.2006.

W.Ls has been filed.

22.6.06

bb

23.6.2006

XXXXXX

Reply statement has been filed by the respondents. Copy has been received by Mr.M.Chanda, learned counsel for the applicant. He prays for time to file rejoinder. Let it be done.

Post on 18.7.2006.

Vice-Chairman

17.7.06
No rejoinder has
been filed.

bb

7-8-06No rejoinder has been filed.My

18.07.2006 Learned counsel for the applicant sought for three weeks time to file rejoinder.

Post on 08.08.2006.

Vice-Chairman

mb

08.08.2006 Learned counsel for the applicant wanted to file rejoinder.

Post on 30.08.2006.

No rejoinder has been filed.Member

Vice-Chairman

mb

30.08.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice-Chairman.

Learned Counsel for the Applicant submitted that she has received copy of the reply statement and wanted time to file rejoinder. Three weeks time is granted to file rejoinder.

Post on 18.10.2006.

13.11.06

Rejoinder submitted by the Applicant.

Par

Vice-Chairman

8.11.06.

The applicant has filed the rejoinder. Counsel for the respondent prays for time to file reply to the rejoinder. Post the matter on 8.12.06.

The Case is ready for hearing.

Vice-Chairman

lm

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

Post after three weeks before the
Division Bench.

22.12.06.

Reply to Rejoinder submitted by the respondents.

Par

/mb/

Vice-Chairman

14.3.07.

post the matter on 16.3.07.


 Member


 Vice-Chairman

1m

16.3.2007

Ms. U. Das, learned Addl C.G.S.C. has sought for adjournment due to personal inconvenience. Post before the next Division Bench.

Wks and rejoinder
billed by the parties.


 Member


 Vice-Chairman

bb

25.4.07

26.4.2007 Present: Hon'ble Shri G. Shanthappa, Judicial Member
Hon'ble Shri G. Ray, Administrative Member.

Mr S. Nath, learned counsel for the applicant has sought for adjournment till tomorrow. However, Ms U. Das, learned Addl. C.G.S.C. submits that tomorrow will ^{not} be inconvenient for her.

Considering the submissions to the learned counsel for the parties the matter is adjourned and it may be posted before the next Division Bench.

13.12.07.

 Member (A)


 Member (J)

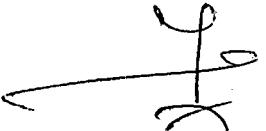
nkm

The case is ready
for hearing.

14.12.07 On the prayer of Mrs U. Dutta, learned counsel appearing for the Applicant the case is adjourned to 24.01.08.

23.1.08.

 (G. Ray)
 Member (A)


 (M. R. Mohanty)
 Vice-Chairman

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Memo of appearance
filed by Ms Usha Das
Addl-C.G.S.C. on behalf
of the respondent.

23.1.08.

O.A. 86 of 06

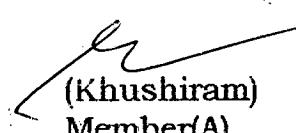
24.01.2008

On the request of learned counsel appearing for the Applicant this case stands adjourned to 08.02.2008.

Call this matter on 08.02.2008 for hearing.

The case is ready for hearing.

23
17.2.08.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

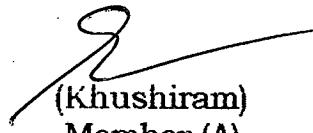
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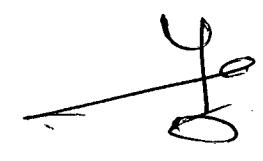
08.02.2008

On the prayer of learned counsel appearing for both the parties, call this matter on 24.3.2008.

The case is ready for hearing.

20
21.3.08.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

Lm

24.03.2008

Call this matter on 09.05.2008 for hearing.

The case is ready for hearing.

22
8.05.08.

Pls. copy
before type again
26.5.08


(M.R. Mohanty)
Vice-Chairman

Lm

09.05.2008

Heard Mr. M. Chanda, learned Counsel appearing for the Applicant, in part. Submissions on behalf of the Respondents will be made by Mr. G. Baishya, learned Sr. Standing Counsel for the Union of India, on 14.05.2008 alongwith O.A. No.244/2006.

The case is ready for hearing.

23
13.5.08.

Call this matter on 14.05.2008 alongwith O.A.No.244/2006.

nkm


(KHUSHIRAM)
Member(A)


(M.R. MOHANTY)
Vice-Chairman

OA 86/06

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14.05.2008 Heard the learned Counsel for the parties. Hearing concluded. Orders reserved.

JK (Khushiram)
Member (A)

nkm

4
(M.R. Mohanty)
Vice-Chairman

13/6/08

Copy of the
Judgment send to
The D.P.C.C. for
Issuing the same
to the parties
and a copy of the
same handed
over to the D.C.P.C.C.
for its record on
28.5.08.

22.05.2008 Judgment pronounced in open Co-
Kept in separate sheets. Application
disposed of. No costs.

JK
(Khushiram
Member(A))

lm

4
(M.R. Mohanty)
Vice-Chairman

copy of the common
judgment issued
to the applicants
and to the respondents
No 1 to 4 wide
No 5 to 2833 to 2839
D/No 2833 to 2839
D/No 17.6.08.
D/No 24/9/08

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.86 & 244 of 2006

DATE OF DECISION: 22.05.2008

Sri N.S.Rathore & Shri Devendra Singh

.....Applicant/s

Mr.M.Chanda

.....Advocate for the
Applicant/s.

- Versus -

Union of India & Others

.....Respondent/s

Mr. G. Baishya, Sr. C.G.S.C.

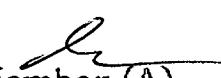
.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

4.	Whether reporters of local newspapers may be allowed to see the Judgment?	Yes/No
5.	Whether to be referred to the Reporter or not?	Yes/No
6.	Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches ?	Yes/No
7.	Whether their Lordships wish to see the fair copy of the Judgment?	Yes/No


Vice-Chairman/Member (A)

8

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 86 of 2006

&

Original Application No. 244 of 2006

Date of Order: This, the 22nd Day of May, 2008

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI KHUSHIRAM, ADMINISTRATIVE MEMBER

Sri Narendra Singh Rathore
Son of Late Sriram Singh Rathore
Senior Translator
ARTC School, Assam Rifles
Dimapur
C/O: 99 APO.

..... Applicant (in O.A.86/2006).

By Advocates S/Shri M.Chanda & S.Nath.

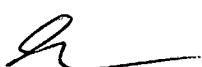
- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Home Affairs
New Delhi-110 001.
2. The Director General of Assam Rifles
Shillong - 793 011.
3. The Inspector General, Assam Rifles
(North), C/O: 99 APO.
4. The DIG, Assam Rifles
Assam Rifles Training Centre & School
Dimapur, Nagaland.
..... Respondents (in O.A.244/2006).

By Mr.G.Baishya, Sr.C.G.S.C.

Shri Devendra Singh
Son of Shri Mahendra Singh
Working as Hindi Translator Gr.II
ARTC School, Assam Rifles
Dimapur, Nagaland
C/O: 99 APO. Applicant (in O.A.244/2006.)

By Advocates S/Shri M.Chanda, S.Nath, G.N.Chakraborty &
U.Dutta.



- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Home Affairs
South Block
New Delhi-110 001.
2. The Director General
Assam Rifles
Shillong - 793 011.
3. Additional Director General
Assam Rifles
Shillong - 793 011.
4. The Deputy Inspector General
Assam Rifles
Dimapur, Nagaland.

.... Respondents (in O.A.244/2006).

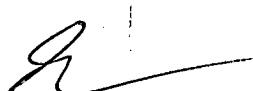
By Mr.G.Baishya, Sr.C.G.S.C.

O R D E R
22.05.2008

KHUSHIRAM, MEMBER(A) :

Since the points raised in both the two O.A.s and the reliefs sought for therein are of similar nature, both these two O.A.s are taken up together and decided by this common order.

2. The Applicant in O.A.86/06 is presently working with Assam Rifles as Hindi Translator Grade-I w.e.f. 29.06.1999. He was selected for appointment in post of Hindi Officer through UPSC by 'transfer on deputation' on 13.06.2000 and the Applicant joined as such in the pay scale of Rs.6,500-10,000/- w.e.f. 29.06.2000. He submitted several representations on different dates for



regularization of his appointment but no action was taken by the Respondents. Instead of acceding to his request for regularization/absorption as Hindi Officer he was reverted/repatriated on completion of his deputation tenure to the post of Hindi Translator Grade-I on 27.06.2003. Aggrieved by this decision of repatriation, Applicant approached this Tribunal by way of filing O.A. No.154/2003; which was disposed of by order dated 31.03.2004 directing the Applicant to file fresh representation within a month with direction to the Respondents to dispose of the same by passing a speaking order within 3 months. In compliance with the said direction, the Applicant filed representation before the Respondents on 20.04.2004. Applicant was informed (vide letter dated 16.08.2004 communicated through letter dated 17.08.2004) that his appointment to the post of Hindi Officer has been considered by the DPC for the year 2003-04 but his case was not recommended by the DPC "due to lack of ACR". It was also stated therein that the case of the Applicant will be considered in next DPC for appointment to the post of Hindi Officer. The Applicant represented to the Respondents on 31.08.2004 for his appointment to the post of Hindi Officer with retrospective effect with all consequential benefits by holding review DPC. On 25.10.2005 Applicant was informed that review DPC in his case is not applicable. Further representation for not holding DPC in December



2004/January 2005 for the recruitment year 2004-05 has not been responded to by the Respondents. Hence this O.A. under section 19 of the Administrative Tribunals Act, 1985 seeking the following main reliefs:-

"8.1 That the Hon'ble Tribunal be pleased to direct the respondents to hold the DPC/review DPC to consider promotion of the applicant to the cadre of Hindi Officer in the scale of pay of Rs.6,500-10,000/- with immediate effect without taking into consideration the uncommunicated downgrading ACRs of the years 2000-2001 and 2001-2002 and also ignoring any other uncommunicated downgrading ACR, if recorded in the subsequent year.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to promote the applicant to the post of Hindi Officer with retrospective effect at least from the date of eligibility with all consequential service benefits including benefit of seniority."

3. The Applicant in O.A.244/2006 was appointed as Hindi Translator Grade-II on 25.11.1999. He was promoted to the post of Hindi Translator Grade-I w.e.f. 25.10.2002 but he was, later on, reverted back to his original post of Hindi Translator Grade-II vide order dated 16.7.2003 which was issued in compliance with 'signal' dated 30.06.2003. He filed several representations, on different dates, for promotion to the post of Hindi Translator Grade-I but the Respondents have not convened any DPC after 2002-2003 and promotion to the Applicant could not be granted. Hence this O.A.No.244/2006 under



section 19 of the Administrative Tribunals Act, 1985 seeking the following main reliefs:-

"8.1 That the Hon'ble Tribunal be pleased to declare the reversion of the applicant from Hindi Translator Grade I to Grade II as illegal and void ab-initio.

8.3 That the Hon'ble Tribunal be pleased to direct the respondents to hold DPC from 2003-04 onwards to prepare year wise panel and to consider the case of the applicant for promotion to the grade of Hindi Translator Grade-I.

8.4 That the Hon'ble Tribunal be pleased to direct the respondents to promote the applicant to the post of Hindi Translator Grade-I retrospectively w.e.f. 25.10.2002 with all consequential service benefits including monetary benefits."

4. Respondents have filed their written statement in O.A. No.86/2006 contesting the claim of the Applicant. In the written statement it has been stated that Assam Rifles has been combatised vide Govt. of India, Ministry of Home Affairs letter No.27011/44/88-FP.I dated 19.09.1989 with effect from 19 September 1989. Thereafter restructuring of Peace Establishment of Assam Rifles has been sanctioned by Ministry of Home Affairs vide sanction order dated 26.08.2003 and now the vacancy of Hindi Officer is that of a "Subedar Major", a combatised appointment - and the Applicant being a non-combatised cadre cannot be considered for the same. It has been further stated that the employees of Assam Rifles were given option to become combatised vide Director General of Assam Rifles letter dated 04.10.2005; in compliance of

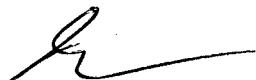
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which the Applicant preferred not to become combatised vide option certificate dated 14.01.2006. It has also been clarified that the Applicant earlier, on deputation, was holding the post of Hindi Officer from 29.06.2000 to 29.06.2003. When the Applicant was holding the post of Hindi Officer on deputation, the post was not a promotional post which, as per the Recruitment Rules, had been converted as promotional post; for which the Applicant, not being combatised personnel, is not eligible to be considered. Additional posts of Hindi Officer were also created with fresh Recruitment Rules for which departmental officer in the feeder category who are in the line of promotion shall not be considered for appointment on deputation. Similarly deputatinists also are not eligible for consideration for appointment by promotion. The Applicant after completion of his deputation period, as Hindi Officer, has been reverted to his original post of Hindi Translator Grade-I. According to the Respondents, Applicant was awarded the grading of "Average" in his ACR for the year 2001-2002 which (not being adverse) is not required to be communicated to the Applicant. The Director General of Assam Rifles vide order dated 16.08.2004 has directed that the case of the Applicant "be considered in the next DPC for promotion to the post of Hindi Officer", (In the written statement it has been added that) in case the Government decides at



any stage to de-combatise the post which at present is available for promotion to the combatised cadre only.

5. In O.A. No.244/2006 Respondents have also filed their written statement denying and disputing the claim of the Applicant. In the written statement it was stated that the Applicant was temporarily promoted to officiate as Hindi Translator Grade I until further order w.e.f. 25.10.2002 against the then existing vacancy on account of Shri Narendra Singh Rathore, Hindi Translator Grade I (Applicant in O.A.86/2006) being on deputation as Hindi Officer. The Applicant had to be reverted back as Hindi Translator Grade-II w.e.f. 29.06.2003 due to reversion of Shri Narendra Singh Rathore (Applicant in O.A.86/2006) from deputation to his original post of Hindi Translator Grade-I on completion of his deputation period. Since there was no vacancy of Hindi Translator Grade-I left to accommodate the Applicant there was no option but to revert him. It has been clarified (in the written statement) that there are only 3 sanctioned posts of Hindi Translator Grade-I with Assam Rifles and with the reversion of Applicant in O.A.86/2006 there were 4 persons against 3 vacancies. Since sanctioned posts are only 3, Applicant had to be reverted back for want of post to accommodate him. The post of Hindi Officer in Assam Rifles has been combatised and designated as "Subedar Major w.e.f. 26.08.2003. As per the Recruitment Rules, 2001 33% posts of Hindi Officer are required to be



filled up by deputation and 67% posts of Hindi Officer are required to be filled up by promotion. Pursuant to the combatisation civilians have to be promoted to a post tenable to civilian only. The Applicant was taken on deputation for a period of 3 years w.e.f. 11.7.2002 to 10.7.2005. The deputation period has been extended w.e.f. 11.07.2005 to 10.07.2006 and again from 11.07.2006 to 10.07.2007. Since there is no scope for further extension he had to be repatriated to his parent organization vide order dated 20.02.2007.

Since the post of Hindi Officer has been combatised (which is tenable by Subedar Major only) the DPC could not be held as there is no non-combatised vacancy against which the case of the Applicant in O.A. No.86/2006 could be considered. Hence reversion of the Applicants to the post of Hindi Translator Grade - I has left no scope for continuing the Applicant of O.A. 244/2006 as Hindi Translator Grade-I.

6. Heard Mr. M.Chanda, learned counsel appearing for the Applicant in both the O.A.s, and Mr. G. Baishya, learned Sr. Standing counsel for the Union of India in both the O.A.s. Learned counsel for the Applicant in O.A.86/2006 argued that Director General of Assam Rifles under Annexure-L dated 16.08.2004 (page 38 of the O.A.) while disposing of the representation of the Applicant directed that the case of the Applicant be considered by

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the next DPC for promotion to the post of Hindi Officer. Therefore, contention of the Respondents that the post is combatised is misleading and he also pointed out that the DPC should be held for vacant post every year and in case of non-availability of eligible candidates or for want of ^a vacancy if it is not possible to hold DPC, then a certificate to that effect has to be issued by the competent officer. He has invited attention to the Assam Rifles Hindi Officer and Hindi Translator Grade I (Group 'B') Recruitment Rules, 2002 annexed at Annexure - R5 of the written statement in O.A.86/2006, Columns 12, 13 and 14 of Schedule after Rule 7 of Assam Rifles Hindi Officer and Hindi Translator Grade I (Group 'B') Recruitment Rules, 2002 reads as under:-

In case of recruitment by promotion/deputation/absorption grades from which promotion/deputation/absorption to be made	If a Departmental Promotion Committee exists, what is its composition	Circumstances, in which Union Public Service Commission is to be consulted in making recruitment
12	13	14
Promotion:- Hindi Translator Grade-I with three years' regular service in the grade. NOTE: Where Junior who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualification/eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such	Group 'B' Departmental Promotion Committee (For Considering Promotion and Confirmation):- 1. Deputy Director General, Assam Rifles - Chairman 2. Director (Adm), Dte General, Assam Rifles - Member	Consultation with UPSC necessary while making direct recruitment



<p>qualifying/ eligibility service.</p> <p>Deputation :</p> <p>Officers under Central Government:</p> <p>(a) (i) Holding analogous posts on Regular basis; or</p> <p>(ii) With three years' regular service in post in the scale of Rs.5500-9000 or equivalent; and</p> <p>(b) Possessing the educational qualifications and experience prescribed for Direct recruit under column 8</p> <p>(The Department Officers is in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation, similarly, deputationists shall not be eligible for consideration for appointment by promotion (period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organization/department of the Central Government shall ordinarily not exceed three years. The maximum age limit for appointment by deputation shall be not exceeding 56 years as on the closing date of receipt of applications).</p>	<p>3. Assistant Director(A), Dte General, Assam Rifles - Member</p>	
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Learned counsel further contended that according to these Rules, the post is to be filled up by promotion through departmental candidates and as such denial of promotion to the Applicant is injustice and therefore, his case should be considered by holding DPC year wise from the date when post fell vacant and Applicant should be given all consequential benefits. He also submitted that promotion of combatised and non-combatised is held in their line and the Applicant is relying his claim on the promotional post on civilian side.



Mr.G.Baishya, learned counsel for the Respondents in O.A.86/2006 argued that the Applicant is not in the line of promotion as he is not a combatised personnel nor he opted to become combatised so that he could earn eligibility for consideration for promotion to the post of Hindi Officer on combatised side. Earlier when the case of the Applicant was considered by the DPC for the year 2001-2002 his record was not found upto the mark. It is also submitted by learned counsel Mr. Baishya that the post of Hindi Officer has been combatised w.e.f. 26.08.2003 as per Annexure-R10 filed with the written statement.

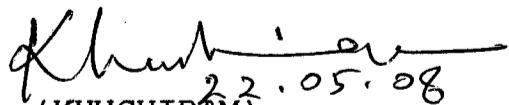
7. We have perused the records placed before us and have considered the arguments advanced by the learned counsel for both the parties. From the records it is apparent that Director General of Assam Rifles vide letter dated 16.08.2004 while disposing of the representation of the Applicant (in O.A.86/06) has clearly directed that the case of the Applicant be considered by the next DPC for promotion to the post of Hindi Officer. This statement does not appear to be correct, if the post of Hindi Officer on civilian side stood abolished w.e.f. 26.08.2003 as per Annexure-R10 (Restructuring of Peace Establishment of Assam Rifles) which also indicated two posts of Hindi Officer under JCOs. Obviously if the post for promotion is available only on combatised side, the Applicant has no case

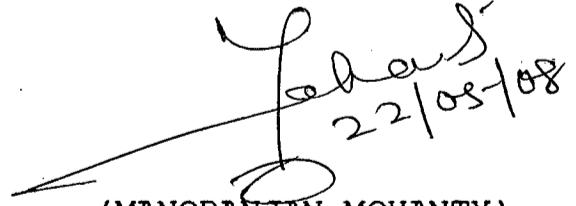


whatsoever in the light of these observations. However, it needs to be further probed by the Respondents as to how a letter by the Director General of Assam Rifles dated 16.08.2004 could have been issued in the light of Annexure-R10 filed with their written statement. Respondents are, therefore, directed to re-examine the matter in the light of these contradictions and pass appropriate orders so that the case of the Applicant could be considered for promotion in case post is available on civilian (non-combatised) side. Applicant has not, however, claimed his right for promotion against a post on combatised side.

8. The case of Applicant No.244/2006 has no merit nor the Applicant has any right to continue or get absorbed in a post with the Respondents as he had occupied the post of Hindi Translator Grade-I on deputation only and on completion of the tenure and for want of vacancy he has been reverted.

9. Resultantly O.A.No.86/2006 is disposed of as directed above and O.A. No.244/2006 is dismissed. No costs.


 22.05.08
 (KHUSHIRAM)
 MEMBER (A)


 22/05/08
 (MANORANJAN MOHANTY)
 VICE-CHAIRMAN

/bb/

File by the applicant
through its advocate
on 09.05.08

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

O.A. No. 86/2006

Shri Narendra Singh Rathore

-Vs-

Union of India and Others.

LIST OF DATES

31.12.1979- Applicant was initially appointed as LNK/Writer in the Assam Rifles.

01.06.1985- He was appointed as Hindi Teacher in Assam Rifles on 1.6.1985.

07.07.1988- Applicant was appointed as Hindi Translator, Grade-II on deputation basis.

29.06.1999- Applicant was promoted as Hindi Translator, Grade-I.

24.08.1999- Respondents published an advertisement for appointment to the post of Hindi Officer. Applicant applied for the said post. *ep. B Post*
(Annexure- A, page- 16)

13.06.2000- Applicant was selected by the UPSC for appointment as Hindi Officer.

29.06.2000- Respondents appointed the applicant as Hindi Officer on transfer on deputation basis in the scale of pay of Rs. 6,500-200-10,500/- *Hindi Officer*
Applicant resumed his duties as Hindi Officer w.c.f. 29.06.2000.
Reported by *2003* (Annexure - B, page- 18)

08.05.2002- Assam Rifles Senior Hindi Officer (Group A) Recruitment rules 2002 was published on 25.05.02. As per the said 'RR' three posts of Hindi Officers are to be filled up- 67% by way of promotion, failing which by deputation and 33% by way of deputation failing which by direct recruitment. *2003* (Annexure- R-5 of W.S)

11.03.2003- Applicant made a representation to the competent authority for regularizing his appointment as Hindi Officer.
(Annexure- C, Page- 20)

16.04.2003- Representation submitted by the applicant was strongly recommended and forwarded by the competent authority for necessary consideration. (Annexure- D, page-22)

14.06.2003- Finding no response from the authority applicant made another representation and prayed to the authorities to regularize his appointment as Hindi Officer. (Annexure- E, page- 23)

16.06.2003- Representation submitted by the applicant was strongly recommended and forwarded by the competent authority for regularisation of service of the applicant as Hindi Officer.
 (Annexure - F & G, page- 24 and 25)

27.06.2003- Respondents issued the order dated 27.06.03, reverting/ repatriating the applicant from the post of Hindi Officer to the post of Hindi Translator Grade-I
 (Annexure- H, page- 26)

28.06.2003- O A 154/ 2003 - 31.3.2004
 Movement order was issued to the applicant to join in the reverted post of Hindi Translator Gd-I.
 (Annexure- I, page- 27)

26.08.2003- Restructuring Peace Establishment of Assam Rifles authorize two posts of Hindi Officer to be filled up by combatant in the rank of Subedar Major.
 (Annexure R-10, W.S)

31.03.2004- Applicant approached the Hon'ble Tribunal through O.A. No. 154/2003 against the reversion/repatriation order dated 27.06.03. Said O.A was disposed of with the direction to the applicant to file a fresh representation within a period of 1 month and the said representation shall be disposed of by the respondents within a period of 3 months from the date of receipt of the representation.
O.A. 154/2003 -
 (Annexure - J, page- 28)

20.04.2004- Applicant submitted representation before the respondent No. 2 for consideration of his case for appointment/promotion to the cadre of Hindi Officer in the scale of pay of Rs. 6,500-200-10,500/-.
 (Annexures - K (Series), page- 32)

16.08.2004- Respondent No. 2 informed the applicant that his case for promotion to the post of Hindi Officer has been considered by the DPC for the year 2003-04 but his case was not recommended by the DPC due to lack of ACR and further informed that case of the applicant be considered for next DPC for promotion to the post of Hindi Officer.
 (Annexure - L (Series), page- 38)

30.08.2004- Applicant submitted a detailed representation to the respondent No. 2, praying for consideration of his promotion by holding a review DPC on the ground that any grading below the bench mark ought to have been communicated to the applicant but he was never served with any such communication.
 (Annexure- M, page- 40)

25.10.2004- Respondent No. 2 informed the applicant that the review DPC in the case of the applicant is not applicable.
 (Annexure- N, page- 42)

02.11.2005/07.02.06- Applicant submitted representations due to non-consideration of his promotion and for non-holding of DPC in December, 2004/January, 2005 for the recruitment year 2004-2005 but to no result.
 (Annexure- O, page- 45)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORIGINAL APPLICATION NO.

86 | 06

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1. a) Name of the Applicat:- N. S. Rathore
b) Respondants:- Union of India & Ors
c) No. of Applicant(S) :-

2. Is the application in the proper form:- Yes/No.

3. Whether name & description and address of the all papers been furnished in cause title :- Yes/ No.

4. Has the application been duly signed and verified :- Yes/ No.

5. Have the Copies duly signed :- Yes / No.

6. Have sufficient number of copies of the application been filed:-Yes/No.

7. Whether all the annexure parties are impleaded :-Yes/No.

8. Whether English translation of documents in the Language : Yes/No.

9. Is the application in time :- Yes/No.

10. Has the Vakalatnama/Memo of appearance/Authorisation is filed:-Yes/No.

11. Is the application by IFO/BD/For Rs: 5/-264322946

12. Has the application is maintainable :- Yes/No.

13. Has the Impugned order original duly attested been filed : Yes/No.

14. Has the legible copies of the annexures duly attested filed:-Yes/No.

15. Has the Index of documents been filed all available:- Yes/No.

16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.

17. Has the declaration as required by item 17 of the form:- Yes/No.

18. Whether the relief sought for arises out of the single :- Yes/ No.

19. Whether the interim relief is prayed for :- Yes/ No.

20. In case of condonation of delay is filed is it supported :-Yes/No.

21. Whether this Case can be heard by Single Bench/Division Bench:

22. Any other point:-

23. Result of the Scrutiny with initial of the Scrutiny clerk the application is in order:-
The application is in order.

J. Sorenson
5-4-06
SECTION OFFICER (J)

DEPUTY REGISTRAR

OKI Address of
R-1 is incomplete
also Step V

- 5 APP -

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 86 /2006

Shri Narendra Singh Rathore

-Vs-

Union of India and Others.

List of Dates & Synopsis of the application

31.12.1979- Applicant was initially joined as LNK/Writer in the Assam Rifles.

01.06.1985- Applicant was appointed as Hindi Teacher in Assam Rifles.

07.07.1988- Applicant was appointed as Hindi Translator Grade II on deputation basis.

29.06.1999- Applicant was promoted as Hindi Translator Gr. I.

24.08.1999- Respondents published an advertisement for appointment to the post of Hindi Officer. Applicant applied for the said post.
(Annexure- A)

13.06.2000- Applicant was selected by the UPSC for appointment to post of Hindi Officer.

29.06.2000- Respondents appointed the applicant to the post of Hindi Officer on transfer on deputation basis in the scale of pay of Rs. 6,500-10,500/- . Applicant resumed his duties w.e.f. 29.06.2000.
(Annexure- B)

11.04.2003- Applicant submitted representation to the competent authority for regularizing his appointment as Hindi Officer, said representation was duly recommended and forwarded to the competent authority vide letter dated 16.04.2003.
(Annexure- C, D)

14.06.2003- Respondents remained silent on the representation submitted by the applicant, finding no response applicant submitted another representation and prayed for his regularization as Hindi Officer, which was duly recommended and forwarded to the competent authority.
(Annexure- E, F, G)

27.06.2003- Respondents instead of regularizing/absorbing the applicant as Hindi Officer issued the order dated 27.06.03, thereby reverting/repatriating the applicant to the post of Hindi Translator.

Anil Gargiul HCR

Narendra Singh Rathore

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(Annexure- H, I)

31.03.2004- Applicant being aggrieved with the order of repatriation approached this Hon'ble Tribunal through O.A. No. 154/2003 which was disposed of on 31.03.2004 with the direction to the applicant to file a fresh representation within a period of 1 month and the said representation shall be disposed of by the respondents within a period of 3 months. (Annexure- J)

20.04.2004- Applicant in compliance with the direction passed by this Hon'ble Tribunal submitted a representation before the respondents for consideration of his case for appointment/promotion to the cadre of Hindi Officer, which was duly forwarded vide letter dated 27.04.04. (Annexure- K Series)

16.08.2004- DGAR vide his letter dated 16.08.04, communicated through letter dated 17.08.04, it has been stated that the case of the applicant for promotion to the post of Hindi Officer has been considered by the DPC for the year 2003-04 but his case was not recommended by the DPC due to lack of ACR and it was further stated that the case of the applicant will be considered for next DPC for promotion to the post of Hindi Officer. (Annexure- L Series)

30.08.2004- Applicant submitted another detailed representation praying inter alia for his promotion to the cadre of Hindi Officer by holding DPC/review DPC with retrospective effect with all consequential benefits, said representation was forwarded on 31.08.2004. (Annexure- M Series)

25.10.2005- Respondent vide letter dated 25.10.05 informed the applicant that the review DPC in the case of the applicant is not applicable. (Annexure- N)

02.11.05, 07.02.06- Applicant submitted representations for non holding of DPC in December, 2004/January 2005 for the recruitment year 2004-05. (Annexure- O Series)

Hence this Original Application.

P R A Y E R S

Relief (s) prayed for:

1. That the Hon'ble Tribunal be pleased to direct the respondents to hold the DPC/review DPC to consider promotion of the applicant to the cadre of Hindi Officer in the scale of Rs. 6,500-10,500/- with immediate effect without taking into consideration the uncommunicated downgrading ACRs of the year 2000-2001 and 2001-2002 and also ignoring any other uncommunicated downgrading ACR, if recorded in the subsequent year.

Narendra Singh Rathore

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2. That the Hon'ble Tribunal be pleased to direct the respondents to promote the applicant to the post of Hindi Officer with retrospective effect at least from the date of eligibility with all consequential service benefits including benefit of seniority.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled to as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

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

1. That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this Original Application shall not be a bar for the respondents to grant the reliefs as prayed for.

Narendra Singh Rathore

केन्द्रीय प्रशासनिक अधिकार अधिकारी
Central Administrative Tribunal

- 5 APR 2006

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

Title of the case : O. A. No. 86 /2006

Sri Narendra Singh Rathore : Applicant

- Versus -

Union of India & Others: : Respondents.

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Filed by

Rathore
Advocate

Date: 05.04.2006

Narendra Singh Rathore

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 86 /2006

BETWEEN:

Sri Narendra Singh Rathore,

Son of Late Sriram Singh Rathore,

Senior Translator

ARTC School, Assam Rifles.

Dimapur,

C/O 99 APO.

...Applicant.

-AND-

1. The Union of India,

Represented by the Secretary to the
Government of India,

Ministry of Home Affairs,

New Delhi. 110001.

2. The Director General, Assam Rifles,

Shillong-793011.

3. The Inspector General, Assam Rifles

(North), C/O 99 APO.

4. The D.I.G, Assam Rifles

Assam Rifles Training Centre & School,
Dimapur, Nagaland.

... Respondents.

DETAILS OF THE APPLICATION

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

Narendra Singh Rathore

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Filed by the applicant
Liongbi. S. Nath.
Advocate.
05.04.2006

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This application is made praying for a direction upon the respondents for consideration of promotion of the applicant to the cadre of Hindi Officer with all consequential service benefits at least from the date of vacancy in the light of the direction/order issued by the DGAR on 16.8.2004 communicated to the applicant vide letter dated 17.8.2004.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the Case.

- 4.1** That the applicant is a citizen of India and a permanent resident of village and P.O. Kaila, District- Etah (U.P.) and at present is working as Hindi Officer (since reverted) in the Head quarter, Inspector General, Assam Rifles (North) C/O 99 APO and as such, he is entitled to all the rights, privileges and protection guaranteed under the Constitution of India and the other laws framed there under. The applicant is a civilian employee.
- 4.2** That the applicant joined the service in the Assam Rifles as LNK/Writer on 31.12.1979. Thereafter he was appointed as Hindi Teacher in Assam Rifles on 1.6.1985. Considering the meritorious service of the applicant, respondents appointed the applicant as Hindi Translator, Grade II w.e.f. 7.7.1988 on deputation basis. The applicant was again promoted as Hindi Translator, Grade-I on 29.6.1999. While the applicant was discharging his duties sincerely to the satisfaction of the respondents and without any

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blemish, a post of Hindi Officer fell vacant in the establishment of the respondents. The respondents brought out an advertisement vide No. A/1-A/25/Part-II/ dated 24.8.1999. The said advertisement was widely circulated. The applicant being eligible on fulfillment of the required terms and condition of the said advertisement for appointment as Hindi Officer, applied for the said post. According to the terms of Office Memorandum No. AB.14017/71/89-Estt. (RR) dated 3.10.1989 issued by the Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, New Delhi, the recruitment in the nature of composite method the selection is to be made only by the Union Public Service Commission (UPSC). In the instant case, the applicant was selected by the UPSC for appointment as Hindi Officer vide their letter No. F.No.3/24(3)/2000-ADT-3 dated 13.6.2000 and the same was communicated to the respondents. The respondents accordingly issued the order No. A/1-A/25/Part-II/285 dated 29.6.2000 and thereby appointed the applicant as Hindi Officer on transfer on deputation basis in the scale of pay of Rs.6,500-200-10,500/- per month with other allowances from the forenoon of 29 June 2000. By the said order it was also stated that the period of deputation shall be for three years. It was also categorically submitted that the terms and conditions of deputation would be regulated in accordance with the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), New Delhi as in O.M. No. 2/29/91-Estt (Pay.II) dated 5.1.1994. The applicant resumed his duties w.e.f. 29.6.2000 as Hindi Officer.

The copies of the advertisement dated 24.8.1999, order dated 29.6.2000 are annexed herewith and marked as Annexures - A & B respectively.

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4.3 That the applicant, while serving as Hindi Officer and before completion of the period of deputation, made a representation to the competent authority vide his letter dated 11.3.2003 for regularizing his appointment as Hindi Officer. The applicant relied upon the terms of deputation as a regular promotion as provided in para 7 of the Government of India, Department of Personnel and Training O.M. No. 2/29/91-Estt.(Pay.II) dated 5.1.1994 in public interest. The said representation was duly recommended by the competent authority on 11.4.2003 and the said representation was sent to the competent authority for necessary consideration on the basis of recommendation. This was done vide letter No.1.120/A/2003/0621 dated 16.4.2003.

The copies of the said representation and the recommendation dated 11.4.2003 and the forwarding letter dated 16.4.2003 are annexed herewith and marked as Annexures - C & D respectively.

4.4 That the respondents failed to respond to the aforesaid representation made by the applicant and kept pending the matter without assigning any reason. Considering the silence maintained by the respondents, the applicant made another representation on 14.6.2003 and thereby prayed to the authorities to regularize his appointment as Hindi Officer. The said second representation dated 14.6.2003 has also been strongly recommended by the competent authority for regularisation of the applicant as Hindi Officer. The said representation was also forwarded to the respondent No. 2 with recommendation for consideration vide letter No. VI.104/Est/2003/1088 date 16.6.2003.

The copies of the said representation dated 14.6.2003, and the recommendation and forwarding letter dated 16.6.2003 are annexed herewith and marked as Annexures - E, F & G respectively.

Narendra Singh Rathore

4.5 That surprisingly enough, while the representations as stated above were pending before the respondents for consideration under the Rules, the respondents instead of regularizing/absorbing or extending the services of the applicant as Hindi Officer in the same Department issued the order thereby reverting/repatriating him from the post of Hindi Officer to the post of Hindi Translator Grade-I, vide Telegraph signal No. A 3271 (dated 27.6.2003) and the order of movement vide No. VI.101/Est/203/ dated 28.6.2003.

The copies of the said order in signal No. A.3271 (dated 27.6.2003) and the movement order dated 28.6.2003 are annexed herewith and marked as Annexures - H & I respectively.

4.6 That the applicant is a holder of Master Degree in Hindi and English in addition to his degree in Law and B.Ed. Moreover, his long working experience at his credit in the department of the respondents including in the post of Hindi Officer justifies his claim for regularization as Hindi Officer under the respondents.

4.7 That the applicant is the only qualified and eligible employee in the department to be promoted and regularized in the post of Hindi Officer. As stated hereinabove, the applicant is deemed to have been promoted to the post of Hindi Officer from his feeder grade of Hind Translator Grade-I.

4.8 That the old recruitment rules for appointment of Hindi Officer provided that the appointment shall be made on deputation basis failing which by direct recruitment. But according to the new recruitment rules which has come into effect sometimes in the month of June/July, 2001, provides that 67% of the posts of Hindi Officers shall be filled up by promotion failing which by deputation and the 33% be filled up by deputation failing which

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direct recruitment: The vacancy here in this case being only one, the post is required to be filled up by promotion now. As such applicant's appointment as Hindi Officer is deemed to have been made by promotion duly selected by the UPSC, the applicant has acquired a right to continue in the said post or to be regularised in the post. The settled position of law relating to deputation and absorption is that a deputationist has no right to seek absorption unless law/rules provide for such absorption. In the instant case, there are law/rules for absorption/regularisation and also for extension of such period of deputation in the public interest. More particularly, in this case the applicant made representation for such regularisation/absorption. The applicant craves the leave of this Hon'ble Tribunal to direct the respondents to produce the copy of the New recruitment rules of 2001 as the applicant could not collect the same in spite of his frantic effort and search.

- 4.9. That under the provisions of law and the facts and circumstances of the case, the applicant has a legitimate expectation that he shall be regularized or promoted as Hindi Officer.
- 4.10. That your applicant, being highly aggrieved with the order of reversion/repatriation, approached the Hon'ble Tribunal through O.A. No. 154/2003 (Shri N. Singh Rathore -Vs- Union of India & Others). However, the said original application was disposed of by the Hon'ble Tribunal on 31.3.2004 with the direction to the applicant to file a fresh representation within a period of 1 month and the said representation shall be disposed of by the respondents within a period of 3 months from the date of receipt of the representation.

A copy of the Judgment and Order dated 31.3.2004 passed in O.A.154/2003 is enclosed herewith and marked as Annexure

- J.

Narendra Singh Rathore

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4.11 That your applicant accordingly submitted representation dated 20.4.2004 before the respondents for consideration of his case for appointment/promotion to the cadre of Hindi Officer in the scale of pay of Rs. 6,500-200-10,500/- and the said representation was duly forwarded by the office of the D.I.G., ARTC School, Dimapur vide letter No. L36011/CC/04-A/2510 dated 27.4.2004.

Copy of the representation dated 20.4.2004 and forwarding letter dated 27.4.2004 are enclosed herewith and marked as Annexures - K (Series).

4.12 That your applicant further beg to say that he has come to learn from the written statement of O.A. No. 154/2003 that his grading of ACR for the year 2001-2002, has been awarded, as 'Average' when his grading for the year 1997-98, 1998-99 and 1999-2000 has been awarded as 'Very Good' and for the year 2000-2001 the said grading was 'Good', but no communication or opportunity was provided to the applicant while his grading of ACR was down-graded and unfortunately those uncommunicated downgrading ACR, has been taken into consideration by the DPC, while considering his case for promotion to the cadre of Hindi Officer during the year 2003-2004 but his case was not recommended for promotion to the post of Hindi Officer, which would be evident from the order passed by the DGAR, on his representation dated 20.4.2004. It is a settled position of law that uncommunicated down-grading ACR cannot be acted upon by the DPC while considering the case of the applicant for promotion to the post of Hindi Officer in 2003-2004, therefore, Hon'ble Court be pleased to direct the respondents to hold the review DPC to reconsider the promotion of the applicant ignoring the down-graded uncommunicated adverse ACR for the years 2000-2001, 2001-2002 with immediate effect. Be it stated that the respondent No. 2, passed a detailed speaking order on 16.4.2004 against the representation of the applicant dated 20.4.2004.

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wherein it has been fairly admitted, by the DGAR that in view of the change in Recruitment Rules, 2001 w.e.f. May, 2001, 67% posts of Hindi Officer are required to be filled up by promotion from the feeder cadre of Hindi Officer Grade-I. It is also stated that in the order dated 16.08.2004 that the applicant has discharge his duties satisfactorily during his tenure on deputation as Hindi Officer. It is further clearly stated in the said order that the applicant being senior most eligible candidate in the feeder grade, his case for promotion to the said post should be considered subject to approval by the DPC and also in terms of compliance with the order of the Hon'ble Tribunal.

In paragraph 3 of the DGAR order dated 16.8.2004 it has been stated that the case of the applicant for promotion to the post of Hindi Officer has been considered by the DPC in his term for the year 2003-04 but his case was not recommended by the DPC due to lack of ACR and further directed that case of the applicant be considered for next DPC for promotion to the post of Hindi Officer. It is surprising to note here at this stage that the case of the applicant by the DGAR for promotion during the year 2003-04 but due to downgrading of ACR his case was not recommended by DPC, as already stated above the DPC has acted upon the uncommunicated downgrading ACR for the year 2000-01 and 2001-02 which is not permissible under the law since ACR of the applicant has been downgraded without providing any opportunity or show cause notice and also without any communication. It is categorically submitted that during the aforesaid relevant year i.e. 2000-01 and 2001-02 the applicant was never served with any warning, memo for deficiency of his work as such those uncommunicated downgrading ACR should not have been acted upon by the DPC in the year 2003-04. Therefore, the Hon'ble Court be pleased to direct the respondents to hold a review DPC ignoring those uncommunicated downgrading remarks in ACR and further be pleased to direct the respondents to promote the applicant to the post of

Narendra Singh Rathore

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Hindi Officer with retrospective effect with all consequential service benefits. It is relevant to mention here that there was a clear and categorical direction issued by DGAR in his order dated 16.8.2004 for consideration for his promotion to the post of Hindi Officer by the next DPC. But surprisingly till date the case of the applicant has not yet been considered for promotion by holding any DPC inspite of the order passed by the learned Director General, Assam Rifles. It is ought to be mention here that even for the recruitment year 2004-05, the case of the applicant is liable to be considered ignoring the downgrading uncommunicated ACR of the year 2000-01, 2001-02 and for any other subsequent year if his ACR is downgraded without communication.

Copies of the order dated 16.8.2004 communicated through letter bearing letter No.A/1-A/25/Part.III/2004/463 dated 17.8.2004 are enclosed herewith and marked as Annexure - L (Series).

4.13 That your applicant after receipt of the order dated 16.8.2004 submitted another representation on 30.8.2004 inter alia praying for consideration of his promotion by holding a review DPC on the ground that since he has discharged higher responsibilities while working as Hindi Officer. Therefore, his grading which was reflected as 'Average' should have been treated as 'Good' and on the ground that any grading below the bench mark ought to have been communicated to the applicant. But he was never served with any such communication; therefore, the authority should consider his case by holding review DPC. Moreover, vide letter No.A/1-A/25/Part-III/2004/502 dated 25.10.2005 it is stated that review DPC is not applicable in the instant case of the applicant and it is informed that as per DGAR instruction the case of the applicant for promotion be considered in the next DPC.

Narendra Singh Rathore

Copy of the representation dated 30.8.2004, forwarding letter dated 31.8.2004 & reply dated 25.10.2004 are enclosed herewith and marked as Annexures - M (Series) & N respectively.

4.14 That your applicant being highly disappointed due to non-consideration of his promotion and for non holding of DPC in December, 2004/January, 2005 for the recruitment year 2004-2005 submitted two representations on 2.11.2005 and on 7.2.2006 but to no result.

Copy of the representations dated 30.8.2004 and 7.2.2006 are enclosed herewith and marked as Annexures - O (Series) respectively.

4.15 That your applicant further begs to say that he was waiting so long in anticipation that the respondents will consider the case of the applicant by holding DPC/review DPC but till date nothing is communicated by the respondents regarding consideration of his promotion to the post of Hindi Officer with consequential benefits, in such compelling circumstances finding no other alternative the applicant is approaching before this Hon'ble Tribunal praying for a direction upon the respondents to consider his promotion to the post of Hindi Officer at least from the date of his eligibility in terms of amended Recruitment Rules, 2001.

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

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

5.1 For that, the DPC has acted upon the uncommunicated downgrading ACRs for the years 2000-2001 and 2001-2002 while considering applicant's case for promotion to the post of Hindi Officer during the year 2003-2004, which is not sustainable in the eye of law and as such respondents are duty bound to hold review DPC to re-consider the promotion of the

Narendra Singh Rathor

applicant to the post of Hindi Officer ignoring the uncommunicated downgrading ACRs for the years 2000-2001 and 2001-2002.

- 5.2 For that, uncommunicated downgrading ACR which is below prescribed benchmark as such downgrading ACRs are treated as adverse ACR and the same cannot be taken into consideration by the DPC without providing opportunity. As such, case of the applicant is liable to be considered by holding a review DPC.
- 5.3 For that, if there is any adverse remark or downgrading of ACR recorded without communicating the applicant in any subsequent year after 2001-2002, the same is also liable to be ignored by the DPC while considering the case of the applicant in future either by holding DPC or review DPC.
- 5.4 For that, there is clear instruction from the learned Director General, Assam Rifles to consider the case of the applicant for promotion to the post of Hindi Officer in terms of the amended Recruitment Rules as evident from the order dated 16.8.2004. But surprisingly the case of the applicant has not been considered for promotion till filing of this application in terms of the order passed by the learned Director General, Assam Rifles.
- 5.5 For that, as per Government of India's instruction DPC is liable to be held frequently without any delay in order to consider promotion of the eligible candidate who fall within the zone of consideration as per Recruitment Rule in force. In the instant case, the applicant well within the zone of consideration and he has fulfilled all the requirement for consideration of his promotion to the post of Hindi Officer. As such the case of the applicant is liable to be considered for promotion with retrospective effect by holding review DPC.
- 5.6 For that, contention of the respondents not to hold review DPC as communicated through letter dated 25.10.2004 is contrary to the settled

Akendra Singh Rathore

position of law and opposed to public policy in view of the fact that the DPC has considered uncommunicated ACR of the applicant during the year 2003-2004 which was below benchmark.

- 5.7 For that the order dated 25.10.2004 is void-ab-initio and opposed to law laid down by the Hon'ble Supreme Court, High Court and the learned Tribunal. As such the respondents are duty bound to hold a review DPC/DPC.
- 5.8 For that the Director General, Assam Rifles in his order dated 16.8.2004 categorically declared that the applicant is eligible for consideration of his promotion to the post of Hindi Officer in terms of amended Recruitment Rules and his service was satisfactory to the cadre of Hindi Officer, while working on deputation basis and further declared that his case would be considered for promotion by the next DPC. But till date the respondents failed to conduct DPC meeting to consider promotion of the applicant.
- 5.9 For that applicant has acquired a valuable and legal right for consideration of his promotion to the post of Hind Officer, more so in view of the fact that post of Hindi Officer are available with the Director General, Assam Rifles and there was a specific direction from the learned Director General, Assam Rifles to consider his case for promotion to the post of Hindi Officer.
- 5.10 For that, applicant submitted several representations but the respondents did not take any step for consideration of his promotion in spite of repeated approach.

6. Details of remedies exhausted.

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

Narendra Singh Rathore

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

The applicant further declares that he had previously filed O.A. No.154/2003 but the same is already disposed on 31.3.2004. However, no Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. **Relief(s) sought for:**

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

- 8.1 That the Hon'ble Tribunal be pleased to direct the respondents to hold the DPC/review DPC to consider promotion of the applicant to the cadre of Hindi Officer in the scale of pay of Rs. 6,500-10,500/- with immediate effect without taking into consideration the uncommunicated downgrading ACRs of the years 2000-2001 and 2001-2002 and also ignoring any other uncommunicated downgrading ACR, if recorded in the subsequent year.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to promote the applicant to the post of Hindi Officer with retrospective effect at least from the date of eligibility with all consequential service benefits including benefit of seniority.
- 8.3 Costs of the application.
- 8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Narendra Singh Rathore

9. Interim order prayed for.

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

9.1 That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this Original application shall not be a bar for the respondents to grant the reliefs as prayed for.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

i)	I. P. O. No.	: 266 322946
ii)	Date of Issue	: 27.03.06.
iii)	Issued from	: G.P.O, Guwahati
iv)	Payable at	: G.P.O, Guwahati

12. List of enclosures.

As given in the index.

Narendra Singh Rathore

VERIFICATION

I, Shri Narendra Singh Rathore, S/o Late Sriram Singh Rathore, aged about 46 years, permanent resident of Village and P.O. Kalia, Dist- Etah (Bihar), at present working as ~~Senior Translator~~ in the ARTC School, Dimapur, Assam Rifles, 3, Miles C/O 99 APO, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 2nd day of April 2006.

Narendra Singh Rathore

Tele No. 705075

Bharat Sarkar
Govt of India
Grib Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

A/1-A/25/Part-II/

24 Aug 99

To

1. Secretary General
Lok Sabha Sectt/Rajya Sabha Sectt., New Delhi
2. The Secretary,
President's Secretariat/Vice-President's Secretariat/
Planning Commission/Election Commission of India/Union
Public Service Commission/Central Vigilance Commission.
3. Registrar(Admin.) Supreme Court of India.
4. All Chief Secretaries State
Governments.
5. All Administrators
Union Territories.
6. All Central Police Organisation

APPOINTMENT OF HINDI OFFICER IN THE
DIRECTORATE GENERAL ASSAM RIFLES
SHILLONG ON DEPUTATION BASIS

Sir,

1. I am directed to state that a vacancy of Hindi Officer exists in the Directorate General Assam Rifles, Shillong in the scale of Rs 6500-200-10,500/-per month. It is proposed to fill up the above vacancy on deputation by a suitable Officer under the Central or State Government.
2. The eligibility conditions and qualifications etc prescribed for the post are as under :-

(a) (i) Officers under the Central/State Government holding analogous post.

OR

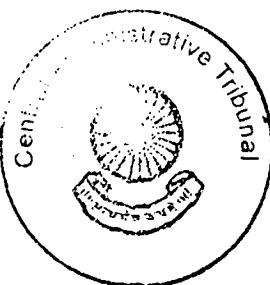
(ii) With 3 years service in posts in the scale of Rs 5000-8000/5500-9000 or equivalent.

OR

(iii) With 3 years service in posts in the scale of Rs 4500-7000/5000-8000/- or equivalent and

...-2/-

Attested
Sar.
Advocate



(b) Possessing the educational qualification and experience as appended below :-

DISCONTINUOUS

(1) Bachelor's degree or a recognised University or equivalent in Hindi with English as a subject at the degree level.

60
Bachelor's degree of a recognised University
equivalent in English with Hindi as a
subject at the degree level.

My parent's degree of a recognised University
is equivalent in my subject with Hindi and
English as subject at the degree level.

OR
Passing degree of a recognised University
or equivalent in any subject with Hindi
medium and English as a subject at the degree
level.

108
Bachelor's degree of a recognised University or equivalent in any subject with English medium and Hindi as a subject at the degree level.

(ii) 5 years experience of lexicographical work and of translation work from English to Hindi or vice-versa preferably of technical or scientific literature.

5 years experience of teaching, research,
writing & journalism in Hindi.

DESIRABLE

(i) Knowledge of Sanskrit and/or a Modern Indian language.

4.3.3. Administrative experience.

(iii) experience of organising Hindi classes
or workshop for noting and drafting.

3. The pay of the Officer selected for appointment on deputation basis will be paid in accordance with the deputation basis with the effect from 01.01.2011. (Pay. 113.00/-) in lieu of Pay. 113.00/- (Pay. 113.00/-) and 05.00/- in lieu of Pay. 05.00/-.

MAHARISHI SHALAYA ASSAM RIFLES

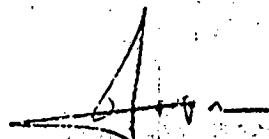
DIRECTORATE GENERAL ASSAM RIFLES : SHILLONG- 793011

O R D R R

A/1-A/25/Part-II/ 285

Dated, Shillong, the 29 Jun 2000

1. In pursuance of Union Public Service Commission letter No F.No.3/24(3)/2000-ADT-3 dated 13 Jun 2000, Shri Narendra Singh Rathore, temporary Hindi Translator Grade-I, Directorate General Assam Rifles is hereby selected and temporarily appointed as Hindi Officer in the same Directorate on transfer on deputation basis in the scale of pay of ₹ 6500-200-10,500/- per month plus other allowances as admissible under rules against the existing vacancy with effect from the forenoon of 29 Jun 2000.
2. The above (deputation) terms of appointment is for the period of 3 (three) years with effect from the forenoon of 29 Jun 2000 to the afternoon of 28 Jun 2003.
3. The terms and conditions of deputation will be regulated in accordance with Govt of India, Ministry of Personnel, Public Grievances & Pensions (Dept of Pers & Trg) New Delhi OM NO 2/29/91-sstt(Pay.II) dated 05 Jan 94 as amended from time to time.



(S J B Sharma)
Major General
Deputy Director General
Assam Rifles

Memo No A/1-A/25/Part-II/

Dated Shillong, the 29 Jun 2000

copy to :-

1. Under Secretary(ADT-3)
Union Public Service
Commission, Dholpur House
Shahajahan Road, New Delhi - For information with
reference to their letter
No 3/24(3)/2000-ADT-3
dated 13 Jun 2000.
2. Govt of India - For information please.
Ministry of Home Affairs
(Pers-II Section)
New Delhi
3. The Additional Accountant General
(Central & Arunachal Pradesh)
Lachatellote Building
Shillong-793011

....2/-

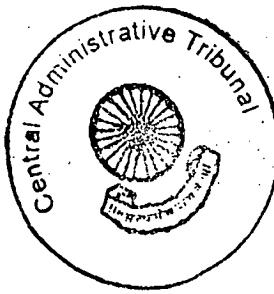
~~Attest~~
~~Attest~~
~~Attest~~

Attest
for
Advocate

20
4. The Pay and Accounts Office
Manikanda Villa, Taitankhrah
Assam Rifles, Shillong-03
5. ESTT Branch(Internal) 2-4 copies
6. Fin Branch(Internal)
7. GS Branch(Hindi Section)
8. ✓ Shri Narendra Singh Rathore,
Hindi Officer
9. Personal file
10. Office copy.

(RS Rawat)
Lt Col
Assistant Director(A)
for Director General
Assam Rifles

Dwivedi/*



Narendra Singh Pathore
Hindi Officer
HQ DGAR (North)
(C) 99 APC

To : The Director, General Assam Rifles
(A. Branch)
Shillong - 793001

(Through Proper Channel)

**APPLICATION FOR REGULARISING THE APPOINTMENT OF
HINDI OFFICER**

Sir,

1. I have the honour to submit that HQ DGAR vide their letter No. A/1-A/25/Part II dated 24 Aug 1999 advertised one post of Hindi Officer in Directorate General Assam Rifles Shillong on deputation basis and I applied for the same as departmental Hindi Translator.

2. That Sir, there existed one post of Hindi Translator and one post of Hindi Officer in the HQ DGAR Shillong and the same were considered as a deptl candidate alongwith outsiders and the case for selection of Hindi officer on deputation was referred to UPSC by HQ DGAR.

3. That Sir, DGAR very kindly appointed me as Hindi Officer on 29 Jun 2000 on deputation basis vide order No. A/1-A/Part II/285, dated 29 Jun 2000 (Copy attached) as I was selected for the post of Hindi Officer vide UPSC letter No. 0/24(3)2000-ADT- 3 dated 13 Jun 2000.

4. That Sir, as per para 7 of Govt of India Dept of personnel & Trg. office Memorandum No. AB 14017/71/89/Est(RR) dated 03 Oct 1989 lays down **eligibility of departmental candidates for appointment by deputation states**, if the departmental officer is selected for the appointment to the post on deputation basis, it is treated as having been filled by promotion as quoted below :-

"In the situation where the field of promotion consists of only one post, the method of recruitment by transfer or deputation (including short - term contract)/ promotion is prescribed so that the departmental officer is considered alongwith outsiders. If the departmental officer is selected for appointment to the post, it is treated as having been filled by promotion."

5. That Sir, I may like to add that I have already completed three years in the feeder grade i.e Senior Hindi Translator.

6. That Sir, keeping in view the DOPT O.M. No. AB 14017/71/89/Est(RR) dated 03 Oct 1989 it is proved that I may be treated as having been promoted with effect from 29 Jun 2000 to avoid financial loss.

For the above purpose I shall be honoured to oblige you sir

With thanks and regards

Place: Shillong
Date: 11 August 2000

21/8/00
Dinesh
Parashri

Attested
Law
Advocate

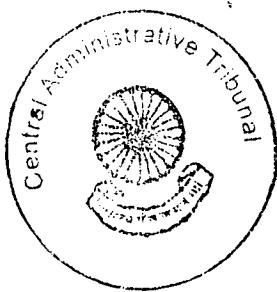
Yours faithfully

N S Pathore
(N S Pathore)
Hindi Officer
HQ DGAR (North)
(C) 99 APC

**OFFICE OF THE INSPECTOR GENERAL ASSAM RIFLES,
HEADQUARTERS INSPECTOR GENERAL ASSAM RIFLES
(NORTH), C/O 99 APO**

Shri Narendra Singh Rathore, Hindi Officer of this Headquarters was selected by UPSC to the post of Hindi Officer in Headquarters DGAR. The incumbent was depl. Senior Translator in 9th grade at the time of selection to the post of Hindi Officer.

I recommend the case of Shri N S Rathore, Hindi Officer for regularisation on the post of Hindi Officer.



Dated: 11 April 2003

(D P Merchant)
Major Gen
HQ IGAR (N)

*Atticed
Advo
CIV*

Annexure - D

Annexure - D

W

Headquarters
Inspector General
Assam Rifles (North)
c/o CG HQ

3.100/4/2003/ 062/

Apx. 2003

Mahanideshkalya Assam Rifles
Directorate General Assam Rifles
('A' Branch)
Shillong - 793001

APPLICATION FOR REGULARISING THE APPOINTMENT
OF HINDI OFFICER

Application for regularising the appointment of Hindi Officer in respect of Shri B. S. Rathore, Hindi Officer of this HQ is enclosed herewith duly recommended by HQ for your further necessary action please.

(S. P. Mukherjee)

M&J
LO2(4)

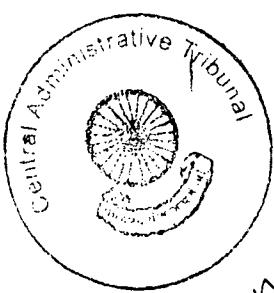
R. T. & A. Assam Rifles

16/4

HQ

Bab. Branch (Internal)

* For info wrt your letter No.
VI. 104/Gen/2003/786 dated
12 Apr 2003.



Mixed
District
Admiralty

Attested
for
Advocate

From : Narendra Singh Rathore
Hindi Officer
HQ IGAR (North)
C/O 99 APO

24 - 23 -

Annexure-E

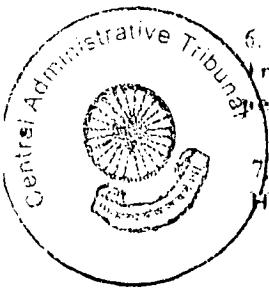
To : The Directorate General Assam Rifles
(A Branch)
Shillong - 793011

(Through proper Channel)

**SUBJECT : APPLICATION FOR REGULARISING THE APPOINTMENT OF HINDI
OFFICER**

Sir,

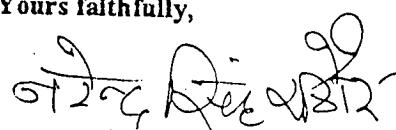
1. Kindly refer to my application dated 11 Mar 2003 fwd to HQ DGAR Vide HQ IGAR (North) letter No. I. 120/A/2003/0621 dated 16 Apr 2003. I have the honour to submit following facts for your kind consideration and sympathetic orders please.
2. That Sir, I have rendered 24 years of unblemished service in Assam Rifles to the entire satisfaction of my superior Officers. I have never been warned except once when I was counseled for sitting in Officer's enclosure at ARASU on 24 Mar 2001. My apprehension is that my ACR for the year 2001-2002 may have been affected.
3. I have been performing as Hindi Officer since last three years which is a higher grade group 'B' Gazetted post. A vacancy is permanently existing on the post of Hindi Officer Group 'B' Gazetted against which I have been temporarily appointed.
4. During my tenure there, HQ DGAR won several national/ regional level awards/trophies in the field of Official language implementation. I have always accepted extra responsibilities cheerfully.
5. That Sir, provision exists vide O.A. No. 846 of 1988 published at serial No 36 page No 75 Swamy's News letter Mar 2001 that if an Officer is working in higher grade while comparing his case with others who are in feeder cadre his ACR is to be upgraded by one grade.
6. That Sir, my tenure of deputation is expiring on 28 Jun 2003 and reversion to translator's post will adversely effect my morale and cause great humiliation to me in person.
7. In view of above, I humbly pray your honour to regularise my appointment as Hindi Officer and oblige.



Place : Field

Dated : 14 Jun 2003

Yours faithfully,



(Narendra Singh Rathore)
Hindi Officer
HQ IGAR (North)

*Attested
D. S. Khan
Advocate*

*Attested
S. A. Khan
Advocate*

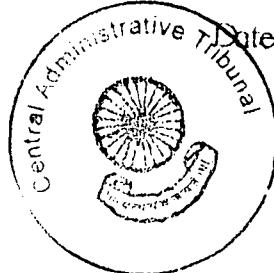
24

Annexure F 8

RECOMMENDATION OF THE INSPECTOR GENERAL ASSAM RIFLES (NORTH) ON THE APPLICATION IN RESPECT OF SIRI NARENDRA SINGH RATHORE, HINDI OFFICER OF HEADQUARTERS INSPECTOR GENERAL ASSAM RIFLES (NORTH)

1. Shri N S Rathore, Hindi Officer has been serving in this HQ from 03 Oct 2002 as Hindi Officer. His performance during the period has been absolutely impeccable and praiseworthy.
2. The individual has approached Headquarters DGAR through proper channel seeking regularization of his appointment as Hindi Officer and same has been forwarded by Headquarters IGAR(N) letter No. I 120/A/2003/0621 dated 16 Apr 2003.
3. The present application raises the issue of Confidential Report and regularization of his appointment as Hindi Officer.
4. I recommend that the case may be examined on its merit.

Station : Field



(D P Merchant)
Maj Gen
Inspector General
Assam Rifles

Attested
Dated
16 Jun 2003

Attested
F. Advocate

26-25-

Annexure - 66

TO BE FAXED

Headquarters
Inspector General
Assam Rifles (North)
C/O 99 APO

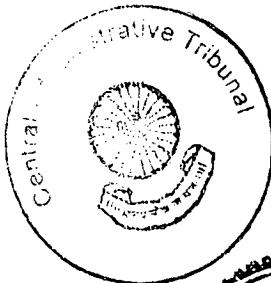
VI. 104/Estd/2003/ 1086

16 Jun 2003

Mahanidchayala Assam Rifles
Directorate General Assam Rifles
(A Branch)
Shillong - 793011

APPLICATION FOR REGULARISING THE
APPOINTMENT OF HINDI OFFICER

Application for regularising the appointment of Hindi Officer in respect of Shri N S Rathor, Hindi Officer of this HQ is enclosed herewith duly recommended by IGAR for your further necessary action please.



Surjit Kumar

(Surjit Kumar)
Dy Comdt
Camp Cdr
for Ex-Officio-Comdt

Attn: 1. D. 2. Adm.

*Attest
Sat
Advocate*

(Typed True Copy)

Annexure-H

(Extract)

COPY //--

OP DTG 271630

SRL NO 2851153

FROM DGAR -A BR

TO HQ IGAR [N]

ARTC & S

B RGE

POSTING SHRI N S RATHORE. SHRI N S RATHORE POSTED AS HINDI OFFICER ON DEPUTATION REVERTED BACK TO HIS ORIGINAL POST OF HINDI TRANSLATOR GRADE I WEF 29 JUN [FN] 2003 AFTER COMPLETION OF HIS DEPUTATION PD. INDIVIDUAL POSTED TO ARTC AND S AS HINDI TRANSLATOR GRADE I ON EXISTING VACANCY WEF 29 JUN [FN] 2003. INDIVIDUAL TO BE SOS WEF 29 JUN [FN] 2003 ARTC AND S ONLY. SHRI DEVENDRA SINGH HINDI TRANSLATOR GRADE I REVERTED TO HINDI TRANSLATOR GRADE II WEF 29 JUN [FN] 2003 AS HIS PROMOTION WAS TEMPORARILY AND IN OFFICIATING CAPACITY. INDIVIDUAL REVERTED BACK TO HINDI TRANSLATOR GRADE II DUE TO NON AVAILABILITY OF VACANCY IN GRADE I DUE TO REVERSION OF SHRI N S RATHORE FROM DEPUTATION BACK TO GRADE I. SHRI DEVENDRA SINGH TO CONTINUE AT ARTC AND S AS HINDI TRANSLATOR GRADE II IN PLACE OF SHRI SHKTI DHAR MISHRA WHO ON COMPLETION OF HIS TENURE POSTED TO HQ REQUEST CARRY OUT POSTING ORDER OF. NECESSARY NOTIFICATION BEING ISSUED BY THIS DTE //--

SD/BLK

*Attested
Smt.
Advocate*

28-27-

Annexure - I
Annexure - I

RESTRICTED

HQ Inspector General Assam Rifles (North)
C/o 99 APO

MOVEMENT ORDER

No. 1/1..... Rank Hindi Offr Name N. S. Rathore
and 1/1/1..... OR of this HQ will proceed to ARTC and School

Purpose of Journey Posted to ARTC as Hindi Translator Gd-I vide DGAR Sig
Date of departure 28 Jun 03 (AM/EM) No. A 3271 dt 27 Jun 2003.

Date of SOS 29 Jun 03 (FN/AM) Date of SORS -

Authority for move HQ DGAR Sig No. A 3271 dt 27 Jun 2003.
On arrival at destination he/they will report Known to final

Individual is in possession of his I/card No. -

Debit/Credit balance of the individual is Rs. - as per QSA for the quarter ending -

The following leave is at his credit upto -
(a) Earned leave - days (b) Casual leave - days

In case any difficulty enroute he/they will report to JTO or nearest CMP, if not available to the station master for assistance by producing this movement order.

Anti-malaria precautions will be strictly adhered.

Military matter will not be discussed with unauthorised pers.

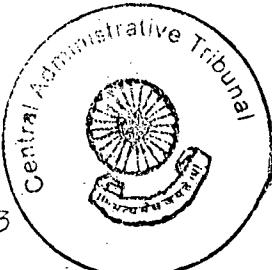
Assam Rifles pers and their families are entitled to medical treatment in service Hosp vide Min of Inter No. F. 6/25/52/D (Med dated 12 Dec 52 DGMS letter No. B/75135/DGMS-3 (E) dated 07 Mar 1952 intimated vide DGAR letter No. VIII Med/I-M-I-73 dated 22 Mar 95.

Assam Rifles pers are authorised to use Army Transit Camps. (Auth AHQ letter No. 48506 dt 15 Jan 87).

Medical category of the individual is -

He is entitled to avail JT as per existing rules.

Passage warrant issued from 1/1/1/1 to 1/1/1



Surjeet Kumar
Major Capital by Comit
A/Officer/ Camp Gdr
for Commander
HQ IGAR (North)

Concerned Party Commander Concerned.

HQ DGAR (A/Rec) Branch, Shillong-11.

Unit Concerned ARTC & S

Office Copy.

W. L. S.

RESTRICTED

*Affectionately
Admirer
Advocate*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 154 of 2003

Date of Decision: This the 31st day of March 2004.

The Hon'ble Shri Kuldip Singh, Judicial Member

The Hon'ble Shri K.V. Prakladan, Administrative Member

Shri Narendra Singh Rathore
 S/o Late Srinam Singh Rathore,
 Hindi Officer (since repatriated)
 Head Quarter, Inspector General (North),
 Assam Rifles, C/o 99 APO.
 By Advocates Dr (Mrs) M. Pathak,
 Mr D. Boruah and Mr J. Das.

- versus -

1. Union of India, represented by the Secretary, Government of India, Ministry of Home Affairs, New Delhi.
2. The Director General, Assam Rifles, Shillong.
3. The Inspector General, Assam Rifles (North), C/o 99 APO.
4. The D.I.G., Assam Rifles, Assam Rifles Training Centre & School, Dimapur, Nagaland.

By Advocate Mr A. Deb Roy, Sr. C.G.S.C. Respondent

O R D E R (ORAL)KULDIP SINGH, JUDICIAL MEMBER

The applicant joined the Assam Rifles on 31.12.1979 as LNK/WRITER from whence he was promoted as Hindi Translator, Grade II on 7.7.1988 on deputation basis. Thereafter the applicant was again promoted as Hindi Translator Grade I on 29.6.1999. While he was serving as such a post of Hindi Officer fell vacant in the establishment of the respondents and the respondent

Kw

Attested
 For
 Advocate

issued an advertisement for filling up of the post of Hindi Officer on deputation basis for a period of three years. The applicant applied for the post. He was found suitable for the post and accordingly he was appointed as Hindi Officer on deputation basis for a period of three years. While the applicant was continuing on deputation, Recruitment Rules for the post of Hindi Officer was promulgated afresh and according to the fresh Recruitment Rules the post of Hindi Translator Grade I had become a feeder cadre for promotion to the post of Hindi Officer. Since the applicant was in the feeder cadre and in the direct line of promotion to the post of Hindi Officer as per the fresh Recruitment Rules he could not be considered for deputation and therefore the respondents repatriated him back to the post of Hindi Translator Grade I. Meanwhile, the applicant had submitted several representations for being retained in the post of Hindi Officer on deputation and also a representation for his non-consideration for promotion to the post of Hindi Officer.

2. The representations of the applicant have not been disposed of because of the fact that the matter was subjudiced. In view of this the applicant now wants to withdraw the O.A. and wants that his representations should be disposed of. We allow the applicant to withdraw the O.A. and at the same time direct the respondents to dispose of ^{his} representation by a reasoned and speaking order. However, the applicant may file a fresh representation including all the developments that have

taken.....

: 3 :

taken place. The fresh representation should be filed within a period of one month and the representation shall be disposed of by the respondents by a reasoned and speaking order within a period of ~~four weeks~~ ^{five months} from the date of receipt of the representation.

3. The application is disposed of. No order as to costs.



nkm

Satisfied to be true ^{copy} Sd/ MEMBER(J)
প্রমাণিত প্রতিপাদি
Sd, MEMBER(A)

8/4/04
Section Officer (J)
C.A.T. GUWAHATI BANCH
Guwahati-781005
8/4/04

Assam Rifles Training
Centre and School
PO. 1 Dimapur (Nagaland)

L. 36011/CC/04-A/2510

27 Apr 2004

Mahanidhiyalaya Assam Rifles
Directorate General Assam Rifles
(Legal Branch)
Shillong - 11

PROMOTION TO THE POST OF HINDI TRANSLATOR
FROM HINDI TRANSLATOR GRADE-II
HINDI TRANSLATOR GRADE-II
HINDI TRANSLATOR GRADE-II

An application on the subject submitted by Shri Naren
Singh Rathore, Hindi Translator Grade-I is fwd herewith duly
recommended by DIG of this Centre and School for your further
necessary action please.

Rajesh M
Dr (Y K Gautam)
Maj
Adjt
for DDC

Encl : 20 Sheets

Copy to :-

Edn Branch - for info wrt their letter No. 36011/41/Edn/2
236 dated 20 Apr 2004

*Attn: Dr.
Advocate*

From : Narendra Singh Rathore
Hindi Translator Grade-I
(Since reverted from Hindi Officer)
Edn branch, ARTC&S, Dimapur

- 32 -

Annexure-K (series)

To : Directorate General Assam Rifles
(A Branch)
Shillong - 793011

(Through proper channel)

**Sub: PROMOTION TO THE POST OF HINDI OFFICER FROM
HINDI TRANSLATOR GRADE-I : REPRESENTATION AS PER
DIRECTION OF HON'ABLE CANTERAL ADMINISTRATIVE
TRIBUNAL, GUWAHATI BENCH**

Sir,

Most humbly and respectfully I beg to state the following few lines for favour of your kind perusal and sympathetic consideration.

1. That Sir, I approached the Hon'able CAT, Guwahati Bench vide OA No 154 of 2003 thereby seeking direction for my promotion to the post of Hindi Officer under your disposal. As my representation submitted earlier to your good self, and the same was pending consideration, I decided to withdraw the said case and submit a fresh representation for favour of your review the entire issue of my promotion sympathetically and considering my entire past services rendered for the cause of the HQ DGAR since 1979.

Accordingly the aforesaid case was finally disposed of with the direction to submit a fresh representation to your honour for consideration of my promotion.

A copy of the said final order passed in OA No 154 of 2003 dated 31 Mar 2004 is enclosed herewith.

2. That Sir, I joined in this department on 31 Dec 1979 as Lnk/Writer through due process of selection after considering my past services and the efficiency and qualifications I was selected and appointed as Departmental candidate to the post of Hindi Teacher wef 01 Jun 1985. I served with my all sincerity and devotion in the said post upto 07 Jul 1988. Thereafter I was appointed as Hindi Translator Grade-II on deputation basis wef 07 Jul 1988. I was finally absorbed in the said post wef 08 Oct 1990 as regular Hindi Translator Grade-II.

3. That Sir, while I was serving as Hindi Translator Grade II, I applied for the post of Assistant Director (Official Language) in the Income Tax Dept of Govt of India against an advertisement for such appointment on deputation basis. The post of Assistant Director (Official Language) is a group 'B' (Gazetted Officer) post. I was found fit and duly selected for the said post and was appointed wef 23 Jan 1993. I discharged my duties as a Group 'B' Officer for long about five years with sincerity and to the best satisfaction of the authorities concerned. I was repatriated wef 22 Aug 1997 and I joined the original post of Hindi Translator Grade-II wef 23 Aug 1997.

Contd.: 2/-

4. That Sir, I was promoted as Hindi Translator Grade-I on the basis of merit cum seniority wef 29 Oct 1999. While I was serving as Hindi Translator Grade-I with my all good records of service I was appointed on deputation basis as Hindi Officer (a group 'B' Gazetted) post with higher position for a period of three years although there is a clear vacancy available for the post. I completed my period of deputation by shouldering all responsibilities to the satisfaction of the authority concerned and without any blemish.

It is pertinent to mention here that my selection was duly made and approved by the Union Public Service Commission on the basis of my qualification and eligibility.

5. That Sir, as per provisions of Recruitment Rules (Old) the post of Hindi Officer was to be filled up by deputation, failing which by Direct Recruitment. Thereafter the new Recruitment Rule was introduced from May 2001 thereby changing the old Recruitment Rule. According to the new Recruitment Rule 67% of the post of Hindi Officer are to be filled up by promotion from the feeder grade of Hindi Translator Grade-I having minimum three years regular service in the grade failing which by deputation, rest 33% vacancies are to be filled by deputation failing which by direct recruitment. In view of the above legal position I was the only person fulfilling all the terms and conditions for the promotion as regular Hindi Officer. More particularly as I was selected and found eligible to be appointed against the said post even by the UPSC (On deputation).

6. That Sir, while I was on deputation as Hindi Officer I made several representations to appoint me as regular Hindi Officer against the vacant post as per Recruitment Rule before the expiry of the period of deputation. But my representations were not considered and I was repatriated to the post of Hindi Translator Grade-I on 29 Jun 2003 and at present I am working as Hindi Translator Grade-I in the ARTC&S, Dimapur with my all sincerity, devotion and without any blemish.

7. That Sir, there are as many as two regular vacant posts of Hindi Officer in the establishment of HQ DGAR. According to the existing Recruitment Rule, I am the senior most and eligible candidate in the feeder grade for promotion to the post of Hindi Officer.

8. That Sir, inspite of the existing as many as two vacant posts of Hindi Officer my case has not been considered up till now. Now as per direction of the Hon'ble CAT Guwahati Bench, I make this representation to your honour for favour of reviewing my case and to consider my promotion to one of the existing vacant posts.

9. That Sir, there is noting against me in my entire service career. I have never been communicated any such adverse remarks against me in the ACR as such there can not be any ground also for not considering my promotion.

In this connection it is worth mentioning here that I have come to know that I have been graded 'Average' only for the period 2001-2002 while I was holding the post of Hindi Officer on deputation basis. I have come to know from the WRITTEN STATEMENT filed in the OA No 154/2003. Following grading have been reflected in the same :-

Year 1997-98	Year 1998-99	Year 1999-2000	Year 2000-2001	Year 2001-2002
Very Good	Very Good	Very Good	Good	Average

20/3
2004

10. That Sir, I would like to submit the 'Average' grading based on which the promotion to the post of Hindi Officer has been denied to me amounts to be an adverse remarks but this was not communicated to me. The law is well settled that the promotion can not be denied on the basis of un-communicated adverse ACR.

11. That Sir, I was holding and shouldering higher responsibility as a group 'B' Officer in the Income Tax Dept, (Govt of India) for about 5 years. Similarly I have shouldered the higher responsibility of Group 'B' Officer as Hindi Officer in this Dept also for three years. So far the promotion to a grade in which the candidate shouldering higher responsibility should be given the benefit of one grade higher ACR to his ACR for the concerned period of 5 years and 3 years respectively. For example if the required bench mark for promotion is 'Good' a candidate having 'Average' grading should be considered as 'Good' similarly where requirement is 'Very Good' a candidate having higher responsibilities should be considered 'Good' as 'Very Good'. The law is well settled in this regard.

The provision exists vide OA No 846 of 1988 published at ser no 36 page no 75 of The Swamy's News letter Mar 2001. (Copy enclosed) That if an officer is working in higher grade while comparing his case with others who are in feeder cadre his ACR is to be upgraded by one grade. In Shambu's case (Supra) it was held by Honable Supreme Court that when two sets of officers are compared, one who is in higher post on adhoc promotion and the other who are still in feeder cadre, then it is a case of treating unequal and in such a case the ACRs of an officer on adhoc promotion in higher grade should be upgraded by one grade.

High Officer of the department holding office

12. That Sir, I have been awarded 'Average' grading in the ACR in the year 2001-2002. I have never been communicated any adverse remarks in the entire of 24 years of service. Vide OA No 270 of 1999 published at ser no 118 page no 51 of 'Swamy's News' of Dec 2003. (Copy enclosed) It has been laid down that an adverse report in ACR can not be acted upon to deny promotional opportunities unless it is communicated to the pers concerned. A grading which was below the bench mark amount to adverse ACR and hence is required to be conveyed. Honourable Supreme Court held in Gurdial Singh Fiji Vs State of Punjab (1979) (I) SLR 804

"Principal is well settled that in accordance with the rules of natural justice and adverse report in CR can not be acted upon to deny promotional opportunities unless is communicated to the pers concerned". Thus, Average awarded in the year 2001-2002 is below bench mark and may be treated as adverse entry and it was required to be communicated for making improvements of the individual, hence it is required to be ignored or expunged.

13. That Sir, vide OA No 714-CH of 2002 published at ser no 71 page no 56 'Swamy's News' of Aug 2003. (Copy attatched). It was held that if ACRs of an employee for ten years are rated as 'Good' and the rest 02 are 'Average' then he should be adjudged as 'Good' for utilizing the benefit under ACP scheme. Taking inspiration from decision of Apex Court in the case of UP Jal Nigam and others Vs Prabhat Chandra Jain and others (AIR 1996 SC 1661) The High Court of Allahabad while dealing the case had given an illustration that if an employee legitimately had earned an 'out standing' report in a case, which in succeeding one, and without his knowledge is reduced to the level of 'Satisfactory' It would certainly be adverse and affect him at one or other stage of his career. Hence it has the necessity to be communicated.

14. That Sir, In view of the matter and considering my unblemished long service since 1979 rendered for the dept I earnestly request you to consider my case of promotion as Hindi Officer. The service jurisprudence regarding promotion is that reasonable promotional opportunities should be available in every wing of public service that generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the presence of promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly. (Raghunath Prasad Vs Secretary Home (Police), Dept Govt of Bihar reported in AIR 1988 SC 1033)

15. That Sir, Under the facts, circumstances and the provisions of law, I most respectfully and earnestly request your honour to kindly consider my case by holding a REVIEW DPC and as per Recruitment Rule for the promotion to the post of Hindi Officer and to promote me to the said post at the earliest as directed by Honable CAT, Guwati Bench as in order dated 31 Mar 2004 in OA No 154/2003 and for which act of your kindness I shall remain ever grateful to you Sir.

16. Thanking you.

PROMOTED TO

Yours faithfully,

01/04/2004
Narendra Singh Rathore

Place: Dimapur and

Dated: 20 Apr 2004

Hindi Translator Grade-I
(Since reverted from Hindi Officer)

RECOMMENDATION OF BRANCH OFFICER (SO-2 (EDN))

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

A/1-A/25/Part-III/2004/463

17 Aug 2004

ARTC & S
Dimapur.
PO: Dimapur (Nagaland)

MOOS JUA 33

ORDER FORWARDING OF

1. Ref application dated 20 Apr 2004 in respect of Shri Narendra Singh Rathore, Translator Grade-I of your ARTC & S.

2. A copy of DGAR order dated 16 Aug 2004 in respect of Shri Narendra Singh Rathore, Hindi Translator Grade-I, regarding promotion to the post of Hindi Officer Grade-I is forwarded herewith for handing over to the above named individual please.

1	2	3
4	5	6
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31	32	33

(D K Tyagi) I
Maj
SO-2 (A) dg apres.
for DG Assam Rifles

Copy to :-

Legal Branch (Internal)

for info with ref your ION No.
I. 11018/2004-Legal/378 dated
10 May 2004. A copy of DGAR
order dt 16 Aug 2004 also enclosed.

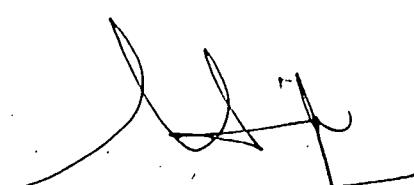
Abesha
Sar.
Advocate

**ORDERS BY LT GEN BHOPINDER SINGH AVSM, VSM, DIRECTOR
GENERAL ASSAM RIFLES IN THE APPLICATION DATED 20 APRIL 2004
SUBMITTED BY SHRI N S RATHORE, HINDI TRANSLATOR GRADE - I**

1. Shri NS Rathore, Hindi Translator Grade - I, was temporarily appointed as Hindi Officer on deputation basis for a period of three years with effect from 29 Jun 2000 (FN) vide this Directorate Order No A/1-A/25/Part-II dated 29 Jun 2000. At the time of appointment, as Hindi Officer on deputation in terms of the Recruitment Rules in vogue, the post of Hindi Officer was to be filled up by deputation, failing which by direct recruitment. No provision existed for filling up the said appointment by promotion from feeder cadre at that time. He was reverted back to his original post of Hindi Translator Grade - I, wef 29 Jun 2003 (FN) on completion of tenure of deputation.
2. With, the change in the Recruitment Rules wef May 2001, Hindi Translator Grade - I post, became eligible, for filling up from the feeder category. Further, as per said policy 67% of the posts were required to be filled up by promotion. Having been selected through the Union Public Service Commission for filling up the said appointment of Hindi Officer on deputation basis for a tenure of three years; he performed the duties satisfactorily. Since, two posts of Hindi Officers are presently lying vacant, as per the Recruitment Rules in vogue, now, he being the senior most eligible candidate in the feeder grade, his name for promotion to the said post should be considered subject to approval by DPC. In deference to the order of Hon'ble C'AT, Guwahati Bench, his case for promotion must be considered.
3. All the aforeslated issues, alleged by Shri NS Rathore have been deliberated upon in detail, in the light of relevant instructions. It transpires that the individual in terms of earlier Recruitment Rules was duly afforded opportunity to fill the post of Hindi Officer on deputation on a term of three years wef 29 Jun 2000 (FN) to 28 Jun 2003 (AN). The present Recruitment Rules which became effective in May 2001 rendered him ineligible for consideration on two counts; firstly, not having requisite three years regular service as Hindi Translator Grade-I and secondly, he being a deputationist (at that time) was not eligible for consideration by promotion. Further, the selection through UPSC was only for filling up the post on deputation and not for the purpose of selection from feeder cadre on promotion, as being made out. The petitioner has been considered for promotion to the post of Hindi Officer by the DPC in his turn, for the year 2003-2004 but not been recommended due to lack of AGR.
4. Notwithstanding the above, I direct that Shri NS Rathore be considered by the next DPC for promotion to the post of Hindi officer.

Place : Shillong

Dated : 16 Aug 2004



(Bhopinder Singh)
Lt Gen
Director General
Assam Rifles

*Attested
Date:
Advocate*

16/8/04

EDN BRANCH

3601 F/22/Edn/2004/S50

Dated 31 Aug 2004

APPLICATION FOR APPROVAL

All oppositions are integrated by Major I. B. Pathan, Head Branch, CII of this branch is fwd herewith duly recommended by SO-2 (Edn) for your necessary action please.

Encl : As above

Fwd to :-

"A" branch


(A.K. Vyas)
Lt Col
SO-2 (Edn)

Attested
Sar.
Advocate

From: 6001310101 Hindi Officer
DGSAR, Guwahati
Dated: 10/10/2004
To: Directorate General of Assam Police
Guwahati - 781011

To: Directorate General of Assam Police
Guwahati - 781011

(Through proper channel)

**PROMOTION TO THE POST OF HINDI OFFICER FROM
HINDI TRANSLATOR GRADE-I REPRESENTATION AS
PER DIRECTION OF HONORABLE CENTRAL
ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH**

1. Most respectfully I beg to refer to my application dated 20 Apr 2004 and your letter No A/1-A/25 part III/2004/463 dated 17 Aug 2004 on the afore said subject and to submit following few lines for favour of your kind perusal and sympathetic consideration please.

2. That Sir, provision exists for review DPC if DPC has not taken all material facts into consideration and where eligible person was omitted to be considered. My name figured in the DPC held on 01-01-2003 but dropped due to ignorance of the provisions. Since I worked as Hindi Officer which entails higher responsibility and for shouldering higher responsibilities one 'Average' ACR should have been treated as 'Good'. Also if there is any grading below bench mark, is required to be communicated whereas I have never been communicated any adverse remarks in the ACR. On the basis of uncommunicated 'Average' ACR individual can not be denied promotion. Hence I fulfilled all conditions of promotion for Hindi Officer. The detailed provisions have been explained vide my application dated 20 Apr 2004.

3. That Sir, an employee serving out side his regular cadre on deputation should be considered for promotion when due in his cadre. This is termed as proforma promotion. I have completed three years regular service as Hindi Translator Grade I on 29 Oct 2002 as reqd by new Recruitment Rules and accordingly HQ DGSAR had convened a DPC for promotion to Hindi Officer on 01-01-2003 but my name was not approved despite fulfilling the eligibility criteria. The cause of action for my promotion has arisen on the date of DPC and I was holding the post of Hindi Officer on deputation basis out side the regular cadre of Hindi Translator Grade-I. Hence I qualify for proforma promotion wef 01-01-2003.

4. That Sir, Since the vacancy is existing and eligible person is available in the feeder grade, it could be filled up immediately by giving me regular promotion by convening a review DPC. In this connection OA No 297 of 2003 (Swamy's New Aug 2004 copy enclosed may be referred)

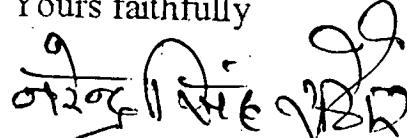
Contd.. 2/-

*Affected
Jawwab
Advocate*

5. Sir, I would like to submit that earlier I was selected and recommended by UPSC to the post of Hindi Officer and I shouldered the responsibility of Hindi officer for 3 years. But I was reverted back to the lower post of Hindi Translator, Grade-I on 29 Jun 2003 at a time when I was legitimately due for promotion. It has lead to my demoralization and has incurred heavy financial loss and I have been put to great mental agony.

6. I, therefore, earnestly pray your honour that instead of considering my case in next DPC, it may kindly be considered by a Review DPC so that I get **PROFORMA** promotion with retrospective effect and I am saved from the state of demoralization.

Yours faithfully



(Shri Narendra Singh Rathore)
Hindi Translator, Gd-I

Dated : 20 Aug 2004

RECOMMENDATION OF SO-2 (EDN)

Recommended

Major Lt Col

संकाय - 2 (पार्ट)

SO - 2 (Education)

प्रशिक्षण संकाय - 2

Training Institute, Training Centre and School

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

A/1-A/25/Part-III/2004/502

REGD. OFFICE
HILL BUNGALOW
PO: NAMOONI (Nagaland)
Pin - 797115

Oct 2004

REVIEW DPC

1. Ref. your letter No. I. 36011/CC/04-A/5338 dated 10 Sep 2004.
2. Review DPC is not applicable to individual as it caters only for rectification of unintentional organizational or procedural errors. However, the DGAR has directed that Shri NS Rathore be considered in the next DPC for promotion to the post of Hindi Officer.
3. Shri NS Rathore may be informed accordingly.


(Sangram Dalvi)
SO-1 (A)
for DG Assam Rifles

Alles P.
Sah
Advocate

43-

Annexe- 'O' (Series)

EDN BRANCH

I.36011/Misc/Edn/2005/ 2848

Dated : 14 Nov 2005

**APPLICATION IN RESPECT OF SHRI NARENDRA SINGH RATHORE,
HINDI TRANSLATOR GRADE-I EXWD OF**

An application dated 02 Nov 2003 received from Shri Narendra Singh Rathore, Hindi Translator Grade-I of this branch is encl alongwith a photocopy of HQ DGAR letter No A/1-A/25/Part-III/2004/463 dated 17 Aug 2004 for your further necessary action please.

(Arun Awasthy)
Maj
Offg SO-2(Edn)



Encl : As above

'A' Branch

Affected
Jas.
Advocate

From : Narendra Singh Rathore
 Hindi Translator Grade-I
 ARTC & S(Edn Branch)
 Dimapur (Nagaland)

To : The Director General Assam Rifles
 Shillong - 793041

(Through proper channel)

Sub : **REQUEST FOR PROMOTION FOR THE POST OF HINDI OFFICER**

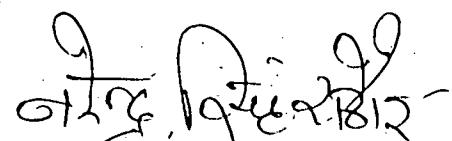
Sir,

1. Most respectfully I beg to submit following few lines for your kind consideration and sympathetic order please.
2. That sir, in compliance with the direction of the Hon'ble Central Administrative Tribunal Guwahati, I had submitted an application for promotion on 20 April 2004. The matter was examined by HQ DGAR and I was informed vide letter No.A/1-A/25/Part III/2004/463 dated 17 Aug 2005(copy enclosed) regarding the direction of Director-General Assam Rifles as under :-

"Notwithstanding the above, I direct that Shri NS Rathore be considered by DPC for promotion to the post of Hindi Officer".

3. That Sir, as per Govt standing Order D.P.C. was supposed to be held in the month of Dec 2004/Jan 2005 for the recruitment year 2005-2006. But a period of 10 months has been lapsed, neither the fate of my promotion case has been communicated to me, nor I have been promoted as prayed for. Whereas promotions in other categories like Accounts Officer, Supdt etc have already been ordered.
4. May I pray Hon'ble Director General Assam Rifles to look into the matter on PRIORITY and grant me promotion at the earliest and oblige.

Yours faithfully,


 9 Dec 2005

Station : Dimapur
 Dated : 02 Nov 2005

*Attest
 for
 Advocate*

(Narendra Singh Rathore)
 Hindi Translator Gd-I

From : Mr. Narendra Singh Rathore
Senior Translator
ARTC & S
Dimapur (Nagaland)

To : The Commandant
ARTC & S
Dimapur (Nagaland)
(Through Proper Channel)

Subject : REQUEST FOR PROMOTION FOR THE POST OF HINDI OFFICER

Sir,

1. Most respectfully I beg to submit following few lines for your kind consideration and sympathetic action please.

2. That sir, in compliance with the direction of the Hon'ble Central Administrative Tribunal Guwahati, I had submitted an application for promotion on 20 April 2004. The matter was examined by HQ DGAR and I was informed vide letter No. A/A/25/Part III/2004/463 dated 17 Aug 2005 (copy enclosed) regarding the direction of Director General Assam Rifles as under :-

"Notwithstanding the above, I direct that Shri NS Rathore be considered by the next DPC for promotion to the post of Hindi Officer"

3. That Sir, as per Govt standing Order D.P.C. was supposed to be held in the month of Dec 2004/Jan 2005 for the recruitment year 2005-2006. But a period of more than 01(one) year has been lapsed, neither the fate of my promotion case has been communicated to me, nor I have been promoted as prayed for.

4. That Sir, it is regretted that almost two years have passed since issuance of order of Director General Assam Rifles in this matter, no action has been taken by HQ DGAR, It is leading to my demoralization frustration and financial losses.

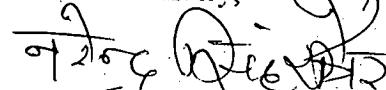
5. In view of above, I pray your honour that your personal intervention may be fruitful to settle the issue of my promotion.

6. Thanking you in anticipation.

Place : Dimapur

Dated : 07 Feb 2006

Yours faithfully,


(Narendra Singh Rathore)
Senior Translator

Attest
Advocate



VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH: GUWAHATI

O. A. No. 86 /2006

Shri Narendra Singh Rathor ...Applicant(s)

-Vs-

Union of India & Ors. ...Respondent(s)

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri S. Nath,

Sri _____ and _____, Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all such acts to be mine/our for all intents and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

In witness whereof, I/We hereunto set my/our hand on this 5th day of April 2006.

Received from the Executant, Mr. _____ And accepted
satisfied and accepted. Senior Advocate will lead me/us in the case.

Advocate

Advocate

Advocate

N

NOTICE

From:
Subrata Nath.
Advocate
Central Administrative Tribunal
Guwahati Bench, Guwahati.

To,
Shri G. Baishya
Sr. C.G.S.C
Central Administrative Tribunal
Guwahati Bench,
Guwahati.

Sub: - O.A. No. /2006

Shri Narendra Singh Rathore - Vs- Union of India & Ors.

Sir,

Please take notice that the above Original application, a copy whereof is enclosed herewith for your information and necessary action, is being filed before this Hon'ble Central Administrative Tribunal today.

Kindly acknowledge receipt of the same.

Thanking you,

Yours sincerely,

Subrata Nath

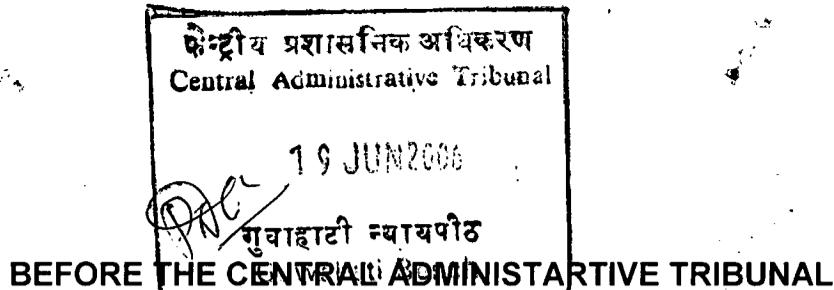
Advocate

S/4

Received Copy of the Original Application
Consisting pages 45 including Annexure.

(G. Baishya)
Sr. C.G.S.C

*finding Mr. G. Baishya
nowhere in the Court premises
I undertake to serve a
copy of this application
to Mr. G. Baishya, Sr. C.G.S.C.
Subrata Nath
Advocate
S/4*



GAUHATI BENCH: GAUHATI

ORIGINAL APPLICATION NO 86 OF 2006

Sri Narendra Singh Rathore Applicant

Versus

Union of India Respondents

In the matter of :-

Written Statement submitted by the Respondents.

The humble Respondents beg to submit the reply as follows:-

1. That in reply to the averments made in Para-1 of the Original Application, it is submitted that the force has been combatised vide Government of India; Ministry of Home Affairs letter No.27011/44/88-FP.I dated 19 September 1989 with effect from 19 September 1989. There upon, the vacancy of Hindi Officer is that of "Subedar Major", a combatised appointment. Since there is no combatant holding the post of Hindi Translator, Grade-I, departmental promotion committee could not be held. Further all employees were given opportunities to become combatised vide this Headquarters Directorate General Assam Rifles letter No. I. 14012/140/A-II/05 dated 04 Oct 2005 . The petitioner declined to convert and become a combatant vide Option certificate dated 14 January 2006. The petitioner therefore can not be considered through Departmental Promotion Committee to the said post based on Headquarters Directorate General Assam Rifles order on 16-08-04 (Annexure-L of the Original Application refers).,

A copy of the Headquarters Directorate General Assam Rifles letter No. I. 14012/140/A-II/05 dated 04 October 2005, is attached herewith as Annexure R-1

A Copy of the Option Certificate dated 14 January 2006 rendered by the petitioner is attached herewith as Annexure R-2

2. That with regard to averments made in paras 2, 3 and 4 of the Original Application, no comments are offered being a matter of record.

3. That in reply to the averments made in Para-4.1 of the Original Application, It is submitted that the petitioner was on deputation holding the post of Hindi Officer from 29 June 2000 to 29 June 2003 (AN) with HQ Inspector General Assam Rifles (North). In terms of the GSR-177 dated 08 May 2002 (page-13) the petitioner was reverted to his original post of Hindi Translator Grade-I in the scale of Pay Rs.5500-175-9000/- pm to Assam Rifles Training Centre & School, Dimapur with effect from 29 June 2003 (AN) as Hindi Translator Grade-I in existing vacancy. Moreover, appointment as Hindi Officer was temporary and for a period of 03 years only as reiterated in Annexures 'A' & 'B' to the OA.
4. That in reply to the averments made in Para-4.2 of the Original Application, it is submitted that the petitioner's was enrolled into the Assam Rifles on 31-12-1979 as a Lansnaik/writer and further promoted as Hindi Teacher with effect from 01-06-1985. He was thereafter appointed a Hindi Translator Grade-II on 08 July 1988 as per Directorate General Assam Rifles letter dated 23 August 1988 and promoted to Hindi Translator Grade-I with effect from 29 October 1999 vide HQ Directorate General Assam Rifles letter dated 29 October 1999. The same is not on merit but by seniority.

A Copy of the Directorate General Assam Rifles order No. A/1-A/25/Part-III/20 dated 23 August 1988 is attached herewith as
Annexure R-3

A copy of the Directorate General Assam Rifles order No I. 14016/15/A-II/HT/99/75 dated 29 October 1999 is attached herewith as **Annexure R-4**

5. That in reply to the averments made in Para-4.3 of the Original Application, it is submitted that the Applicant's appointment as Hindi Officer on deputation was purely on temporary basis and the same was not a permanent promotion and the Applicant well knew the said fact. When a departmental candidate is appointed in a promotional post by transfer on deputation basis, then it is to be treated as filled by promotion. However, at the time of appointment of Shri N S Rathore on deputation as Hindi Officer, the said post was not a promotional post as per the Recruitment Rules in force at that time and hence he is not eligible for benefit of holding a

promotional post on deputation as contented in his application. That after creation of additional posts of Hindi Officer, fresh Recruitment Rules were published vide GSR No. 177 dated 08 May 2002 which become effective from 25-05-2002 i.e. the date of publication in the official gazette. After creation of additional post of Hindi Officer fresh Recruitment Rules were published vide GSR No. 177 dated 08 May 2002. As per the fresh Recruitment Rules (page 13 refers) the Departmental Officer in the feeder Category who are in the line of promotion shall not be eligible for consideration of appointment on deputation. Similarly, deputationist shall not be eligible for consideration for appointment by promotion. The petitioner is a departmental candidate in the feeder category who is in the direct line of promotion to the post of Hindi Officer. Hence as per fresh Recruitment Rules now in Force, he is not eligible to hold the post of Hindi Officer. Further his promotion to the post of Hindi Officer has not been recommended by the Departmental Promotion Committee for the year 2003-2004 since he lacked Annual Confidential Report criteria.

A Copy of the Recruitment Rules 2002 published in the Gazette of India vide GSR No.177 dated 08 May 2002 is attached herewith as
Annexure R-5

6. That in reply to the averments made in Para-4.4 of the Original Application it is submitted that the respondents beg to state that reply to the application received vide HQ IGAR (N) letter No. VI.104/Estd/2003/1088 dated 16 June 2003 has been sent vide our letter No. A/1-A/25/Part-II/99/222 dated 04 July 2003.

A Copy of the Headquarters Directorate General Assam Rifles letter No.A/I-A/25/Part-II/99/222 dated 04 July 2003 is attached herewith as
Annexure R-6.

7. That in reply to the averments made in Para-4.5 of the Original Application it is respectfully submitted that the petitioner was reverted back to the original post of Hindi translator –I after completion of his deputation period as Hindi Officer vide Headquarters Directorate General Assam Rifles order No. A/1-A/25/Part-II/99/232 dated 16 July 2003. Further the same has adequately been commented upon in Para 6 of this Written Statement.

A Copy of the Directorate General Assam Rifles order No. A/1-A/25/Part-II/99/232 dated 16 July 2003 is attached herewith as
Annexure R-7

8. That averments made in para 4.6 and 4.7 of the original application are misconceived. It is submitted that as per the policy governing the issue, the applicant is not entitled to the post of Hindi Officer which has adequately been commented upon in the proceeding paragraphs. It is once again re-iterated that the consequent to combatisation of the force/ Appointment with effect from 19 September 1989, the Applicant is not eligible for the post of Hindi Officer. It is further submitted that he was again given opportunity vide Directorate General Assam Rifles letter No.I.14012/140/A-II/05 dated 04 October 2005 to opt and become a combatant. That the Applicant having opted against is prevented by principle of estoppel to again claim consideration for promotion to the post of Hindi Officer, a combatised post.

A Copy of the Government of India, Ministry of Home Affairs, letter No. 27011/44/88-FP-I dated 19 September 1989 is attached herewith as **Annexure R-8**

9. That in reply to the averments made in paras 4.8 to 4.10 of the Original Application, it is respectfully submitted that the same has adequately been commented upon in Para 6 of this Written Statement.
10. That in reply to the statements made in para 4.11 of the Original Application, it is submitted that on reversion from the post of Hindi Officer individual filed a case in Hon'ble Central Administrative Tribunal Guwahati against his reversion and for regularization to the post of Hindi Officer. Hon'ble Central Administrative Tribunal Guwahati ordered the applicant to file a fresh representation within a period of one month and directed the respondents to dispose of the same with reasons within three months. Accordingly, the individual submitted the application dated 20 April 2004 and the same was fwd to Headquarters Directorate General Assam Rifles duly recommended by Deputy Inspector General of Assam Rifles Training Centre & School. The same has accordingly been disposed of by the DGAR vide his order dated 16 August 2004 in deference to the orders of the Hon'ble Tribunal. (Annexure L of the OA refers).

11. That in reply to the averments made in Paras- 4.12 to 4.15 of the Original Application, It is submitted that since the applicant did not meet the Annual Confidential Report criteria he has not been considered for the post of Hindi Officer. During the year 2001-02 he has been awarded the grading of 'Average' and as per policy in vogue same is not required to be communicated to the ratee (applicant). The same was accordingly not communicated to the petitioner. That Review Departmental Promotion Committee is not applicable in respect of the applicant since it caters only for rectification of unintentional organizational or procedural errors. In the instant case no rectification or procedural errors has occurred. However, the Director General Assam Rifles has directed that the petitioner be considered in the next Departmental Promotion Committee for promotion to the post of Hindi Officer to render him eligible for consideration, in case the Government decide at any stage to de-combatise the post. Moreover prior to the revision of PE the post of Hindi Officer in Assam Rifles were held by civilian employees. Subsequent to the revision of Restructuring of Peace Establishment of Assam Rifles vide Ministry of Home Affairs letter No. II. 3014/3/96/PF.IV dated 26 Aug 03 only two vacancies were authorized (para 75 of the Ministry of Home Affairs letter under reference) . Further only combatant in the rank of Subedar Major were authorized to hold the said posts . It is therefore imperative that no Departmental Promotion Committee is required to be convened for filling up the vacancy of Hindi Officer by civilian employee since they are not eligible to hold the post of Hindi Officer. Further the petitioner had also declined to be combatant. (Annexure R-2 refers). Hence he was not eligible for the said post.

A Copy of Annual Confidential Report 2001-2002 is attached herewith as Annexure R- 9

A Copy of the Ministry of Home Affairs letter No No. II. 3014/ 3/ 96/ PF IV dated 26 August 2003 is attached herewith as Annexure R- 10

That in view of the facts mentioned above no ground in law is made out. It is humbly prayed that the present Original Application lacks merit and is liable to be dismissed with costs.

VERIFIACTION

I, Major S Salooja S/O Gp Capt S C Salooja aged about 38 years, resident of Laitmukrah, Shillong District Shillong and competent officer of the answering respondents, do hereby verify that the statement made in paras _____ are true to my knowledge and those of the paras 1 to 11 being matters of record are true to my information derived there from which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 18 the day of June 2006 at Guwahati

C. Salooja

Signature

Asst
Chief
Law
Officer

Asst Chief Law Officer

एहायक मुख्य विधि अधिकारी

Shillong-793011

प्रानिदेशालय असम राइफल्स, शिलांग-793011

7- **ANNEXURE -R-1**

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

I.14012/140/A-II/05

04 Oct 05

List A, B, C & D

COMBATISATION OF CIV MINISTERIAL STAFF

1. Reference Govt of India MHA letter No 27011/44/88-FO.I dt 19 Sep 1989 (Copy forwarded vide this Dte letter No A/V-A/Combat-89 dated 30 Sep 1989.
2. Combatisation of civ staff was sanctioned by the MHA vide their letter No 27011/44/88-FP.I dated 19 Sep 1989. The process of combatisation was earlier carried out in the year 1993.
3. In a recent court case, where civ staff of unit cadre appealed for Ration Allowance, the Hon'ble court directed that it can be applicable on opting for combatisation.
4. In order to give another chance to opt for combatisation, this Dte took up a case with MHA to accord sanction to exercise the option for combatisation by our civ ministerial staff. The same has been sanctioned by MHA.
5. In view of the above, all Civil Ministerial Staff of the Force are hereby offered another chance to exercise their option for combatisation from existing civil posts.
6. The terms and conditions after combatisation will be governed by the Assam Rifles Act, 1941 and Assam Rifles Rules 1985 as amended from time to time.
7. Unit/Fmn wise consolidated option certs duly completed and countersigned as per proforma att may please be forwarded to reach this Dte latest by 31 Dec 2005.
8. Nil report (where applicable) along with nominal roll of all civ staff on the str of the HQ/unit will also be reqd to be submitted.



(VSBS Cherukupalli))
Col
Col (A)
For DG Assam Rifles

✓ 8 -

81

COMBATISATION OF CIV MINISTERIAL STAFF

OPTION CERTIFICATE

1. I, Shri/Smt _____ (Name and appointment) _____, presently posted at _____ (Unit/Fmn) hereby declare my willingness/unwillingness to opt for combatisation to equivalent combatant post.
2. I further understand that my terms of service conditions will be governed by the Assam Rifles Act, 1941 and Assam Rifles Act 1985 as amended from time to time, from the date of conversion as combatant.
3. I do not attach any conditionalities to my option.
4. I do not claim any retrospective benefit for my option.

COUNTERSIGNATURE

Date : Comdt Unit/Staff Offr of Fmn
Place :

COMBATISATION OF CIV MINISTERIAL STAFFOPTION CERTIFICATE

1. Shri Narendra Singh Rathore, Hindi Translator, Grade I presently posted at ARTC & S hereby declare my unwillingness to opt for combatisation to equivalent combatant post.

2. I, further understand that my terms of service conditions will be governed by the Assam Rifles Act, 1941 and Assam Rifles Act 1985 as amended from time to time, from the date of conversion as combatant.

3. I do not attach any conditionalities to my option.

4. I do not claim any retrospective benefit for my option.

Date : 14 Jan 2006

Place : Dimapur

Signature

Name : Narendra Singh Rathore
Appointment : Hindi Translator
Grade ICOUNTERSIGNATUREDated : 14 Jan 2006

Place : Dimapur

~~Major~~ Major ~~Min~~ Min
Ministerial Staff Offr of Frmr
प्राधानीय अधिकारी - 2 (भौत)
SO - 2 (Education)
असम राष्ट्रीय अधिकारी शैक्षण एवं विद्यालय
Assam Rifles Training Centre and School

- 10 -
ANNEXURE

R 3(4)

3

MANAN IDPORNALATA ASSAM RIFLES

DIRECTORATE GENERAL ACCOUNTS & FINANCE & ORGANISATION

* * * * *

24255

A/1-A/25/Part-III/20

Dated Shillong, the 23 Aug 66

1. Shri Narendra Singh Borthore, Hindi Teacher of 14 Assam Rifles is hereby selected for the post of Hindi Translator Grade-II in the pay scale of Rs. 1400-30-1600-HP-30-2300/- per month plus other allowances as admissible from time to time under Rules in DGA, Shillong on standard deputation terms as laid down in the Govt. of India, Ministry of Finance G.M. No. F. II (II)-E. 111(8)/75 dated 07 Nov 1975.
2. The period of deputation will be for one year with effect from 04 Jul 66(A/W) and extendable upto three years subject to satisfactory performance of the incumbent.

Sd/-

(J K Monanty)

Lt Col

Assistant Director (A)

for Director General Assam Rifles

Mem No. A/1-A/25/Part-III/20 (a) Dated Shillong, the 23 Aug 66

Copy forwarded to :-

1. The Accounts Officer
Pay and Accounts Office (AA)
Near Laitumkhrah Market
Shillong - 3
2. The Additional Accountant General
Central and Arunachal Pradesh
Shillong - 1
Internal
3. E&CC Branch
4. E&CC Branch (Hill Dept) - for information.
5. Hindi section
6. Personal file
7. Office copy

(R K Ghose)

Major

JAO (A)

for Director General Assam Rifles

Copy to/*

5
11 ANNEXURE -R-4 (3) 84

DIRECTORATE GENERAL ASSAM RIFLES : SHILLONG

O R D E R

14016/15/A-II/HT/99/75 Dated, Shillong the 29 Oct 99

Shri Narendra Singh, Rathore, temporary Hindi Translator Grade II of Directorate General Assam Rifles, is hereby temporarily promoted to officiate as Hindi Translator Grade I in the same Directorate until further orders with effect from tomorrow of 29 Oct 1999 in the scale of pay of Rs. 5600-175-500/- per month plus other allowances as admissible under rules against the existing vacancy.



(A K Pait)

Brig

Offg Deputy Director General
Assam Rifles

memo No. I 14016/15/A-II/HT/99/78 Dated, Shillong the 29 Oct 99

Copy to :-

1. The Additional Accounts General
(Central & Arunachal Pradesh)
Lachatelle Building
Shillong-03
2. The Accounts Officer
Pay and Accounts Office Assam Rifles
Shillong-03
3. UPAO, DGR, Shillong-11
4. Estt Branch-II (SB Sec), DGR, Shillong-11 - 2 Copies
5. Estt Branch-III (Bill Sec), DGR, Shillong-11 - 2 Copies
6. List 'D' & G&(Less/Estt Branch)
7. Individual concerned- 2 copies
8. Office copy

W J B Sturgeon

(W J B Sturgeon)
Col
Deputy Director(A)
for Director General
Assam Rifles

(प्रोक्त क्रमांक के ऐसे विभागीय अधिकारी, जो प्रोन्नति की सीधी पंचित में है, प्रतिनियुक्ति पर नियुक्ति के लिए विचार किए जाने के पात्र नहीं होंगे। इसी प्रकार प्रतिनियुक्ति व्यक्ति प्रोन्नति द्वारा नियुक्ति के लिए विचार किए जाने के पात्र नहीं होंगे। प्रतिनियुक्ति की अवधि, जिसके अंतर्गत केंद्रीय सरकार के उसी या किसी अन्य संगठन/विभाग में इस नियुक्ति से ठीक पहले धारित विसी अन्य काडर नाही पद पर प्रतिनियुक्ति की अवधि है साधारणतया तीन वर्ष से अधिक नहीं होगी। प्रतिनियुक्ति पर नियुक्ति के लिए अधिकतम आयु सीमा आवेदन प्राप्त करने की अंतिम तारीख को 56 वर्ष से अधिक नहीं होगी।

यदि विभागीय प्रोन्नति समिति है तो उसकी संरचना

भर्ती करने में किन परिस्थितियों में संघ लोक सेवा आयोग से परामर्श किया जाएगा

समूह 'ख' विभागीय प्रोन्नति समिति
(प्रोन्नति के संबंध में विचार करने के लिए):

सीधी भर्ती करते समय संघ लोक सेवा आयोग से परामर्श करना आवश्यक है।

1. अध्यक्ष/सदस्य, संघ लोक सेवा आयोग	—अध्यक्ष
2. महा निदेशक, असम राइफल्स	—सदस्य
3. उप महा निदेशक, असम राइफल्स	—सदस्य
4. निदेशक (प्रशासन), महा निदेशक, असम राइफल्स	—सदस्य

[फा. सं० ।-45028/3/99-पर्स. II] जिल्द II]

ए. भट्टाचार्य, अवर सचिव (पर्स. III)

टिप्पणी : असम रायफल्स ज्योष्ठ हिन्दी अधिकारी (समूह 'क') भर्ती नियम, 2001 सा.का.नि. 578, तारीख 10 अक्टूबर, 2001 द्वारा भारत के राजपत्र में प्रकाशित हुए थे।

New Delhi, the 8th May, 2002

G.S.R. 176—In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of Assam Rifles Senior Hindi Officer (Group 'A') Recruitment Rules, 2001, the President hereby makes the following Rules, regulating the method of recruitment to the post of Senior Hindi Officer, (Group 'A') in the Assam Rifles, Ministry of Home Affairs, namely :—

- 1. Short title and commencement.**— (i) These rules may be called the Assam Rifles Senior Hindi Officer (Group 'A') Recruitment Rules, 2002.
(ii) They rules shall come into force on the date of their publication in the Official Gazette.
- 2. Number of Posts, classification and scale of pay.**—The number of the said posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.
- 3. Method of recruitment, age limit, qualifications etc.**—The method of recruitment to the said post, age limit, qualifications and other matters relating thereto shall be as specified in columns 5 to 14 of the said Schedule.
- 4. Initial Constitutions.**—The incumbents of the posts of Senior Hindi Officer who were appointed to the posts before the publication of these rules shall be deemed to have been appointed under these rules and the service rendered by them in the said posts before the said publication shall be taken into account for deciding their eligibility for promotion to the next higher grades.
- 5. Disqualifications.**—No person :—
(a) who has entered into or contracted a marriage with a person having a spouse living; or
(b) who, having a spouse living, has entered into or contracted a marriage with any person; shall not be eligible for appointment to any of the said post :

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and there are other grounds for so doing, exempt any person from the operation of this rule.

6. **Power to relax.**—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

7. **Saving.**—Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, other backward classes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of post	Number of Post	Classification	Scale of Pay	Whether selection by merit or selection cum-seniority or non-selection post	Age limit for direct recruits
1	2	3	4	5	6
Senior Hindi Officer	01* (2002)	GCS- Group 'A' *Subject to variation dependent on workload.	Rs. 8,000-275 13,500/-	Selection-Cum-Seniority	NA

Whether benefit of added years of service admissible	Educational & other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in case of promotees	Period of probation, if any
7	8	9	10
NA	NA	NA	2 yrs for promotees

Method of Recrt. whether by direct Recrt. or by promotion or by deputation/absorption and % of the post to be filled by various methods	In case of Recrt. by promotion/deputation/absorption grades from which promotion/deputation/absorption to be made
---	---

11 Promotion failing which by deputation

PROMOTION

Hindi Officer with five years' regular service in the grade.

NOTE : Where Juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying/eligibility service.

Deputation

Officers under the Central Government :

- (a) (i) Holding analogous posts on regulation basis; or
(ii) With five years regular service in post in the scale of Rs. 6500-10500 or equivalent; and
- (b) Possessing the following educational qualifications and experience :

✓ 14 ✓

Master's Degree of a Recognized University or equivalent in Hindi with English as a subject at Degree level.

OR

Master's Degree of a Recognized University or equivalent in English with Hindi as a subject at Degree level.

OR

Master's Degree of a Recognized University or equivalent in any subject with Hindi and English as subjects at Degree level.

OR

Master's Degree of a Recognized University or equivalent in any subject with Hindi Medium and English as a subject Degree level.

OR

Master's Degree of a Recognized University or equivalent in any subject with English medium and Hindi as a subject at Degree level.

OR

Five years experience of Terminological work in Hindi and/or Translation work from English to Hindi and Vice Versa preferably of technical or Scientific Literature.

OR

Five years experience of teaching, Research, writing or Journalism in Hindi.

(The Departmental officers in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation. Similarly, deputationists shall not be eligible for consideration for appointment by promotion. Period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other Organization. Department of the Central Government shall ordinarily not exceed three years. The maximum age limit for appointment by transfer on deputation shall not be exceeding 56 years as on the closing date of receipt of applications.)

If a Departmental Promotion Committee exists what is its composition

Circumstances in which U.P.S.C. to be consulted in making Recd.

13

14

Group 'A' DPC
(For considering promotion)

Consultation with UPSC necessary on each occasion.

1. Chairman/Member, UPSC	—Chairman
2. Director General, Assam Rifles	—Member
3. Deputy Director General, Assam Rifles	—Member
4. Director (Adm.), Director General, Assam Rifles	—Member

[F. No. I-45028/3/99. Pers. II-Vol II]
A. BHATTACHARIYA, Under Secy. (Pers. III)

Note : Assam Rifles Senior Hindi Officer (Group 'A') Recruitment Rules, 2001 was published in Gazette of India vide GSR 578 dated the 10th October, 2001.

समूह 'ख' विभागीय प्रोन्नति समिति
(प्रोन्नति के संबंध में विचार
करने के लिए :)

१. उप महानिदेशक, असम राइफल्स	— अध्यक्ष
२. निदेशक (प्रशासन), महानिदेशालय, असम राइफल्स	— सदस्य
३. सहायक निदेशक (प्रशासन), महानिदेशालय, असम राइफल्स	— सदस्य

सीधी भर्ती करते समय संघ लोक सेवा आयोग से परामर्श करना आवश्यक है।

[फा. सं. 45028/3/99-पर्स.-II]

ए. भट्टाचार्य, अधिकारी, सचिव

टिप्पणी : — हिन्दी अनुवादक श्रेणी-I (समूह 'ख') और हिन्दी अधिकारी (समूह 'ख') भर्ती नियम, 2001 सा.का.नि. सं. 579, तारीख 10 अक्टूबर, 2001 द्वारा भारत के राजपत्र में प्रकाशित हुए थे।

New Delhi, the 8th May, 2002

G.S.R. 177.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, and supersession of Assam Rifles Hindi Translator Grade I (Group 'B') and Hindi Officer (Group 'B') Recruitment Rules, 2001, the President hereby makes the following rules, regulating the method of recruitment to the posts of Hindi Officer (Group 'B') and Hindi Translator in the Assam Rifles, Ministry of Home Affairs, namely :—

1. **Short Title and Commencement.**—(1) These rules may be called the Assam Rifles Hindi Officer and Hindi Translator Grade I (Group 'B') Recruitment Rules, 2002.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Number of posts, classification and scale of pay.**—The number of the said posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.
3. **Method of recruitment, age limit, qualifications, etc.**—The method of recruitment to the said posts, age limit, qualifications and other matters relating thereto shall be as specified in columns 5 to 14 of the said Schedule.
4. **Initial Constitutions.**—The incumbents of the posts of Hindi Translator Grade I and Hindi Officer who were appointed to the posts before the publication of these rules shall be deemed to have been appointed under these rules and the service rendered by them in the said posts before the said publication shall be taken into account for deciding their eligibility for promotion to the next higher grades.
5. **Disqualification.**—No person,
(a) who, has entered into or contracted a marriage with a person having a spouse living; or
(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the said posts :—
Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and there are other grounds for so doing, exempt any person from the operation of this rule.
6. **Power to relax.**—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any of the provisions of these rules with respect to any class or category of persons.
7. **Saying.**—Nothing in these rules shall effect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Other Backward Ex-Servicemen, and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of the post	Number of post	Classification	Scale of pay	Whether Selection by merit or selection cum-seniority or non-selection post.
1	2	3	4	5
Hindi Officer	3*(2001) *Subject to variation dependent on workload.	General Central Service Group 'B', Gazetted, Ministerial	Rs. 6500-200-10500/-	Selection-Cum-Seniority

Age limit for direct recruits	Whether benefit of added years of service admissible	Educational and other qualification required for direct recruits
6	7	8
Not exceeding 30 years. Note 1 : Relaxable for Government Servants upto 5 years in accordance with the instructions or orders issued by the Central Government. Note 2 :—The crucial date of determining the age limit shall be the closing date for receipt of applications from candidate in India and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of Jammu & Kashmir State, Lahaul and Spiti District and Pangi Sub-division of Chamba District of Himachal Pradesh, Andaman and Nicobar Islands or Lakshadweep.	No	<p>Essential : (i) Master's degree of a recognised University or Equivalent in Hindi with English as a subject at degree level.</p> <p>OR</p> <p>Master's degree of a recognised University or Equivalent in English with Hindi as a subject at Degree level.</p> <p>OR</p> <p>Master's degree of a recognised University or Equivalent in any subject with Hindi and English as a subject at degree level.</p> <p>OR</p> <p>Master's degree of a recognised University or Equivalent in any subject with Hindi Medium and English as a subject's at degree level.</p> <p>OR</p> <p>Master's degree of a recognised University or Equivalent in any subject with English Medium and Hindi as a subject at degree level.</p> <p>(ii) Five years' experience of terminological work in Hindi and/or translation work from English to Hindi or vice versa preferably of technical or scientific literature.</p> <p>OR</p> <p>Five year's experience of teaching, research, writing or journalism in Hindi.</p> <p>Note 1.—Qualifications are relaxable at the discretion of the U.P.S.C. in case of candidates otherwise well qualified.</p> <p>Note 2.—The qualification(s) regarding experience is/are relaxable at the discretion of the U.P.S.C. in the case of candidates belonging to Scheduled Caste or Scheduled Tribes. If any stage of selection the U.P.S.C. is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the posts reserved for them.</p>

Desirable:

(i) Knowledge at the level of Matriculation of one of the languages, other than Hindi, mentioned in the eighth schedule of the Constitution.

(ii) Two years' administrative experience including experience of organising Hindi classes or workshops.

17
20

Whether age and educational qualification prescribed for direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods
9	10	11
N.A.	Two years for direct recruits	67% promotion failing which by deputation. 33% deputation failing which by Direct Recruitment.

In case of recruitment by promotion/deputation/absorption grades from which promotion/deputation/absorption to be made	If a Departmental Promotion Committee exists, what is its composition	Circumstances, in which Union Public Service Commission is to be consulted in making recruitment
12 Promotion: Hindi Translator Grade-I with three years' regular service in the grade. NOTE : Where Juniors who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualification/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less and have successfully completed their probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying/eligibility service.	13 Group 'B' Departmental Promotion Committee (For Considering Promotion and Confirmation).— 1. Deputy Director General, Assam Rifles —Chairman 2. Director (Adm), Dte General, Assam Rifles —Member 3. Assistant Director (A), Dte General, Assam Rifles —Member	14 Consultation with UPSC necessary while making direct recruitment.

Deputation:**Officers under the Central Government:**

(a) (i) Holding analogous posts on Regular basis; or

(ii) With three years' regular service in post in the scale of Rs. 5500-9000 or equivalent; and

(b) Possessing the educational qualifications and experience prescribed for Direct recruit under column 8.

12

(The Department Officers is in the feeder category who are in the direct line of promotion shall not be eligible for consideration for appointment on deputation, similarly, deputationists shall not be eligible for consideration for appointment by promotion (period of deputation including period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/department of the Central Government shall ordinarily not exceed three years. The maximum age limit for appointment by deputation shall be not exceeding 56 years as on the closing date of receipt of applications).

1	2	3	4	5
Hindi Translator Grade-I	5*(2001) *Subject to variation dependent on workload.	General Central Service Group 'B', Non-Gazetted; Ministerial	Rs. 5500-175- 9000/-	Selection-Cum- Seniority

6	7	8
NA	NA	NA

9	10	11
N.A.	Two years for direct promotees	Promotion

12	13	14
Promotion: Hindi Translator Grade-II with three years' regular service in the grade.	Group 'B' Departmental Promotion Committee (For Considering Promotion):—	Consultation with UPSC not necessary.

NOTE : Where Junior who have completed their qualifying/eligibility service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualification/eligibility service by more than half of such qualifying/eligibility service or two years, whichever is less and have successfully completed their

12

probation period for promotion to the next higher grade alongwith their juniors who have already completed such qualifying/eligibility service.

[F. No. I. 45028/3/99-Pers.II]

A BHATTACHARYA, Under Secy.

Note :—The Hindi Translator Grade I (Group 'B') and Hindi Officer (Group 'B') Recruitment Rules, 2001 were published in the Gazette of India vide GSR No. 579 dated 10th October, 2001.

8

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10+2 या समतुल्य और 25 वर्ष प्रतिमिनट हिन्दी में
दंकण गति

लागू नहीं होता

2 वर्ष

11

12

सीधी भर्ती द्वारा

लागू नहीं होता

13

14

लागू नहीं होता

लागू नहीं होता

[का. स. I-45023/3/09का. III]

एस. सी. सक्सेना, डिक्टी. अधिकारी

New Delhi, the 10th October, 2001

G.S.R. 580.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following Rules, regulating the method of recruitment to the post of Hindi Translator Grade-II and Hindi Typist in the Assam Rifles, Ministry of Home Affairs, namely :—

1. Short Title and Commencement.—(1) These Rules may be called the Assam Rifles Hindi Translator Grade-II and Hindi Typist (Group 'C') post Recruitment Rules, 2001.

(2) They shall come into force on the date of their publication in the Official Gazette.

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

3. Method of recruitment, age limit, qualification etc.—The method of recruitment to the said posts, age limit, qualifications and other matters relating thereto shall be as specified in columns 5 to 14 of the said Schedule.

4. Initial Constitutions.—The incumbents of the posts of Hindi Translator, Grade-II and Hindi Typist who were appointed to the posts before the publication of these rules shall be deemed to have been appointed under these rules and the service rendered by them in the said posts before the said publication shall be taken into account for deciding their eligibility for promotion to the next higher grades.

5. Disqualification.—No person—

(a) Who has entered into or contracted a marriage with a person having a spouse living, or

(b) Who, having a spouse living, has entered into or contracted a marriage with any person shall not be eligible for appointment to any of the said posts.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and there are other grounds for so doing, exempt any person from the operation of this rule.

6. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing relax any of the provisions of these rules with respect to any of the provisions of these rules with respect to any class or category of persons.

7. Saving.—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, other Backward Classes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

18 21

SCHEDULE

Name of Post	Number of Posts	Classification	Scale of Pay	Selection by merit or selection by Seniority
1	2	3	4	5
Hindi Translator Grade-II	47* (2001)	General Central Civil Services Group 'C' (Non-Gazetted, Ministerial). *Subject to variation dependent on work load.	Rs. 5000-150-8000	Selection-cum- Seniority

Whether benefit of added years of service admissible under rule 30 of C.G.S. (Pension Rules) 1972	Age limit for direct recruits	Educational and other qualifications required for direct recruits
6	7	8
Not applicable	18 to 25 years Note :—Crucial date for determining the age will be as per DOP & T orders from time to time.	<p>(a) Educational and other Qualification for Hindi Translator Grade-II</p> <p>(i) Master's degree of a recognized University in Hindi/English with English/Hindi as a compulsory/elective subject or as a medium of examination at degree level.</p> <p style="text-align: center;">OR</p> <p>(ii) Master's degree of a recognized University in any subject other than Hindi/English with Hindi and English as a compulsory/elective subject or either of the two as a medium of examination and the other as a compulsory/elective subject at degree level.</p> <p style="text-align: center;">OR</p> <p>(iii) Master's degree of a recognized University in any subject other than Hindi/English, with Hindi/English medium and English/Hindi as compulsory/elective subject or as medium of examination at degree level.</p> <p style="text-align: center;">OR</p> <p>(iv) Bachelor's degree of a recognized University with Hindi and English as compulsory/elective subject or either of two as medium of examination and the other as compulsory/elective subject, plus a recognized diploma/certificate course on translation from Hindi to English and vice-versa or two years experience of translation work from Hindi to English and vice-versa in Central/State Government office including a Government of India undertaking.</p>

9	10	11	12	Method of rectt. whether by direct rectt., or by promotion or by deputation/absorption & percentage of the posts to be filled by various methods.
				Period of probation, if any
Not applicable	2 years for direct recruit.	20% by deputation. 80% By direct recruitment.	Deputation : Officers under Central/State Govts. :— (a)(i) Holding analogous posts or (ii) with 8 years service in post with scale of Rs. 4000-6000 or equivalent or (iii) with 16 years service in post in the scale of Rs. 3050-4560 or equivalent. (b) Possessing educational and other qualification laid down in column 8 for direct recruitment (period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or any other organisation/department shall ordinarily not exceed 3 years). The maximum age limit for recruitment by deputation shall not exceeding 56 years as on the closing date of receipt of application.	

If a Departmental Promotion Committee exists what is its composition Circumstances in which U.P.S.C. is to be consulted in making recruitment.

1	2	3	4	5
Hindi Typist	43* (2001) *Subject to variation dependent on work-load.	General Central Civil Service Group 'C' (Non-Gazetted, Ministerial).	Rs. 3050-75-3950-80-4590	N.A.
Not applicable	18 to 25 years*	10+2 or equivalent and 25 words per minute typing speed in Hindi.		
	*Crucial date for determining the age will as per orders issued by DOP&T from time to time.			

9	10	11	12
Not applicable	2 years	By direct recruitment.	Not applicable
13		14	
Not applicable		Not applicable	

[F. No. I-45028/3/99-Pers. II]
S. C. SAKSENA, Desk Officer

2h ANNEXURE R-6
ANNEXURE-F - 2X
(32u)

Tele No :705075

Bharat Sarkar
Government of India
Grih Mantralaya
Ministry of Home Affairs
Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

A/1-A/25/Part-II/99 / 222

04 Jul 2003

Headquarters
IGAR(N)
C/o 99 APO

APPLICATION FOR REGULARISING THE
APPOINTMENT OF HINDI OFFICER

1. Reference your VI.104/EST/2003/1088 dated 16 Jun 2003.

2. It is to inform you that the case of Shri NS Rathore, Hindi Officer has been considered with due merit. However, since he has not fulfilled the requirement of DPC for promotion to Hindi Officer, he has been reverted back to his original grade after termination of his deputation period.

3. You are requested to apprise the officer accordingly.

(M. Singh)
Lt Colonel
Staff Officer-1 (A)
For DG Assam Rifles

Yc
L.M.
27/7
8/7

MAHANIDESHALAYA ASSAM RIFLES

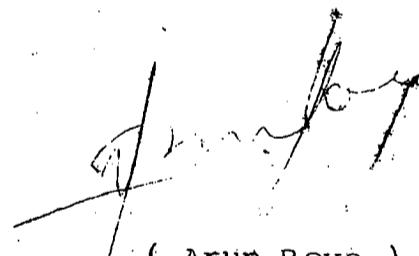
DIRECTORATE GENERAL ASSAM RIFLES : SHILLONG - 11

O R D E R

A/1-A/25/Part-II/99/232

Dated Shillong the, 16 Jul 2003

1. Shri Narendra Singh Rathore, Hindi Translator, Grade-I of HQ DGAR who was selected and temporarily appointed as Hindi Officer in the same Directorate on transfer on deputation basis in the scale of Pay of Rs 6500-200-10500/- per month plus other allowances as admissible under the rules against the existing vacancy with effect from 29 Jun 2000(FN) and subsequently posted to HQ IGAR(N), is hereby reverted to his original post of Hindi Translator, Grade-I in the scale of pay of Rs 5500-175-9000/- per month plus other allowances as admissible under the rules with effect from 29 Jun 2003(FN) after completion of his deputation period and posted to ARTC & S as Hindi Translator, Grade-I on existing vacancy with effect from same date.
2. Shri Devendra Singh, Hindi Translator, Grade-I of ARTC&S who was temporarily promoted to ~~efficiate~~ as Hindi Translator, Grade-I in the scale of Pay of Rs 5500-175-9000/- per month plus other allowances as admissible under the rules with effect from 25 Oct 2002(FN) is hereby reverted to Hindi Translator, Grade-II in the scale of pay of Rs 5000-150-8000/- per month plus allowances as admissible under the rules with effect from 29 Jun 2003(FN) due to reversion of Shri Narendra Singh Rathore from deputation.



(Arun Roye)
Major General
Addl Director General
Assam Rifles

Memo No A/1-A/25/Part-II/99

Dated 16 Jul 2003

Copy to:-

1. Under Secretary (ADT-3)
Union Public Service Commission
Dholpur House
Shahajahan Road, New Delhi

2. Govt of India
Ministry of Home Affairs
(Pers-II Section)
New Delhi
3. The Additional Accounts General
(Central & Arunachal Pradesh)
Lachatellete Building
Shillong 793011
4. The Pay and Accounts Office
Manabha Villa, Laithumkhrah
Assam Rifles, Shillong
5. Estt Branch
HQ DCAR, Shillong-11
6. Fin Branch
HQ DGAR, Shillong-11
7. GS Branch (Hindi Section)
HQ DGAR, Shillong-11
8. Shri Narendra Singh Rathore
Hindi Translator Grade-I
ARTC&S, Dimapur, Nagaland
9. Shri Devendra Singh
Hindi Translator, Grade-II
ARTC&S, Dimapur, Nagaland
10. HQ IGAR(N)
Assam Rifles
C/O 99 APO
11. ARTC&S, Dimapur
Nagaland
12. Personal File
13. Office copy


(B K Chowdhury)
Colonel
Colonel(A)
for Addl DG Assam Rifles

27
ANNEXURE

(83)
(4)
(4)
100

No. 27011/44/88-FP.I
Government of India
Ministry of Home Affairs.

New Delhi-110001, the

19th September, 1989.

To

The Director General,
Assam Rifles,
Shillong.

Sub: Combatisation of ministerial and other civilian posts in the Assam Rifles Hqrs. (Headquarters and Units).

25/9
Sir,
I am directed to convey the sanction of the President to the combatisation by conversion of the civilian posts in Assam Rifles (Headquarters and Units) under the Assam Rifles Act, 1941 and Assam Rifles Rules, 1985 with immediate effect subject to the following terms and conditions:-

(a) The equivalence of the ranks and pay scales for the combatised posts shall be as indicated in the Annexure. This is in supersession of the existing orders regarding equivalence of ministerial posts.

(b) On combatisation, the incumbents of the posts who opt for such combatisation will be governed by the Assam Rifles Act, 1941 and Assam Rifles Rules, 1985 as amended from time to time for all purposes and the posts concerned on the civil side shall be deemed to have been abolished.

(c) All future appointments/recruitment against the vacancies in various categories of posts combatised by this sanction shall be in the combatised ranks as per the recruitment rules.

2. The existing incumbents of the posts mentioned in Col. 1 in Annexure will be given option to opt for combatisation within a period of 3 months from the date of issue of this sanction. Those who do not opt for combatisation will continue in the civilian posts until superannuation under the existing conditions of service which will be deemed to continue as personal to them.

3. The expenditure involved shall be met from within the budget grant of the Assam Rifles for the year 1989-90 and subsequent years.

.. 2/-

28
Y
101
(3)

This issues with the concurrence of the Ministry of Finance, Department of Expenditure vide their U.O. No. 5(33)E-III/89 dated 19.7.89 and the Integrated Finance Staff of this Ministry vide their U.O. No. 2605/89-Fin. III (D) dated 1.9.89.

Yours faithfully,
K. S. Parthasarathy
Under Secretary to the Govt. of India

Dated the 19th September, 1989.
No. 27011/44/89-FP.III

Copy forwarded to:

(1) Ministry of Finance, Deptt. of Expenditure, E-III
Branch, New Delhi.

(2) Pay & Accounts Officer, Assam Rifles, Shillong.

(3) Fin. III Desk, MHA.

(4) FP. IV Desk, MHA.

(5) Pers. I/Pers. II Desk, MHA.

(6) Budget I. Section, MHA.

K. S. Parthasarathy
Under Secretary to the Govt. of India

contd.

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12-4-2002CONFIDENTIAL

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
DIRECTORATE GENERAL ASSAM RIFLES (SHILLONG - II)

FORM OF CONFIDENTIAL REPORT ON CIVILIAN OFFICER'S SAPEUR AND DEST

(Report for the year 2000-2001 i.e. with effect from 01 Apr 2001 to 31 Mar 2002)

PART I - PERSONAL DATA

(To be filled by the Administrative Section
concerned of the Ministry/Department/Office)

1. Name of Officer..... Narendra Singh Rathore

2. Whether the officer belongs to Scheduled caste:
Scheduled Tribe.....

3. Date of birth 31. 7. 1959

4. Date of continuos appointment to the present Date Grade 29-6-2000 Hindi Officer

5. Present post and date of appointment thereto Date Grade 29-6-2000 Hindi Officer

6. Period of absence from duty (on leave, training,
etc), during the year. If he has undergone
training, specify ... Earned leave wef 04-2-2002 to 16-2-2002

PART II - SELF APPRAISAL

(To be filled in by the officer reported upon)
(Please read carefully the instructions given
at the end of the form before filling the entries)

1. Brief description of duties..... Implementation of official Language
policy in Assam Rifles. Organising
Hindi workshops, inspection of subordinate
offices of Assam Rifles, Vetting of translation
from Hindi to English and Vice-versa.

CONFIDENTIAL

2. (a) i. Conducted 4 AROLIC meetings.
 ii. Assisted Senior Hindi Officer in conducting
 Two TOLIC meetings.
 (iii) Hindi footnight was celebrated in Sept in
 which ~~six~~ **CONFIDENTIAL** competitions were conducted.
 (iv) Inspected 32 ¹² Subordinate offices of Assam Rifles
 and inspection report was sent to concerned
 offices.
 (v) One Hindi workshop was organised at HQ DGAF
 (vi) Conducted two five-day condensed translation
 training courses at Shillong and Dimapur with
 co-operation of CTB, N. Delhi.

2. (a) Please specify targets/objective/goals (for quantitative or other terms) or work you set for yourself or that were set for you, eight to ten items of work in the order of priority, and your achievements against each target (Example: Annual action plan for your Division) Targets/objectives/Goals

(vii) Supervised Hindi Typing / Language Training being conducted at HQ DGAF.
 (viii) During visit of Parliamentary Committee performed all sorts of front work pertaining to it.

(b) Please state, briefly, the target set and the quantum of work done in regard to recording, weeding out of files and indexing and weeding out of files, maintenance of Guard Files, Sectional Note book and other register, furnishing of O and M and other returns, etc.....

3. (a) Please state, briefly, the shortfalls with reference to the targets/objectives/goals referred to in item 2. Please specify constraints, if any in achieving the targets.....

(b) Please also indicate items in which there have been significantly higher achievements and your contribution thereto.....

9/1
 01-2002

PART III- ASSESSMENT OF THE REPORTING OFFICER

(Please read carefully the instructions given at the end of the form before filling the entries)

A. NATURE AND QUALITY OF WORK

1. Please comment on Part II as filled in by the officer and specifically state whether you agree with the answers relating to targets and objectives, achievements and shortfalls. Also specify constraints, if any, in achieving the objectives.....

I am partially in agreement specially with para 3(a) as there are many important targets/ objectives/goals which are required to be achieved for effective implementation of policy of official language in Assam Rifles.

2. Quality of output:

Please comment on the Officer's quality of performance having regard to standard of work and programme objectives and constraints, if any....

His quality of work is satisfactory. However, sometimes he behaves irrationally.

3. Knowledge of sphere of work: Please comment specifically on each of these : level of knowledge of functions, rules and regulations, related instructions and their application....

He possesses satisfactory knowledge of functions, rules, regulations and adequately applies them in day to day functioning.

B. ATTRIBUTES

1. Analytical Ability:

Please comment on the Officer's ability relating to analysis of pros and cons ; formulation of alternatives and their evaluation for solving problems ; ability to indicate decision are as ...

Good

2. Communication skill:

Please comment on the Officer's ability to communicate with brevity clarity and accuracy both orally and in writing ability to draft notes, Cabinet Notes, brief for parliamentary matters, etc.....

Good

3. Initiative:

Please comment on the capacity and resourcefulness of the Officer in handling normal as well as unforeseen situations willingness to take additional responsibilities and new area of work.....

He is resourceful and handles normal as well as unforeseen situations effectively.

CONFIDENTIAL

14:

Attitude to work:

Please comment how far the Officer can be relied upon : his sense of responsibility : the extent to which he/she is dedicated and motivated, his/her willingness to learn and systematise his/her work

He is reliable, has keenness for learning and does his work systematically. However, sometimes he tends to take his work casually.

Ability to inspire and motivate:

Please comment on the capacity of the officer to motivate, to obtain willing support by own conduct and capacity to inspire confidence

Though he is capable of motivating his subordinates. But he finds difficulty in convincing his superiors.

6. Supervisory ability:

Please comment on the Officer's ability relating to :-

- (i) Guidance in the performance of tasks
- (ii) Review of performance (monitoring of key areas including finance, etc, sanctions).
- (iii) Capacity to take decision at his/her level on matters within delegated areas

Average.

Average.

Average.

(iv) Maintaining discipline

Good.

Inter-personal relations and team work:

Please comment on the quality of relationship with superiors, colleagues and subordinates, and on the ability to appreciate other's point of view and take advice in the proper spirit. Please also comment on his/her capacity to work as a member of a team and to promote team spirit and optimise the output of the team.

He maintains workable relations with his superiors and subordinates. However, he needs to improve his relations with his colleagues. He has ability to work in a team.

CONFIDENTIAL

1. S:

8. Relations with the public (Wherever applicable)

good

Please comment on the officer's accessibility to the public and responsiveness to their needs.

9. Attitude towards Scheduled castes/Scheduled Tribes/Weaker Sections of Society (Applicable in case of Officers dealing with the development and protection of SCs and / or STs and Weaker Sections of society):

Not Applicable

Please comment on his/her understanding of the problems of SCs/STs/Weaker Sections and willingness to deal with them.

10. Aptitude and potential:

Recommended for next promotion.

Please indicate possible lines of growth and development of the Officer

11. Training:

NIL

Please give recommendations for training with a view to improving the effectiveness and capabilities of the Officer

PART IV-GENERAL

1. State of health

Good

2. Integrity

Average

(Please see Note below the Instructions)

3. General assessment.

An average officer.

Please give an overall assessment of the Officer with reference to his/her strength and shortcomings and also by drawing attention to the qualities, if any, not covered by the entries above

His good qualities are he is intelligent, can work hard and can effectively supervise work of his subordinates. His weaknesses are he is too much dependent on his subordinates & takes his work casually.

4. Grading (Outstanding/ Very Good/ Good/ Average/ Below Average)

(an Officer should not be graded outstanding unless exceptional qualities and performance have been noticed ; grounds for giving such a grading should be clearly brought out)

AVERAGE

34
CO

CONFIDENTIAL

Place : Shillong

Dated 03 Jun 2002

Signature of the Reporting Officer
Name in Block letters :

LI COL R S CHHETTRI

Designation : SENIOR HINDI OFFICER
(During the period of report)

PART V-REMARKS OF THE REVIEWING OFFICER

1. Length of service under the Reviewing Officer :

01 Apr 01 to 24 Nov 02

2. Is the Reviewing Officer satisfied that the Reporting Officer has made his/her report with due care and attention and after taking into account all the relevant material ?

Yes.

3. Do you agree with the assessment of the Officer given by the Reporting Officer ?

Yes.

(In case of disagreement, please specify the reasons). Is there anything you wish to modify or add ?

4. General Remarks with specific comments about the general remarks given by the Reporting Officer and remarks about the meritorious work of the Officer including the grading

I agree with the Reporting Officer.

5. Has the Officer any special characteristics, and/or any abilities which would justify his/her selection for special assignment or out-of-turn promotion and if so specify ?

A good, reliable and
decisive person. Maintains
cordial relations

Place : Shillong

Date : 04 Jun 02

Signature of the Reviewing Officer
Name in Block letters :

DR. G. S. CHHETTRI (SIL. 224)

Designation :
(During the period of report)

CONFIDENTIAL

New Delhi, the 26th August 2003.

To,

The Director General
Assam Rifles
Shillong - 793011.

Sub : Restructuring of Peace Establishment of Assam Rifles

Sir,

The undersigned is directed to refer to your letter No. II.11011/243/2001-G(PE) dated 06.6.2001 on the subject cited above and to convey the sanction of the President for restructuring of Peace Establishment of Assam Rifles as under: -

- (IV) Creation of 917 posts for Support and Supervisory infrastructure, including creation of 1 IG Hq, and 2 Range Hqrs. Details of 917 posts given in Annex 'A'. Revised PE of each unit is enclosed at Annex 'B'. Posts of 1 IG will be created after approval of Cabinet.
- (V) Re-deployment of 714 posts, viz. 61 posts each in DG Hq., 2 IG Hqrs., 23 each in 9 Range Hqrs. and 324 posts in ARASU for security of establishment.
- (VI) Abolition of 278 posts in various units of Peace Establishment (Details of Posts is given in Annex 'A').

2. Expenditure on this account will be incurred from the sanctioned Budget Grant of Assam Rifles for the current financial year and subsequent years.

3. This issues with the approval of Ministry of Finance vide their U.O. No. 2(20)/E.III/2002 dated 30.4.2003 and Integrated Finance Division of this Ministry vide their Dy. No. 1655/Fin.V/03 dated 25.8.2003.

Yours faithfully,

Sd/xxx
(Indevar Pandey)
Director (PF)
26th August 2003

Copy to :-

1. Pay and Accounts Office, Assam Rifles, Laitumkhrah, Shillong-3.
2. DGAR, IP Estate, ITO, New Delhi.
3. Ministry of Finance, Department of Expenditure(E.III Desk) w.r.t. their U.O. No.2(20)/E.III/2002 dated 30.4.2003.
4. Ministry of Defence, Joint Secretary (G), South Block, New Delhi.
5. Additional Directorate General (Staff Duties), Staff Branch, Army Headquarters, South Block, New Delhi.
6. Directorate General of Military Operations, Army Headquarters, South Block, New Delhi.
7. MS Branch, (Mr. Balakrishnan, CSO, AMS, Inf.) Room No.35/B, Army Headquarters, South Block, New Delhi.
8. CDA(O), Pune.
9. PAO, MHA.
10. FA: Assam Rifles, Shillong.
11. Director (Pers), MHA, New Delhi.
12. Fin.V, MHA, New Delhi.
13. PF.I/II/III, MHA, New Delhi.
14. Pers.III, MHA, New Delhi.
15. Prov.I, MHA.
16. LOAR, North Block, New Delhi.
17. Guard file (PF.IV).

Copy for information to:-

1. Sr. PPS to HS.
2. PPS to Secretary (BM).
3. PPS to SS(JKA).
4. PPS to AS(BM).
5. PPS to JS(BM).
6. PPS to JS(P).

Sd/xxx
(Indevar Pandey)
Director (PF)
26th August 2003

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Ser No	Category of Rank & Post	Group	DGAR Sectt	IG(HQ) Sectt	MS Branch	DIR (GS) Sectt	GS (Ops)	GS (SD)	GS (EM/PE)	GS (INT)	GS (Edn)	GS (Hindi Sec)	GS (Trg)	GS (PSY & PRO)	DIR (Adm Sectt)	A Branch	Q Branch	Prov Branch	Law Branch	Med & Vet Branch	EME Branch	DIR (Pers) Sectt	Fin Branch	Estt Branch	Comm Branch	Engr Branch'	Vig Det	DG Security Elements	Total
CIVIL OFFICERS																													
67	SAO	CIV OFFR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
68	IFA	CIV OFFR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3		
69	DI FA	CIV OFFR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1		
70	CAO	CIV OFFR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1		
71	Senior Hindi Officer	CIV OFFR	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1		
Total Civil Officers			0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1		
Grand Total Officers			2	2	2	1	3	1	1	3	1	1	2	2	1	3	4	4	3	4	3	1	6	2	5	13	2	1	73
JUNIOR COMMISSIONED OFFICERS																													
SUB MAJOR																													
72	Sub Maj (AO)	CLK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
73	Sub Maj (PS to DGAR)	CLK	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
74	Sub Maj (Clerk)	CLK	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
75	Sub Maj (Hindi Officer)	HINDI	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	1	2	0	0	5
76	Sub Maj (Armr)	EME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
77	Sub Maj (Pharmacist)	MED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
78	Sub Maj (GD)	GD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
79	Sub Maj (Dtmn)	ENGR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
80	Sub Maj SKT (Engr)	ENGR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	
81	Sub Maj (Cipher)	COMN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Total Sub Maj			1	0	1	1	0	0	0	0	0	0	2	0	0	0	0	0	0	0	1	1	0	3	3	1	2	0	16

28

Category of Rank & Post	Group	IG	DIG	DD (GS)	Ops Br	IG Comn Coy					DD (Adm)	G Br	SD Br	Pers Br	Law Br	Prov Br	Accts Br	SA Wksp	MT & Wksp	Med Br	IG Secrity Elements	Total
						CHQ	Op PI	Ciph PI	Radio PI	BTW												

JUNIOR COMMISSIONED OFFICERS

SUB MAJOR		1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
2	Sub Maj (AO)	CLK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
3	Sub Maj-GD	GD	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
4	Sub Maj (Clerk)	CLK	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5	Sub Maj-ORL	COMM	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
6	Sub Maj (Hindi Officer)	HINDI	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	5
Total Sub Maj			1	0	0	0	1	0	0	0	0	0	1	0	0	0	2	0	0	0	0	0	5

SUBEDAR		1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
7	Sub GD-MT	GD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
8	Sub GD	GD	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	3
9	Sub (Clerk)	CLK	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
10	Sub PA/Steno	CLK	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
11	Sub Armr	EME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
12	Sub Amn Tech	EME	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
13	Sub Elect	ENGR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
14	Sub B & R	ENGR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
15	Sub E & M	ENGR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3
16	Sub-ORL	COMM	0	0	0	0	0	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
17	Sub-Cipher	COMM	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
18	Sub-RM	COMM	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
19	Sub-EFS	COMM	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	1	0	4	1	0	18
Total Subedar			2	0	0	1	0	2	1	1	2	0	0	0	0	0	1	1	0	4	1	0	2

Notice

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From

Usha Das.

Addl Chse

To

Mr. M. Chanda

Mr. S. Nath

Mr. G. N. Chakraborty,
Advocates

Sub: OA NO. 86/2006 filed by Srujanika

Sir,

Please find herewith a copy
of WS being filed today. Kindly
acknowledge the receipt thereof.

Thanking You.

Sincerely Yours

Received copy

Usha Das
10/10

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

113

Filed by the applicant
through : S. Nalini
Acharya

08.11.2016

In the matter of :-

O.A. No. 86 of 2006

Shri Narendra Singh Rathore

-Vs-

Union of India and Others.

-And-

In the matter of :-

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

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

- That the applicant categorically denies the statements made in para 1 and 8 of the written statement and begs to state that the statements that the Force has been combatised and that the vacancy of Hindi Officer is that of "Subedar Major" is a deliberate false statement given by the respondents. The fact remains that following the invitation of option for combatisation, some of the employees in the civilian stream opted for their combatisation while many of them declined to be combatised and expressed their unwillingness for combatisation and did not exercise his option for the same. Eventually, the combatisation has been given effect for the new

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entrants at the grass-root level and for those who opted for combatisation. But those civilian employees who did not opt for combatisation are being promoted in the civilian line at par with their combatised counterparts, against the regular vacancies including the vacancy of Hindi Officer. Accordingly Shri Badri Yadav, a non-combatant employee who was placed under deputation service in the post of Hindi Officer in the DGAR HQ office w.e.f. 11.07.2002 for three years, has been granted extension of deputation two times and has been continuing in the post of Hindi Officer. Even in recent times, the respondents vide their order No. Rec (Adm-IV)/Promotion/65 dated 28.02.2006 have granted promotions to different categories of Posts which includes the promotions from the post of Senior Ass'tt. to the post of Senior Accountant in the civilian stream. It is relevant to mention here that those who have been promoted from Head Assistant to Senior Accountant in the said order include some names who declined to opt for combatisation and expressed their unwillingness like the applicant but they have been promoted from their feeder posts in the civilian line. It is therefore evident from the above cited examples that the existing civilian employees are not being deprived of their regular promotions on the basis of their willingness or unwillingness for combatisation or their option thereto. In other words, the promotion of the existing civilian employees in the force are being given in the civilian line irrespective of their option for combatisation or otherwise and combatisation has been enforced for the new entrants from the grass root level only and as such both the systems of promotion for the civilian streams and the combatised ones are going on simultaneously. But in the instant case the respondents have falsely stated that the force has been combatised and the post of Hindi Officer is a combatised post in the rank of "Subedar Major". It is a deliberate false statement made by the respondents only with the intention to mislead this Hon'ble Tribunal and to deprive the applicant of his legitimate right of promotion to the post of

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Hindi Officer. The respondents made this particular false plea before this Hon'ble Tribunal earlier also and time again they have been making inconsistent statements in this respect before this Hon'ble Tribunal keeping the dichotomy of "Civilian" and "Combatised" alive and acting in an arbitrary, illegal and unfair manner. Such of their false pleas are deliberate and motivated which can be proved from their own inconsistent statements submitted before this Hon'ble Tribunal from time to time as established in records.

Copy of promotion order dated 28.02.06 and memo dated 09.03.01 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- A and B respectively.

2. That in reply to the statements made in paragraphs 2, 3, 4, 5, 6, 7, 9 and 10 of the written statements the applicant begs to state that the applicant was appointed to the post of Hindi Officer under deputation for three years. It is relevant to mention here that the said vacancy of Hindi Officer is a regular vacancy and the applicant was appointed to the post after due advertisement and pursuant to his due selection by the UPSC. He had fulfilled all the eligibility criteria for the post of Hindi Officer and accordingly his representations were forwarded by the competent authorities also for his regularization/absorption in the said post. But the respondents acting arbitrarily and malafide, denied the benefit to the applicant which he is legitimately entitled to get, on the vague plea that the post is meant for combatised ranks and not for civilian employees whereas in similarly situated case, Shri Badri Yadav has been granted extension of deputation terms two times in the post of Hindi Officer although he is also a civilian employee and he has been still continuing in the post, and further, promotion of similar other civilian employees are also being granted as stated hereinabove. As such the denial of the benefit of promotion to the post of Hindi Officer to the applicant and his

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reversion to the post of Hindi Translator- I is discriminatory, arbitrary, illegal, unfair, motivated, malafide and opposed to the principles of natural justice. Even after enforcing reversion of the applicant to the post of Hindi Translator- I, the respondents are not contented with their vindictive attitude and have now transferred the applicant from ARTC & S, Dimapur to HQ 21 Sector only with the motive of harassing the applicant for his filing the case before this Hon'ble Tribunal, which clearly reflects their malafide intention. It is relevant to mention here that there is no post of Translator- I at HQ 21 Sector which is available in HQ DGAR only.

Copy of the transfer order dated 19.07.06 is annexed hereto and marked as Annexure- C.

3. That the applicant categorically denies the statements made in para 11 of the written statement and most respectfully begs to submit that the statements given therein are inconsistent and lead to the cloud of suspicions. In the said para the respondents have pleaded that the promotion of the applicant to the post of Hindi Officer has not been considered by the DPC due to his adverse ACR during the year 2001-02. In the same para they have also stated that the post of Hindi Officer is in the Combatant rank and the vacancy cannot be filled up by the civilian employee. Again in the same breath they have stated therein that the DGAR has directed that the applicant be considered in the next DPC for promotion to the post of Hindi Officer to render him eligible for consideration, in case the government decides at any stage to de-combatise the post. Surprisingly, the respondents are claiming on one hand that it is the adverse ACR for which the DPC has not considered his promotion as Hindi Officer and on the other hand that the post of Hindi Officer cannot be filled up by the civilian employee. Such contradictory statements are self evident and the Hon'ble Tribunal be pleased to look into the matter of the statements so made.

As regards the contention of "Civilian" and "Combatised" resorted to by the respondents, the matter has been explained in the preceding paragraphs hereinabove. As regards the adverse ACR of the applicant for the year 2001-02 as alleged by the respondents, the applicant begs to submit that it could be learnt from the written statement of OA No. 154/2003 that his grading in the ACR for the year 1997-98, 1998-99 and 1999-2000 have been "Very Good" and for 2000-2001 it has been "Good". Now it appears from the present written statement that the grading for 2001-02 has been "Average", for which the DPC held in 2003-04 has not considered his case for promotion, which implies that the ACRs of the applicant have been downgraded by the respondents. It is relevant to mention here that regarding ACRs the position of law is settled and the procedures thereto are established beyond any doubts. The cardinal principles and procedures established by law in this respect are: -

- (1) All adverse entries in the ACR of government servant or downgrading of ACRs have to be communicated within one month of their being recorded/downgraded.
- (2) Uncommunicated adverse entries in the ACR or the adverse entries against which the representation if any, has not been disposed of by the authorities, cannot be acted upon by the DPC.

The above principles have been laid down under rules and the same have been reiterated by the Apex Court in number of cases and as such the law is settled. Surprisingly, in the instant case, no such adverse entries in ACR or downgrading of ACR have been communicated to the applicant nor he has been cautioned or served with any notice or memorandum to that effect ever. As such the uncommunicated adverse ACR cannot be acted upon by the DPC and such entries have to be

ignored. Further, during the year question (i.e. 2001-02) when the entries in his ACR was recorded as "Average", the applicant was holding the post of Hindi Officer which entails higher responsibilities and duties and as such he is entitled to be graded automatically to a higher grade as per settled laws and in the event he is entitled to get the grading of "Good" in place of "Average", which has been lost sight of. As such, the plea of the respondents that there were adverse entries in the ACR of the applicant during the year 2001-02 and that the DPC did not consider his case for promotion to the post of Hindi Officer due to his adverse ACR are malafide, motivated, arbitrary and illegal.

4. That in the facts and circumstances stated above the Original Application deserves to be allowed with costs.

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VERIFICATION

I, Shri Narendra Singh Rathore, S/o- Late Sriram Singh Rathore, aged about 46 years, working as Hindi Translator, Grade- I, ARTC & S (Education Branch), Dimapur, Nagaland, do hereby verify that the statements made in Paragraph 1 to 4 of this rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 5th day of November 2006.

Narendra Singh Rathore

DIRECTORATE GENERAL ASSAM RIFLES SHILLONG - 793011

1/20

ORDER

Rec(Adm-IV)/Promotion

65

Dated Shillong, the 28 Feb 2006

The following clerical staff are hereby temporarily promoted to the rank as shown below with effect from date shown against each individual subject to fulfillment of discipline and medical criteria as mentioned in Appx 'A' to ROI 4/2002 and posted to firms/units wherever shown against the concerned individual.

To be promoted

wef 01 Jan 06

S/No	Particulars	Present Fmn/Unit	Date of Promotion	Remarks
(a)	(b)	(c)	(d)	(e)
Head Asst to Senior Acct				
(a)	Shri JC Bhattacharjee, HA	HQ IGAR(S)	To be promoted wef 01 Jun 2004 in situ.	Pay & allces will be admissible at new loc.
(b)	Shri H K Barman, HA	31 AR	To be promoted wef 01 Jan 06	Posted to HQ 25 Sect. Pay & allces will be admissible on assumption of duties at new loc.
(c)	Shri B C Bhattacharya, HA	20 AR	To be promoted wef 01 Jan 06	Posted to 38 AR. Pay & allces will be admissible on assumption of duties at new loc.
(d)	Shri Natraj Bhattacharjee, HA	HQ 9 Sector	To be promoted wef 01 Jan 06 in situ.	
(e)	Shri P C Das, HA	No. 1 MGAR	To be promoted wef 01 Jan 06	Posted to ARTC&S. Pay & allces will be admissible on assumption of duties at new loc.
(f)	Shri M C Paul, HA	HQ 5 Sector	To be promoted wef 01 Jan 06	Posted to HQ IGAR (N). Pay & allces will be admissible on assumption of duties at new loc.
Sub (Clk) to Sub Maj (Clk)				
(g)	JC-360092 Sub (Clk) K Siyasankaran Siy	34 AR	To be promoted wef 01 Jan 06 in situ.	

Maj

3. Done

(a)	(b)	(c)	(d)	(e)
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360111 Sub (Clk) to Sub (Clk)

(k)	360103 Nb Sub (Clk) G Balakrishnan	HQ 26 Sect 14 AR	To be promoted wef 01 Jan 06 in situ.	
(l)	360104 Nb Sub (Clk) T G Srikia	HQ 27 Sect 14 AR	To be promoted wef 01 Jan 06 in situ.	
(m)	360107 Nb Sub (Clk) Ram Dayal Das	14 AR	To be promoted wef 01 Jan 06 in situ.	
(l)	360113 Nb Sub (Clk) Anand Roy	26 AR	To be promoted wef 01 Jan 06 in situ.	
(m)	360117 Nb Sub (Clk) Lalan Singh	3 AR	To be promoted wef 01 Jan 06 in situ.	
(n)	360120 Nb Sub (Clk) Rajani Kanta Sharma	HQ 7 Sect 14 AR	To be promoted wef 01 Jan 06 in situ.	
(o)	360156 Nb Sub (Clk) K K Thankachan	No 4 Tig Bn (Adhoc), ARTC&S	To be promoted wef 01 Jan 06 in situ.	
(p)	360146 Nb Sub (Clk) G Gopalakrishnan Nair	HQ 23 Sect 14 AR	To be promoted wef 01 Jan 06 in situ.	
(q)	360147 Nb Sub (Clk) Imran Oddity Ansari	No 1 Wksp AR	To be promoted wef 01 Jan 06 in situ.	
(r)	360148 Nb Sub (Clk) Puran Kular Gurung	33 AR	To be promoted wef 01 Jan 06 in situ.	
(s)	360152 Nb Sub (Clk) Aswini Kumar Dasgupta	4 AR	To be promoted wef 01 Jan 06 in situ.	
(t)	360163 Nb Sub (Clk) Kishore Singha	HQ 21 Sect/ 44 AR	To be promoted wef 01 Jan 06.	Pay & allowances will be admissible on assumption of duties at 14 AR.
(u)	360167 Nb Sub (Clk) Raj Deolathai	HQ 1GAR(S)	To be promoted wef 01 Jan 06 in situ.	
(v)	360173 Nb Sub (Clk) Vidhya Prasad	No 2 MGAR	To be promoted wef 01 Jan 06 in situ.	
(w)	360175 Nb Sub (Clk) Kharak Singh Rawat	22 AR	To be promoted wef 01 Jan 06 in situ.	

Maj

B - Dmjl

(a)	(b)	(c)	(d)	(e)
(x)	360185 Nb Sub (Clk) Himangshu Ranjan Das	46 AR	To be promoted wef 01 Jan 06 in situ.	
(y)	360187 Nb Sub (Clk) Pall Singh	15 AR	To be promoted wef 01 Jan 06 in situ.	
(z)	360783 Nb Sub (Clk) Bilal Singh Bimal (SC)	39 AR	To be promoted wef 01 Jan 06 in situ.	
(aa)	360870 Nb Sub (Clk) Sarwan Kumar Raut (SC)	HQ 21 Sect 2	To be promoted wef 01 Jan 06 in situ.	
(ab)	360877 Nb Sub (Clk) Hari Chand Balmiki (SC)	46 AR	To be promoted wef 01 Jan 06 in situ.	
(ac)	360201 Nb Sub (Clk) Mahesh Chandra Jha	13 MGAR/ 30 AR	To be promoted wef 01 Jan 06. Pay & allowances will be admissible on assumption of duties at 30 AR.	

WO (Clk) to Nb Sub (Clk)

(ac)	360886 WO (Clk) Sasidharan Nair	HQ DGAR (GS Branch)	To be promoted wef 01 Jan 06 in situ.	
(ad)	360887 WO (Clk) Parasu Ram Roy	No. 3 MGAR	To be promoted wef 01 Jan 06 in situ.	
(ae)	360889 WO (Clk) Susil Chakraborty	HQ DGAR (UPAO)	To be promoted wef 01 Jan 06 in situ.	
(af)	360888 WO (Clk) Joychan VV	41 AR	To be promoted wef 01 Jan 06 in situ.	
(ag)	360876 WO (Clk) Hiren Chandra Bhattacharjee	HQ DGAR (UPAO)	To be promoted wef 01 Jan 06 in situ.	
(ah)	360885 WO (Clk) Bimal Biswas	7 AR/ HQ IGAR(N)	To be promoted wef 01 Jan 06. Pay & allowances will be admissible on assumption of duties at HQ IGAR (North).	
(aj)	360893 WO (Clk) Bishnu Gurung	ARSU	To be promoted wef 01 Jan 06 in situ.	
(ak)	360894 WO (Clk) Hiranya Talukdar	41 AR	To be promoted wef 01 Jan 06 in situ.	
(al)	360895 WO (Clk) Arjun Kumar Limbu	87 AR	To be promoted wef 01 Jan 06 in situ.	

Maj

B. Ch.

(a)	(b)	(c)	(d)	(e)
(am)	360896 WO (Clk) Chandra Kumar Rai	9 AR/HQ 7 Sector	To be promoted wef 01 Jan 06.	Pay & allcs will be admissible on assumption of duties at new loc.
(an)	360902 WO (Clk) Andra Singh Bisht	ARTC&S	To be promoted wef 01 Jan 06 in situ.	
(ao)	360906 WO (Clk) Bimal Kishore Thapa	5 EAR	To be promoted wef 01 Jan 06 in situ.	
(ap)	360907 WO (Clk) Hafidin Khalid	32 AR	To be promoted wef 01 Jan 06 in situ.	
(aq)	360910 WO (Clk) Vikraman Pillai R	HQ DGAR (Q Branch)	To be promoted wef 01 Jan 06 in situ.	
(ar)	360912 WO (Clk) Ashok Kumar Singh	45 AR	To be promoted wef 01 Jan 06 in situ.	
(as)	360914 WO (Clk) Bhola Thakur	43 AR	To be promoted wef 01 Jan 06 in situ.	
(at)	360915 WO (Clk) Ashok Kumar Thakur	HQ DGAR (Records)	To be promoted wef 01 Jan 06 in situ.	
(au)	360916 WO (Clk) Bhupen Kumar Nath	34 AR	To be promoted wef 01 Jan 06 in situ.	
(av)	360919 WO (Clk) Mohanan MS	36 AR	To be promoted wef 01 Jan 06 in situ.	
(aw)	360920 WO (Clk) Kajal Ranjan Sen	13 AR	To be promoted wef 01 Jan 06 in situ.	
(ax)	361471 WO (Clk) Shiv Narayan Baitha (SC)	20 AR	To be promoted wef 01 Jan 06 in situ.	
(ay)	361493 WO (Clk) Ajoy Kumar Das (SC)	HQ 21 Sect	To be promoted wef 01 Jan 06 in situ.	
(az)	361511 WO (Clk) Mohanan PK (SC)	HQ DGAR (Q Branch)	To be promoted wef 01 Jan 06 in situ.	
(ba)	361494 WO (Clk) Ratneshwar Hazarika (SC)	HQ DGAR (Med Branch)	To be promoted wef 01 Jan 06 in situ.	

Maj

B. Singh

- 12 -

2. In case any of the above individual is involved in a disciplinary case or placed in low medical category and do not fulfill following discipline criteria, will not be promoted to the aforesaid rank and intimation to this effect will be given to this Directorate for cancellation of promotion order :-

(a) An individual should not have more than a total of three red ink entries in the entire service, including not more than one red ink entry during last five years.

(b) No red ink entry has been incurred during last one year.

3. Option to be exercised within one month from the date of assumption of duty by the individuals for fixation of pay in the new post either straightway from the date of assumption to the new post or from the date of their next increment in the old post vide GID (17), FR - 22.

4. Personal occurrences relating to promotion be notified in BRO Part II order allowing them pay and allowances from the date of assumption of duty.

5. The assumption certificate as per Appx K to ROI 4/2002 may please be furnished to this Directorate (Adm-IV) at the earliest. A copy of the same and option certificate as mentioned in Para 3 above may also be enclosed along with the BRO Part II (Doc Group) of this Directorate.

6. Since the latest information regarding discipline and medical criteria is not available in the documents, unit are requested to please make a fresh check of these aspects, before implementing promotion orders in each case. In case any of the above mentioned individuals is found ineligible, Record Branch this Directorate shall be apprised by signal within 72 hours for further clarification.

2.00
 (Bhupendra Singh)
 Maj
 SO-2 (Coord)
 for DGAR

Forwarded to :

List A & B

All concerned units/estts

Internal

GS Branch

Med Branch

Q Branch

Rec Branch (Coord)

Rec Branch (Adm-II)

UPAO

PMS Cell

Estt Branch

New Delhi the 9th March, 2001

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The DGs - BSF / CRPF / ITBP / CISF / Assam Rifles

Subject: Uniformity In the entry level of Stenographers and Ministerial Cadre in the CPMFs – Policy regarding.

81

SIR,
I am directed to say that in order to bring about uniformity in all the CPMFs, it has been decided that the future recruitment of Stenographers in the Stenographer Cadre will be in the rank of ASI (Steno) in the scale of Rs.4000/- 6000/- and the recruitment of Ministerial Staff will be in the rank of Head Constable in the scale of Rs.3200-4900/- (qualification for HCs - 10+2 with typewriting test). This will be applicable only to the new entrants and the staff who are already working in the Stenographic Cadre and Ministerial Cadre will continue to work in the same level and enjoy the same promotional avenues as are presently existing in the hierarchy of the stenographer cadre and Ministerial cadre respectively.

2. The DGs may submit the restructuring proposals of the Stenographic Cadre and Ministerial Cadre including financial implications to the Police Finance Division immediately.

Yours faithfully,

Under Secretary to the Govt. of India
(SURYAM JITHDAE)

Copy to:

- I) PPS to HS/SS(ISP)
- II) JS(P)/Dlr (Pers)/ Dlr(PF)/ P-II/III
- III) Guard file

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

L14016/GS (Edn)/H-T/Posting/06/466

19 Jul 2006

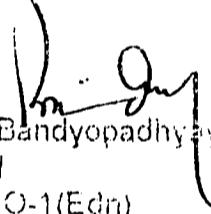
List 'A'

List 'B'

List 'C'

POSTING/TRANSFER OF HINDI STAFF

1. Posting/transfer in respect of Hindi Translator Grade-I,II and Hindi Typist is in Appx 'A' to this letter.
2. All units/Ranges whether in hard or soft area will release the individual by due date without awaiting reporting of relief. The move of all affected staff will be completed/submit completion report as per Appx -'A'.
3. No repeat no request for modification, cancellation, retention or holding in violation of posting order issued vide this letter will be entertained.
4. Please ack and ensure strict compliance.


(B Bandyopadhyay)
Col
GSO-1(Edn)
for DG Assam Rifles

Encl: As above.

Copy to :-

PRO Cell (Internal)

for info and necessary action please.

Est Branch (Internal)

-do-

Appx 'A' to DGAR letter
No.I.14016/GS(Edn)/H-T
/Posting/06/ 4 to 6 dt
19 Jul 2006.

POSTING/TRANSFER : HINDI STAFF

HINDI TRANSLATOR GDE-I

S/No	Name	Unit posted		To be released/submit completion report by
		From	To	
1.	Shri N S Rathore	ARTC & School(Dimapur)	HQ 21 Sector	31 Jul 2006 05 Aug 2006
2.	Smt Asit Kamal	DGAR(PRO Cell)	ARTC & School(Dimapur)	31 Jul 2006 05 Aug 2006

HINDI TRANSLATOR GDE-II

S/No	Name	Unit posted		To be released /submit completion report by
		From	To	
1.	Shri S D Mishra	HQ 10 Sector	15 AR	31 Jul 2006 05 Aug 2006
2.	Miss Laxmi	HQ 9 Sector	38 AR	20 Aug 2006 25 Aug 2006
3.	Shri Ravi Mohan Dwevedi	15 AR	17 AR	20 Aug 2006 25 Aug 2006
4.	Shri Room Singh	31 AR	HQ 9 Sector	20 Sep 2006 25 Sep 2006
5.	Shri Vijay Kumar	17 AR	HQ 10 Sector	20 Aug 2006 25 Aug 2006
6.	Shri A K Gupta	HQ 21 Sector	31 AR	20 Sep 2006 25 Sep 2006

HINDI TYPIST

S/No	Name	Unit posted		To be released/submit completion report by
		From	To	
1.	Shri Ranjeet Kumar	33 AR	34 AR	20 Aug 2006 25 Aug 2006
2.	Shri D B Singh Kumar Oxdan	34 AR	35 AR	20 Aug 2006 25 Aug 2006
3.	Shri Arvind Kumar	35 AR	ARTC & School (Dimapur)	13 Aug 2006 18 Aug 2006
4.	Shri Rajesh Sao	36 AR	15 AR	20 Aug 2006 25 Aug 2006
5.	Shri Tarkeshwar Sah	15 AR	36 AR	23 Aug 2006 28 Aug 2006
6.	Shri Laxman Lal Rabidas	ARTC & School (Dimapur)	33 AR	27 Sep 2006 02 Oct 2006

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केन्द्रीय विधायक विभाग
Central Administrative Tribunal

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH: GAUHATI

22 DEC 2007
ORIGNAL APPLICATION NO 86 OF 2006

गुवाहाटी न्यायालय
Sri Narendra Singh Rathore

Applicant

Versus

Union of India

In the matter of :-

Reply to Rejoinder submitted by the Applicant..

The humble Respondents beg to submit the reply as follows:-

1. That with regard to the averment made in para 1 of the Rejoinder Application, the statement made in para 1 and 8 of the Written Statement are reiterated. It is categorically denied that the respondent have made any fake or inconsistent statement. It is further submitted that prior to the revision of authorised Peace Establishment, the post of Hindi Officer in Assam Rifles were held by civilian employees. Subsequently on revision of Peace Establishment by Ministry of Home Affairs vide letter No. II.3015/3/96/PF.IV dated 26 Aug 2003 (Annexure R-10 of written statement refers), post of Hindi Officer is tenable by a Subedar Major, a combatant(Ser 75 refers). It is further submitted that as per Recruitment Rule, 33 % (percent) post of Hindi Officer are required to be filled by deputation and 67% (percent) post of Hindi Officer are required to be filled by promotion(Annexure R-5 of written statement refers) thus Shri Badari Yadav, a non-combatant employee who is on deputation in the post of Hindi Officer in HQ DGAR wef 11-07-2002 has been granted extension of deputation twice and has been continuing in the post of Hindi Officer. With regard to Annexure 'A' of the Rejoinder application it is submitted that pursuant to combatisation civilians have been promoted in a post tenable by civilians. Whereas as per present RPE, the post of Hindi Officer has been combatised and is tenable by Subedar Major only.

2. That with regard to the statement made in para 2 of the Rejoinder Application, para 2,3,4,5,6,7,9 and 10 of the Written Statement are reiterated. It is further submitted that as per existing posting policy all centrally controlled category pers are required to be transferred on completion of three years tenure. (Photocopy att). Shri N S Rathore, Hindi Translator Grade-I has been posted to HQ 21 Sector Assam Rifles and the same is an administrative requirement of the Force. As per para 4 of DGAR Order No. A/1-A/25/Part-III/49 dated 11 Sep 1990, the appointee is liable to serve any where in India (Photocopy enclosed). It is further submitted that Shri N S Rathore, Hindi Translator Grade-I has served at Assam Rifles Training Centre and School with effect from 29-06-2003 to 03-12-2006 since the same was an administrative requirement. That there is no post of Hindi Translator Grade-I authorised at ARTC & S but no representation against the said posting was submitted by the applicant. Since the applicant had completed 03 years at Assam Rifles Training Centre & School, his posting to Headquarters 21 Sector Assam Rifles (Soft Station) is appropriate and in consonance with the laid down rules.

Copy of HQ DGAR SOP No.I.17011/16/97/Adm-I dated 01 Sep 1998 is attached herewith as Annexure R-11 and copy of DGAR Order No. A/1-A/25/Part-III/49 dated 11 Sep 1990 is attached as Annexure R-12)

3. That with regard to the statement made in para 3 of the Rejoinder Application, the statement made in para 11 of the Written Statement are reiterated. It is further submitted that the applicant prior to the post having being combatised, was considered for the post of Hindi Officer in the year 2001-2002 but was not considered for promotion due to his ACR grading. His grading in ACR was average which is not considered adverse hence not communicated to the applicant. It is further submitted that the post of Hindi Officer has been combatised wef 26 Aug 2003 (Annexure R-10 of Written Statement refers). Hence no contradictory statement have been made as averred by the applicant. That the applicant is deliberately trying to mislead the learned Court.

4. That in reply to para 4 and 5 of the Rejoinder Application, it is reiterated that the present Original Application lacks merit and is liable to be dismissed with cost.

5. That the Written Statement is made bonafide and for the ends of justice and equity.

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VERIFIACTION

I, Navneet Khanna, s/o Shri SN Khanna aged about 51 years, r/o Laitmukrah, Shillong District Shillong and competent officer of the answering respondents, do hereby verify that the statement made in paras 1 to 3 are true to my knowledge and those of the paras 4, 5 being matter of record are true to my information derived there from which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 19 th day of Dec 2006 at Guwahati.



Col Signature

एवं

Chief Law Officer

मुख्य एवं अधिकारी

HQ DGAR, Shillong 793011

जहानराजा एवं प्रतिपाद्य राज्य अधिकारी, शिल्लोंग-793011

No : PABX : 230222
EXTN : 5108

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

I.17011/16/97/Adm-I

01 Sep 98

List 'A'

List 'B'

List 'C'

List 'D'

List 'E'

List 'F'

List 'G'

STANDARD OPERATING PROCEDURE FOR
POSTING JCOS AND OR

1. Reference SOP for posting JCOS and OR No. I.17011/16/97/Adm-I dated 14 Jan 97 and letter No. I.17011/16/97/Adm-I dated 06 Feb 97.

2. The existing normal tenure laid down for centrally controlled cat pers as enumerated in para 5 (a) and (b) is further amended as under :-

(a) Para 5 (a) - Clerks/Writers/Steno/PAs

(i)	Unit (soft)	- 3 Years
(ii)	Unit (hard)	- 3 "
(iii)	Range HQs	- 3 "
(iv)	HQ IGAR(N)	- 3 "
(v)	ARTC & S	- 3 "
(vi)	HQ DGAR	- 3 "
(vii)	MGAR/WKSF/ARSU/ AMTO/1 CC & DU AR	- 3 "

(b) Para 5 (b) - Other tech trades civs/combatants

(i)	Unit (soft)	- 3 Years
(ii)	Unit (hard)	- 3 "
(iii)	Range HQs	- 3 "
(iv)	HQ IGAR(N)	- 3 "
(v)	ARTC & S	- 3 "
(vi)	HQ DGAR	- 3 "
(vii)	Other Units	- 3 "

3. The postings will be issued in a phased manner to ensure that the change is effected smoothly.

(K P M Nair)

Lt Col

Officer DD (Records)

for I DC

DIRECTORATE GENERAL ASAM RIFLES SHILLONG

D R D C R

A/1-A/25/Part-III/49 Dated Shillong, the 11 Sep 90

1. Shri Narendra Singh Rathore, Hindi Teacher of Assam Rifles Training Centre, presently on deputation with Directorate General Assam Rifles, Shillong against the post of Hindi Translator Grade II is hereby appointed temporarily until further orders as Hindi Translator Grade II in the Office of Director General Assam Rifles Shillong with effect from the 1st October, 1990 in the scale of pay of Rs. 1400-40-1800-50-2300/- per month plus other allowances admissible from time to time under the rules in the existing vacancy.

2. The appointment is purely temporary and may be terminated in one month's notice from either side.

3. His former services in Assam Rifles are countable towards pension only.

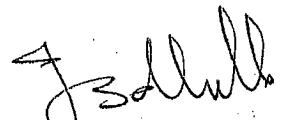
4. The appointee is liable to serve anywhere in India.

Sd/ *X X X*
 (A. V. Kulkarni)
 Lt General
 Director General Assam Rifles

Memo No. A/1-A/25/Part-III(a) Dated Shillong, the 8 Oct 90

Copy forwarded to :-

1. The Accounts Officer
Pay and Accounts Office Assam Rifles
Shillong- 3
2. Assam Rifles Training Centre, Dimaapur
Internal
3. 'Est' Branch
4. 'Est' Branch (Bill Section)- Two copies
5. Shri N S Rathore, Hindi Translator Grade II
Hindi Section DGM Shillong-11
6. Teacher's Section (# Branch)
7. Personal file.
8. Office copy.



(J.S. Dhillon)
 Lt Col
 Assistant Director (A)

Notice

Date - 20/12/06

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From,

Usha Das

Addl. Cuse

To, Mr. M. Chander

Mr. S. Nath

Advocate

Sub: OA no. 86/06

Sir,

Please find herewith a copy of
rejoinder being filed today
Kindly acknowledge the receipt
thereof.

Thanking You.

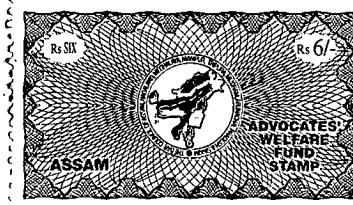
Sincerely Yours

Usha Das.

Addl. Cuse.

Received

S. Nath
Advocate
20/12



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA NO. 86 1200 6

..... N. S. Rathone APPLICANT (S)
-VS-

..... U. O. I. F. O. S. RESPONDENT (S)

MEMO OF APPEARANCE

I, USHA DAS having been authorized by Govt. of India, Ministry of Law and Justice, Department of Legal Affairs, hereby appear for respondents No. and undertake to plead and act for them in all matters in the aforesaid case.

Place: Guwahati
Date: 07/02/08

Signature and Designation of the Counsel

Usha Das
07/02/08

Address:
Usha Das
Additional Central Govt. Standing Counsel
Birubari, Gopinath Nagar
Guwahati- 16
98640-80663(M)
0361-2472699(R)

केन्द्रीय प्रशासनिक अदायकरण
Central Administrative Tribunal

2

गुवाहाटी अदायकरण
Guwahati Bench

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

OA NO. 86 /200 6

.....N. S. Rothome.....APPLICANT (S)

-VS-

.....U. O. I. 803.....RESPONDENT (S)

MEMO OF APPEARANCE

I, USHA DAS having been authorized by Govt. of India, Ministry of Law and Justice, Department of Legal Affairs, hereby appear for respondents No. 1 to 4..... and undertake to plead and act for them in all matters in the aforesaid case.

Place: Guwahati

Date: 23/1/08

Usha Das.
Addl. C.S.C.

Signature and Designation of the Counsel

Address:

Usha Das

Additional Central Govt. Standing Counsel

Birbari, Gopinath Nagar

Guwahati- 16

98640-80663(M)

0361-2472699(R)