

50/100
3
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

(1) RA 10/05 under page - 1 to 4 **INDEX**
(2) RA 11/05 under page 1 to 3
(3) MP 138/05 under page - 1 to 9 **INDEX**
(4) MP 153/05 under page - 1 to 1 and 3 to 6 **INDEX**
Page 1 to 6

1. Orders Sheet..... **O.A** Pg. 1 to 2
CP 42/2005 order Pg. 1 to 8 C.P. 22.3.07
2. Judgment/Order dtd. 13.07.05 Pg. 1 to 11. A.G.
RA 10/11/05 comm. exdt 22.3.07 Pg. 1 to 7 D.O.D.A 11/05 to 7
3. Judgment & Order dtd. Received from H.C/Supreme Court

1. 160/2005 Pg. 1 to 33
4. O.A. Pg. 1 to 33
5. E.P/M.P. Pg. to
6. R.A/E.P. 1.07.05 Pg. 1 to 14
RA 11/2005 Pg. 1 to 2. G.
7. W.S. Pg. to
8. Rejoinder Pg. to
9. Reply Pg. to
10. Any other Papers Pg. to
11. Memo of Appearance
12. Additional Affidavit (in RA 10/05 Pg. 1 to 13)
13. Written Arguments
14. Amendment Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply
2

SECTION OFFICER (Judl.)

(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

160/OS-

Original Application No. _____

Misc. petition No. _____

Contempt petition No. _____

Review Application No. _____

Alaka Saha

Applicant(s) _____

W.O. I. 7ars

Respondents _____

Advocate(s) for the Applicant(s) Mr. K. Paul, Miss B. Das, Mr. S. R. Das

Advocate(s) for the Respondents _____

Case M. U. Ahmed

Notes of the Registry	Date	Order of the Tribunal
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This application is in form.
is filed/C. F. f. 1. F. 501-
deposited v.v.d. 1/P/2005
No. 206134112

Dated 21.6.05

Alka Saha
Dy. Registrar
R.M.

*NS
22/6/05*

Steps not taken.

Par.

Heard Mr. K. Paul, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. The respondents to show cause as to why this application shall not be admitted. Post on 7.7.2005. The learned Addl. C.G.S.C. will get instructions from the respondent NO.3, who is at Guwahati, in the meantime.

I.C. Saha
Member

*Q =
E. Saha*
Vice-Chairman

Notice & order dt. 22/6/05

Set to D/Section for 7.7.05 issuing to resp. Nos 1 to 4 by regd. A/D post

22/6/05 D/No = 967 to 970
Dt = 27/6/05.

08.07.2005

*none or in parking
absent or to be done 13.7.05*

B70
Counsel for the applicant is absent. Mr. M.U. Ahmed, learned Addl. C.G.S.C. submits that he has got the instructions and he wants time. Post on 13.7.2005.

I.C. Saha
Member

E. Saha
Vice-Chairman

① Service report entry still awaited. *Par.* *18/7/05*

3/7/05 Addl. C.G.S.C. *mb*

12-7-05

in cause has been
shown.

13.7.05. Judgment delivered in open Court.
Kept in separate sheets. Application
is disposed of NO costs.

lm

Member

Vice-Chairman

1m

Received copy
for Applicant

Sima Rani by
Advocate
dt: 14/7/05

18.7.05

Copy of the Judgment
handed over to the
Advocate, S.C.O.J. 18.7.05.
from the Registry.

slms

26.7.05

Copy of the Judgment
has been sent to the
Office, for sending the
same to the respondent
No. 1 & 2 by speed
post at the cost of
the applicant.

slms

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

O.A. No. 160 of 2005

DATE OF DECISION: 13.07.05

Shri Alaka Saha,

APPLICANT

Mr.K.Paul, MissB.Das, Miss S.R.Dey

**ADVOCATE FOR THE
APPLICANT(S)**

VERSUS -

U.O.I & Others

RESPONDENT(S)

Mr M.U.Ahmed,Mr.A.Ahmed,
For respondent No.4..

**ADVOCATE FOR THE
RESPONDENT(S)**

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgments?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether the judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman.

G. Sivaprasad

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.160 of 2005.

Date of order: This the 13th day of July, 2005.

HON'BLE MR.JUSTICE G.SIVARAJAN, VICE-CHAIRMAN
HON'BLE MR.K,V,PRAHLADAN, ADMINISTRATIVE MEMBER

Smti. Alaka Saha,
Wife of Sri Sankar Saha
C/O.Smti.Geeta Saha-W/s Qtr.No.
P.A-7, 151 Base Hospital,
C/o 99 APO.
Basistha Road, P.O.Basistha,
Guwahati-781029, Dist.Kamrup,
Assam.

Applicant

By Advocate Mr. K.Paul, Miss B.Das, Miss S.R. Dey

-Versus-

1. The Union of India,
Represented by the Secretary
To the Government of India,
Ministry of Defence, South Block, New Delhi-1
2. The Deputy Director Medical,
Services, Ministry of Defence,
101 Area, C/o 99 APO.
3. The Brigadier Commandant, 151 Base Hospital
C/o 99 APO
4. Smti Kalpana Das
Village-Natun Bazar
P.O.Basistha Chariali,
Dist.Kamrup, Assam.

Respondents.

By Advocate Mr.M.U.Ahmed, Addl.CGSC
Mr.A.Ahmed, For Respondent No.4.

ORDER(ORAL)

SIVARAJAN,J(V.C.):

Pursuant to advertisement inviting applications for the post of Ward Sahayika in the 151/Base Hospital, C/O 99 APO, issued by the Respondents the applicant applied for the said post. She was called for interview on 17.2.05. She secured highest mark in the interview and her name was listed on the top of the select list. When

Opz

the applicant's name was listed on the top of the list, the Respondent No.4 who had also applied for the post of Ward Sahayika, approached this Tribunal by filing O.A.No.59 of 2005 on 1.3.2005 alleging that the applicant herein secured the position and obtained selection by impersonation. The said application was disposed of at the admission stage itself by directing the applicant therein- 4th respondent to make representation before the 3rd Respondent and the said Respondent was directed to pass orders thereon. The matter was also directed to be listed for compliance report. In the compliance report (Annexure 9) filed by the 3rd Respondent clearly stated that there is no impersonation at all. The 4th Respondent's application was rejected. However, the Respondents declined to appoint the applicant on a different ground viz, with Shri Jagabandhu Saha is of dubious status (one of adopted daughter and the other of Daughter-in-law), hence she will not be considered for the post of Ward Sahayika. The applicant is aggrieved by the denial of her appointment.

2. We have heard Mr.K.Paul, learned counsel for the applicant, Mr.M.U.Ahmed, learned Addl.C.G.S.C. apperaring for the respondent Nos.1 to 3 and Mr.A.Ahmed learned counsel appearing on behalf of Respondent No.4. Admittedly, the selection Board interviewed 9 candidates including applicant and the 4th respondent and selected the applicant for the post having secured highest marks(55). The 4th Respondent herein secured only 48 marks. However, the 4th Respondent, as already noted, challenged the applicant's selection on the ground of impersonation. The 3rd respondent pursuant to the decisions issued by this Tribunal conducted enquiry and found that there was no impersonation. Thus the applicant was entitled to be appointed to the post of Ward Sahayika on the basis of her selection.

J.P.S.

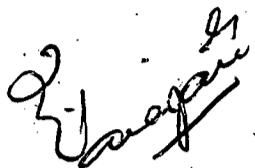
Only ground as could be seen from the compliance report (Annexure 9), as already noted, is that the Board has shown its inability to find out whether the candidate is Daughter-in-law of Late Jagabandhu Saha. The Police verification, it is stated, has confirmed that the applicant was an adopted daughter of Late Jagabandhu Saha when she was 8 years old and later on she was married to Shri Shankar Saha, son of Late Jagabandhu Saha and thereby she became daughter-in-law of Late Jagabandhu Saha. The compliance report, however, clearly states that the School Leaving Certificate and Caste Certificate has been verified. If, as a matter of fact, the respondent No.3 had verified the Caste Certificate (Annexure 1) and School Leaving Certificate (Annexure 2) there was no cause for any doubt as to who is the father of the applicant, for, both the Certificates clearly show that Shri Jagabandhu Saha is the father of the applicant. The subsequent marriage of the applicant with the son of Late Jagabandhu Saha may be a ground for nullifying the marriage but it cannot be ground for denying employment to the applicant. The name of the father shown is consistent with official records. According to us the 3rd Respondent was not justified in going further than what was available from the documents issued by the competent authority and find out a new case. It has nothing to do with the employment of the applicant. Since the applicant has already been selected, she having secured the highest mark, the Respondent 1 to 3 cannot deny the appointment to the applicant for the reasons stated in the compliance report (Annexure 9).

3. In the circumstances we direct the Respondent Nos. 1 to 3 to appoint the applicant to the post of Ward Sahayika as notified if the Respondents want to fill up the vacancy of Ward Sahayika.



4. The Original Application is disposed of as above. There will be no order as to costs.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(G.SIVARAJAN)
VICE-CHAIRMAN

LM

Central Administrative Tribunal
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI.

20 JUN 2005

गुवाहाटी अधिकारी

GUWAHATI.

Alaka Saha

ORIGINAL APPLICATION NO. 160 OF 2005.

Smti Alaka Saha.

---Applicant.

-Vs -

The Union of India & Ors.

----Respondents

I N D E X

<u>SL.NO.</u>	<u>PARTICULARS OF DOCUMENTS</u>	<u>ANNEXURE NO.</u>	<u>PAGE NO.</u>
1.	Original Application		1
2.	Verification		13
3.	Obc Certificate	A/1.	14
4.	Educational Certificate	A/2	15
5.	Experience Certificate	A/3	16
6.	Registration Certificate	A/4	17 & 18
7.	Interview Call letter Dt. 19/1/05.	A/5	19
8.	Original Application No. 59/05	A/6.	20 to 29
9.	Order dated 1.3.05 in O.A. No. 59/05.	A/7.	30
10.	Interview call letter dt. 18.3.05.	A/8	31
11.	Compliance Report dt. 6.5.05.	A/9	32
12.	Order dtd. 9.5.05 in O.A. 59/05.	A/10.	33.

Alaka Saha

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH:
GUWAHATI.

ORIGINAL APPLICATION NO. 2005.

Smti Alaka Saha.

---Applicant.

- Vs -

The Union of India & Ors.

---Respondents.

LIST OF DATES

<u>DATE</u>	<u>DESCRIPTION</u>	<u>PARAGRAPH?</u>	<u>ANNEXURE</u>	<u>PAGE NO.</u>
4.1.2005	OBC Certificate issued by the appropriate authority.	4.3	1.	14
18.1.2000	School certificate issued.	4.4	2.	15
12.1.2004	Experience certificate issued.	4.4	3	16
6.11.2004	Employment Exchange Card issued.	4.5	4	17 & 18
19.1.2005	Interview Call letters issued to the applicant to appear in the interview on 17.2.2005.	4.6	5	19
17.2.2005	Applicant appeared before the Interview/ Test Board and she was ranked 1st in the Select List.	4.6		
01.3.05	Filed original Application No.59/05 by one Smti Kalpana Das, who has also applied for the post of Ward Sahayika and could not pass in the interview and this Hon(ble) Tribunal passed order in the original application.	4.7	6&7	20 to 29 and 30
18.3.2005	Call letter issued by the Respondent authority to appear in the interview on 18.3.2005.	4.9	8	31
6.5.2005	Compliance Report submitted by the Respondent Authori- ties.	4.10	9	32
9.5.2005	Closed the original application without giving the chance of hearing.	4.11	10	33.

Alaka Saha

Signature of the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH:
GUWAHATI

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

ORIGINAL APPLICATION NO. 160 OF 2005.

Smti. Alaka Saha,
W/o Sri Sankar Saha
C/o Smti Geeta Saha-W/s Wtr.No.
PA-7, 151 Base Hospital,
C/o 99 APO
Basistha Road, P.O. Basistha,
Guwahati-781029, Dist. Kamrup,
Assam.

---APPLICANT.

- VERSUS -

1. The Union of India,
represented by the Secretary
to the Government of India,
Ministry of Defence, South
Block, New Delhi-1.
2. The Deputy Director Medical
Services, Ministry of Defence,
101 Area, C/o 99 APO.
3. The Brigadier Commandant,
151 Base Hospital
C/o 99 APO.

contd...2

-2-

4. Smti Kalpana Das
Village-Natun Bazar
P.O.Basistha Chariali
Guwahati-781029,
Dist.Kamrup, Assam.

---RESPONDENTS.

1. DETAILS OF APPLICATION:

Particulars of the order against which the application is made:

Impugned order dated 6-5-2005 (Annexure-9) passed by the respondent No.3 Brigadier Commandant, 151 Base Hospital, C/o 99 APO, whereby, a decision has been taken not to consider the applicant for the post of Ward Sahayika and to offer appointment to the next candidate of the select list in order of merit.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administration Tribunals Act, 1985.

4. FACTS OF THE CASE :-

4.1: That the applicant is a citizen of India and is entitled to all the rights and protections guaranteed by the Constitution of India and the laws framed thereunder.

contd..3

-3-

4.2. That the applicant states that when she was 8 years old her parents expired and out of sympathy Late Jagabandhu Saha and his wife Smti Geeta Saha of Basistha Road, Quarter No.PA-7, 151 Base Hospital, C/o 99 APO, P.O. Basistha, Guwahati-29 taken her under their care and later on she got married with Sri Sankar Saha, son of Late Jagabandhu Saha and Smti Geeta Saha.

4.3. That the applicant belongs to the Teli Community. The Teli Community/caste is declared to be "Other Backward Classes" of the state and hence she is entitled to preferential treatment in the matter of appointment of Government jobs.

Copy of the Caste Certificate is
annexed hereto and marked as
ANNEXURE-A/1.

4.4. That the applicant has studied upto Class-ix in the Holy Heart Sec. School, Hedayatpur, Guwahati-3 and thereafter she has also undergone practical training in First Aid, Maternity Training and other clinical matters under the guidance of Dr.P.Barthakur.

Copies of the education certificate
and the work experience certificate
are annexed hereto and marked as
Annexures-A/2 and A/3.respectively.

-4-

4.5: That the applicant also registered her name in the Employment Exchange vide Registration No. W-344/01, N.C.O.Code No.X02.10, and it was renewed from time to time.

Copy of the Employment Exchange registration Card is annexed hereto and marked as Annexure-A/4.

4.6: That your applicant begs to state that the respondent authorities invited applications from the intending candidates for ~~1010/12~~ filling up two(2) vacant posts of Ward Sahayika in the 151 Base Hospital, C/o 99 APO and the applicant has applied for the same. Accordingly the interview call letter was issued to the applicant by the office of the Respondent No.3 vide letter No. 452/2/CIVEST/COY/2005(III) dated 19.1.2005 and she appeared before the interview/Test Board on 17.2.2005 at 151 Base Hospital,C/o 99 APO. The applicant has done very well in the Interview, Test. She secured first position in the interview and her name was listed on the top of the select list.

Copy of the letter No.452/2/CivEst /COY/2005(iii) 19th January,2005 is annexed hereto and marked as Annexure-A/5.

4.7. That the applicant begs to state that when her

contd..5

15
Alaka Saha

name was listed on the top of the select list one Smti Kalpana Das who has also applied for the post of Ward Sahayika and could not pass in the interview. Filed on original Application on 1.3.2005 before this Tribunal which was registered as O.A.No.59/05 where she has stated that the applicant never appeared before the interview/Test Board but Smti Dolly Saha appeared before the Interview/Test Board by presuming herself as Smti Alaka Saha, the present applicant and that the applicant does not possess the requisite qualification for appointment.

Copy of the original Application No.59/05 is annexed here to and marked as Annexure-A/6.

4.8. That the applicant begs to state that the Hon'ble Member of this Central Administrative Tribunal upon hearing the applicant passed an order on 1.3.2005 in the O.A.No.59/2005 directing the applicant Smti Kalpana Saha to submit representation listing out her grievances to the respondents within 15 days and respondents were directed to give reply to the original application representation within Two months and the Original Application was disposed of by fixing the case for listing on 9.5.2005 for compliance report of the order dated 1.3.2005.

A copy of the order dated 1.3.2005 is annexed hereto and marked as Annexure-A/7.

contd...6

-6-

4.9. That the applicant begs to state that on receiving the order dated 1.3.2005 the respondent authorities vide letter No.452/2/Civ Est/COY/05 dated 18.3.2005 called the applicant to appear before the Interview/Testing Board on 18.3.2005 for verification of documents in connection with Educational qualification and Bio/data. Accordingly the applicant appeared before the Interview/Test Board on 18.3.2005 and submitted all her original documents of Educational qualification along with other connected documents, which have not been returned to her till to day.

Copy of the letter dated 18.3.2005
is annexed hereto and marked as
Annexure-A/8.

4.10. That the applicant begs to state that the respondent authorities on receiving the representation from Smti Kalpana Das as per the order dated 1.3.2005 in O.A.No.59/05 of this Hon'ble Tribunal replied to the representation vide letter No.119/2/Admn/KD/2005 dated 6.5.2005 to Smti Kalpana Das and submitted the compliance Report to the Central Administrative Tribunal on 6.5.2005. Where it is stated that the Present Applicant Smti Alaka Saha who appeared before the Interview/Test Board on 17.2.2005 also appeared before the interview Board on 18.3.2005 and all the Educational Certificates

-7-

shows that her name is Alaka Saha. But the Respondent Authorities on the ground that Smti Alaka Saha the present applicant's relation to Late Jagabandhu Saha is of dubious status one is of adopted daughter and the other is of Daughter-in-law cancelled the applicants appointment. The applicant further states that when the applicant was 8 years old her parents expired and out of sympathy late Jagabandhu Saha and his wife Smti Geeta Saha brought her to their house and kept her under their care and later on their son Sri Sankar Saha married her.

A copy of the compliance Report dated 6.5.2005 is annexed hereto and marked as Annexure-A/9.

4.11. That the Applicant begs to state that after submitting the compliance report the original application No.59/05 is again listed on 9.5.05 and the Hon'ble Member of the Central Administrative Tribunal passed an order accepting the compliance report through which the Respondent No.3 decided not to appoint the petitioner in the post of Ward Sahayika even after she has secured first position in the select list and closed the original application without giving a chance of being heard, the petitioner/applicant is illegal and violative of the principles of natural justice.

A copy of the order dtd.9.5.2005 in Original Application No.59/05 is annexed hereto and marked as Annexure-A/10.

contd..8

-8-

4.12. That the applicant begs to state that she is eligible and experienced for the post of Ward Sahayika and her name has been listed on the top of the select list, but the respondent authorities by the compliance report dated 6.5.2005 denied her appointment to the post of ward Sahayika only on the ground that her relation to late Jagabandhu saha is of dubious status one is adopted daughter and the other is daughter-in-law.

4.13. That the respondents have rejected the case of the applicant for appointment as Ward Sahayika without giving her any opportunity of hearing and passed the impugned order behind the back of the applicant.

4.14. That your applicant begs to state that if this Hon'ble Tribunal does not interfere immediately then, irreparable loss will be caused to the applicant.

4.15. That your applicant begs to state that the Respondents have violated the fundamental rights of the applicant guaranteed under the constitution of India.

4.16. That your applicant begs to state that the action of the Respondents is illegal, malafide arbitrary and violative of the principles of natural justice and administrative fair-play.

4.17. That the applicant begs to state that this Hon'ble Tribunal may be pleased to protect the

-9-

applicant by giving direction to the Respondents not to appoint any person in the post of Ward Sahayik till the disposal of this case.

4.28. That this application is filed bonafide and for ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that on the facts and circumstances which are narrated above the action of the Respondents is illegal and without jurisdiction.

5.2. For that the action of the Respondents are malafide and illegal. And as such the action of the Respondents is illegal, arbitrary and violative of the principle natural justice.

5.3. For that the Respondent No.3 arbitrary rejected the applicants appointment only on the ground of dubious status of relation which could not be the ground of rejection of her appointment.

5.4. For that the Respondents have rejected the applicant's case for appointment as Ward Sahayika on extraneous consideration. How can her relationship with Late Jagabandhu Saha be of any consequence in the matter of her appointment as Ward Sahayika.

5.5. For that this Hon'ble Tribunal before accepting the compliance report on 09/05/2005, ought to have issued notice to the applicant who was arrayed as Respondent

No.4 in O.A. No.59 of 2005. Incidentally, it is a Division Bench matter.

5.6. For that it is not just and fair to appoint any other candidate from the select list as the applicant stood first in the Interview for the post of Ward Sahayika.

5.7. For that the applicant has no other alternative means of livelihood.

5.8. For that the action of the Respondents is not maintainable in the eye of law as well as in fact.

The applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of the instant application.

6. DETAILS OF REMEDIES EXHAUSTED.

That there is no other alternative and efficacious remedy available to the Applicant except invoking the jurisdiction of this Hon'ble Tribunal.

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

The Applicant further declares that she has not filed any application, writ petition or suit in respect of the subject, matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

In view of the facts and circumstances narrated above the applicant prays that Your Lordships may be pleased to set aside and quash the impurned order (compliance Report) dated 06/05/2005 passed by the Respondent No.3 and direct the Respondents to appoint the applicant as Ward Sahayika in terms of the select list with all consequential benefit and/or be pleased to pass any such further or other order/orders as your Lordships may deem fit and proper.

8.1. The Respondents may be directed by the Hon'ble

Tribunal not to appoint any person in the post of Ward Sahayika and set aside the compliance Report and also give appointment to the Applicant to the post of Ward Sahayika.

8.2. To pass any other relief or relieves to which the Applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

8.3. To pay cost of the application.

9. INTERIM ORDER PRAYED FOR:

Pending final disposal of this application the Applicant seeks issue of an Interim order by this Hon'ble Tribunal as follows:

-12-

The Respondents may be directed by this Hon'ble Tribunal not to appoint any person to the post of Ward Sahayika till final disposal of this Original Application.

10. THIS APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF IPO.

IPO No. 209134112

Date of Issue: 21.6.05

Issue from Gunaehat.

Payable at Gunaehat.

12. LIST OF ENCLOSURES

As stated above.

contd..13.

VERIFICATION

I, Smti Alaka Saha, aged about 23 years,
W/o Sri Sankar Saha, C/o Smti Geeta Saha, W/s
Qr.No.PA-7, 151 Base Hospital,C/o 99 APO,Basistha
Road, P.O.Basistha,Guwahati-29, District Kamrup,
Assam, do hereby verify that the contents of
paragraph 4.1 to 4.16 are true to my personal
knowledge and paragraph 5.1 to 5.8 are believed
to be true on legal advice and that I have not
suppressed any material fact.

Date : 22/6/05 -
Place: Guwahati

Alaka Saha
Signature of the Applicant

-14-
-15-

Annexure -1

24

ALL ASSAM OTHER BACKWARD CLASSES'

ASSOCIATION

Regd. No 890

(Registered under the Society Registration).

Act XXI 1860 and recognised by the State Govt.

of Assam vide

MEMO No. 71AD / MISG / 275 / 296 5th January-1994

Regd. No. 890

K. Baruah Road, GUWAHATI—781006



Sl. No. 104

52327/36

[15th B/S]

Date 04-01-05

Certified that Sri / Shrimati..... Alaka Saha.....
Son daughter / wife of Sri / Late..... Tago Baudha Saha.....
of..... Ganesh Nagar..... Village / Town / T. S. Under..... Basistha.....
P. S. Guwahati..... Sub-Division in the District of..... Kamrup.....
Assam belongs to..... Th/Li..... Caste /
Community / Tribe which is recognised as Other Backward Class / More Other Backward
Class by the State Government of Assam.

He / She is residing at..... Ganesh Nagar..... Village / Town / T. S.
under..... Basistha..... P. S. in the District of..... Kamrup..... Assam.

President / Gen. Secy.

(Authorised Person)

All Assam Other Backward Classes' Association

General Secretary

Guwahati City Dist. O.B.C. Association

Alka Saha
10/93
Ferhery Extension
Kamrup
Assam

Certified to be true copy
By
Advocate.

- 15 -

- 16 -

Annexure - 2

HOLY HEART SR. SEC. SCHOOL

(English, Hindi, Assamese & Bengali Media)

Hedayetpur, APCC Road

GUWAHATI-3

Estd - 1982

With HOPE Charter

School Code: 12829/96
Regd. SEEA, Guwahati, 343

Sl. No.

Book No.

1

GUWAHATI

LEAVING / TRANSFER CERTIFICATE

This is to certify that Sri/Smt. Alaka Saha,
son/daughter of Sri Jagor Baudhu Saha, an inhabitant
of village/town Basistha, P.O. Guwahati, in the District
of Kamrup, was a student of this school and he/she left
the school on 31-12-97.

His/her date of birth as recorded in the School Admission Register
is/was 20-3-88.

At the time of leaving he/she was reading in class VIII (Eight),
section Sec A and had/had not passed the Annual H.S.L.C. /
H.S. examination for promotion to class IX (Nine).

All sums due by him/her had been paid viz.

Fees fines up to X (Date)

While at school his/her conduct and career were good.

Reasons for leaving:

- (i) Unavoidable Charges of Residence.
- (ii) Ill Health.
- (iii) Minor Reasons.
- (iv) Completion of School Course.
- (v) Any other.....

Concurred Signed

R. S. Saha
Principal,

HOLY HEART SR. SEC. SCHOOL
FISHERY EXTENSION, 22/11/100
HAIVITA DEY BLOCK, 100
RANGIA DISTRICT CIRCLE, Hedayetpur, APCC Road, Guwahati-3

Principal,
Holy Heart Senior Secondary School
Hedayetpur, Guwahati-3

Certified to be
true copy

Advocate

Dr. P. Barthakur

M.B.B.S, M.C.C.P, M.A.S.M.S.
DIAL : 303928 (CLINIC)
: 263489 (RESIDENCE)

DE NOVO

Natun Bazar, Basistha
Guwahati-781029

Date. 12.01.09

To whom it may concern.

This is to certify that

Mrs Alaks saha, 270 Jagabandhu Saha &
Basistha, Guwahati-29 worked as an
assistant in my clinic from 12.01.03
to 12.01.09

She has learned about
firstaid and basics of other clinical
matter. She is hard working and
sincere.

Dr. P. Barthakur

Dr. P. Barthakur
M.B.B.S, M.C.C.P, M.A.S.M.S.
DIAL : 303928 (CLINIC)
: 263489 (RESIDENCE)

certified to be
true copy

Advocate

Annexure - 4.

Assam Schedule I, Form No. 11
Govt. of Assam
GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR
EMPLOYMENT EXCHANGE
IDENTITY CARD
(Not an introduction card for interview with employees)

1. Name of Applicant Alka Saha
2. Date of Registration 6-11-01
3. Registration No. W-344101
4. S. C. O. Code No. X02-10
5. INSTRUCTION TO APPLICANT

- (a) Bring this card with you whenever you come to the Exchange.
- (b) Quote your Registration Number and S. C. O. Number whenever you write to the Exchange.
- (c) Renew your Registration every three months.
- If you do not renew by the due date, your registration will be cancelled.
- (d) You can renew your registration personally or by post. For renewal by post, DO NOT SEND THIS CARD. Apply in the Exchange on a REPLY PAID POST CARD.

Date before which registration should be renewed

1/1/01

Alka Saha
10/03
Fishery Extension Officer
MANSA DEV RANGIA

Certified to be
true copy

Advocate

- 19 -

(e) Return this card when you no longer require employment assistance after filling the following entries.

1. * I have secured employment with.....
(Name of Employe)
2. * I no longer require employment assistance.

Date..... 199..... (Signature of Applicant)

28
Affix postage
stamp here

To

The Employment Officer
Employment Exchange

FOR OFFICIAL USE ONLY	
* Signature	
Identification Marks	
1.	Aha 52
2.	Aha 52
Employment Officer	
Delete inapplicable entries	
Applicant No. 470001	

Conrad

Tele MII: 6410

Annexure -5
29

REGD POST

151 Base Hospital
C/o 99 APO

452/2/Civ Est/Coy/2005 (viii)

19 Jan 2005

Smt. Alaka Saha
C/o Smt. Gita Saha
Quarter No PA-7, 151 Base Hospital
Basistha Road
PO: Basistha, *Cuwarhali* - 781029
Dist: Kamrup (Assam)

CALL FOR INTERVIEW/TEST FOR THE POST OF WARD SAHAYIKA

1. Reference your application No. ML at 11 Jan 05.
2. You are required to appear before the selection board for above post on 17 Feb 2005 at 0900 AM alongwith original certificates/documents as mentioned below:-
 - (a) Proof of age (age should not be less than 18 yrs by 16 Jan 05 and more than 26 yrs by 25 Apr 05 relaxation upto 3 yrs in case of OBCs when applying against OBC vacancy)
 - (b) Proof of educational qualification (minimum 8th standard pass)
 - (c) Experience certificate for the post (minimum one year in the trade)
 - (d) Cast certificate (OBCs where applicable).
 - (e) Proof of permanent residential address.
3. No TA/DA is admissible to attend the above interview/test.
4. You are to bring this call letter alongwith you for the interview.

*Certified to be true 6 Jan 05
By
Advocate*

(AK Praharaj)
Col
Presiding Officer
For Commandant

Central Administrative Tribunal
Guwahati Bench, Guwahati

- 1 MAR 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 59 OF 2005.

BETWEEN

Smti Kalpana Das,
...Applicant

-Versus-

The Union of India & Others
...Respondents

LIST OF DATES AND SYNOPSIS

Annexure-A is the photocopy of O.B.C. Certificate issued by the Competent Authority.

Annexure-B is the photocopy of School Certificate of the Applicant.

Annexure-C is the photocopy of Work Experience Certificate of First Aid, Maternity Training etc. issued by Dr.P.Barthakur to the Applicant.

Annexure-D is the photocopy of Employment Exchange Registration Card of the Applicant.

ANNEXURE-1 is the photocopy of Letter No 452/2/civ/Entt/Coy/2005

(iv) dated 19th January 2005
This application is made against non-appointment of the Applicant in the post of Wards Sahayika and also against the appointment of the Respondent No.4 in the post of Ward Sahayika by the Office of the Respondent No.3.

Kalpana Das

Certified to be
true copy
Smti Advocate

RELIEF SOUGHT FOR:

That the Respondents may be directed by the Hon'ble Tribunal not to appoint the Respondent No.4 in the post of Ward Sahayika and also to set aside the appointment of the Respondent No.4 by giving appointment of the Applicant to the post of Ward Sahayika.

To pass any other reliefs or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

To pay the Cost of the application.

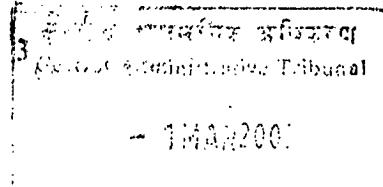
INTERIM ORDER PRAYED FOR:

Pending final decision of this application the Applicant seeks issue of an Interim order by this Hon'ble Tribunal.

That the Respondents may be directed by this Hob'ble Tribunal not to appoint the Respondent No.4 i.e Smti Alaka Saha to the post of Ward Sahayika till final disposal of this Original Application.



Kalpana Das



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 59 OF 2005.

BETWEEN

Smti Kalpana Das,
Village-Natun Bazar,
P.O.-Basistha Chariali,
District-Kamrup (Metro),
Assam.

...Applicant

-AND-

1. The Union of India represented by the Secretary to the Government of India, Ministry Of Defence, South Block, New Delhi-1.
2. The Deputy Director Medical Services, Ministry of Defence, 101 Area, C/o 99 APO.
3. The Commandant, 151 Base Hospital, C/o 99 APO.
4. Smti Alaka Saha,
D/o Smti Geeta Saha
New Quarter, 151 Base Hospital,
P.O.-Basistha Chariali, District-
Kamrup(Metro), Pin-781029, Assam



certified to be
true copy
Advocate

Kalpana

Filed by
Smti Kalpana Das
Applicant
Hemanta J. Bhattacharya
(Adv. Ahmed)
Advocate

32

5. Smti Doly Saha,
Wife of Shri Sankar Saha,
C/o Smti Geeta Saha,
New Quarter, 151 Base Hospital,
P.O.-Basistha Chariali, District-
Kamrup(Metro), Pin-781029, Assam.

... Respondents

1) **DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

This application is made against non-appointment of the Applicant in the post of Wards Sahayika and also against the appointment of the Respondent No.4 in the post of Ward Sahayika by the Office of the Respondent No.3.

2) **JURISDICTION OF THE TRIBUNAL:**

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

3) **LIMITATION:**

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) **FACTS OF THE CASE:**

Facts of the case in brief are given below:

4.1) That your humble Applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India.

4.2) That your Applicant begs to state that she belongs to Other Backward Classes. She is from a very poor family. She read up to Class-

Kalpana Das

IX (English Medium) in the Holy Heart Sr.Sec. School, Hedayatpur, Guwahati-3. She has also undergone Practical Training in First Aid, Maternity Training etc. for two years under the guidance of Dr.P.Barthakur, Natun Bazar, Basistha, Guwahati-29. Her name is also registered in the Employment Exchange for unskilled.

Annexure-A is the photocopy of O.B.C. Certificate issued by the Competent Authority.

Annexure-B is the photocopy of School Certificate of the Applicant.

Annexure-C is the photocopy of Work Experience Certificate of First Aid, Maternity Training etc. issued by Dr.P.Barthakur to the Applicant.

Annexure-D is the photocopy of Employment Exchange Registration Card of the Applicant.

4.3) That your Applicant begs to state that she had applied for the post of Ward Sahayika in the 151 Base Hospital, C/o 99 APO. Accordingly the Interview letter was issued to the Applicant by the Office of the Respondent No.3 vide letter No.452/2/Civ Est/Coy/2005 (iv) Dated 19th January 2005. Accordingly she appeared in the in the said Interview/Test on 17-02-2005 at 151 Base Hospital, C/o 99 APO. She successfully completed the Interview/Test before the Selection Board.

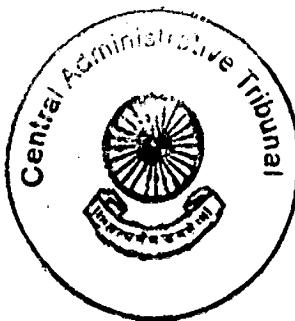


Annexure-E is the photocopy of letter No.452/2/Civ Est/Coy/2005 (iv) Dated 19th January 2005.

4.4) That your Applicant begs to state that she has done very well in her Interview/Test for the post of Ward Sahayika. But surprisingly the Office of the Respondent No.3 selected the Respondent No.4 i.e.Smti Alaka Saha for the post of Ward Sahayika. But in real fact that Smti Alaka Saha never appeared before the Interview/Test Board But Smti Doly Saha appeared before the Interview/Test Board by presuming herself as Smti Alaka Saha. In reality Smti Alaka Saha has no requisite

qualification and experiences for the post of Ward Sahayika. Hence she falsely appeared in the Interview/Test by presuming herself as Smti Alaka Saha. Now the Applicant apprehends that at any moment the Respondent may allow to join Smti Doly Saha in the name of Smti Alaka Saha. Your Applicant protested before the Authority concerned against the so-called manipulation done by the Respondent No.5 i.e. Smti Doly Saha by giving presumption before the Respondents that she is Smti Alaka Saha. As such the applicant filed this Original Application before this Hon'ble Tribunal praying for an Interim Order and direction to the Respondents particularly the Respondent No.3 by this Hon'ble Tribunal not to appoint the Respondent No.4 i.e. Smti Alaka Saha as Ward Sahayika till disposal of this Original Application.

4.5) That your Applicant begs to state that she is a very poor educated and experienced Ward Sahayika who is running from pillar to post to get her employment under the Government Establishment. But she has been deprived by the Respondents for not selecting her to the post of Ward Sahayika.



4.6) That your Applicant begs to state that if the Hon'ble Tribunal does not interfere immediately than irreparable loss will be caused to the Applicant.

4.7) That your Applicant begs to state that the Respondents, particularly, the Respondent No.3 violated the fundamental rights under the Constitution of India.

4.8) That your Applicant begs to state that the action of the Respondents is illegal, mala fide, arbitrary and also violative of administrative fair-play.

4.9) That your Applicant submits that the Hon'ble Tribunal may be pleased to give protection to the Applicant by giving direction to the Respondents not to appoint any person in the post of Ward Sahayika till the disposal of the case.

4.10) That this application is filed bona fide for the ends of justice.

Kalpana Das

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, on the reason and facts which are narrated above the action of the Respondents is *prima facie* illegal and without jurisdiction.

5.2) For that the action of the Respondents are *mala fide* and illegal and with a motive behind. As such, the action of the Respondents is illegal, arbitrary and also violative of the natural justice.

5.3) For that, the Respondent No.5 by adopting illegal method and also presuming herself as Respondent No.4 got the appointment. As such the appointment of Ward Sahayika of Smti Alaka Saha shall be liable to set aside and quashed.

5.4) For that appointment of Respondent No.4 in the post of Ward Sahayika in super session of the claim of the Applicant is hostile discrimination and violative of Articles 14 & 16 of the Constitution of India.

5.5) For that it is not just and fair to appoint the Respondent No.4 in the post of Ward Sahayika.

5.6) For that the Applicant had gathered requisite experiences for the post of Ward Sahayika.

5.7) For that the applicant has got no alternative means of livelihood.

5.8) For that the action of the Respondents is not maintainable in the eye of law as well as in fact.

The Applicant crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal.

Kalpana Das

7)

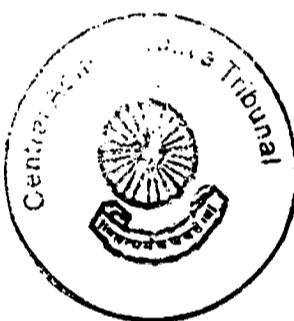
**MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY
OTHER COURT:**

The Applicant further declares that she has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8)

RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following reliefs.



8.1) That the Respondents may be directed by the Hon'ble Tribunal not to appoint the Respondent No.4 in the post of Ward Sahayika and also to set aside the appointment of the Respondent No.4 by giving appointment of the Applicant to the post of Ward Sahayika.

8.2) To pass any other reliefs or relieves to which the Applicant may be entitled and as may be deemed fit and proper by the Hon'ble Tribunal.

8.3) To pay the Cost of the application.

9)

INTERIM ORDER PRAYED FOR:

Pending final decision of this application the Applicant seeks issue of an Interim order by this Hon'ble Tribunal.

9.1) That the Respondents may be directed by this Hon'ble Tribunal not to appoint the Respondent No.4 i.e Smti Alaka Saha to the post of Ward Sahayika till final disposal of this Original Application.

10) THIS APPLICATION IS FILED THROUGH ADVOCATE.

11) PARTICULARS OF I.P.O.

I.P.O. No. : 206 JJ7909
Date of Issue : 27.1.2005
Issued from : Guwahati C.P.O.
Payable at : Guwahati

12) LIST OF ENCLOSURES:

As stated above.

Verification



VERIFICATION

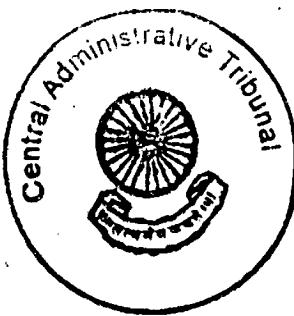
I, Smti Kalpana Das, Village-Natun Bazar, P.O.-Basistha Chariali, District-Kamrup (Metro), Assam do hereby solemnly verify that the statements made in paragraph nos.

are true to my knowledge, those made in paragraph nos.

are being matter of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the day of 2005
at Guwahati.

Kalpana Das



FORM NO. 4

(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 59/2005

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: Smruti Kalpana Das

Respondents: M.O.U. 1203

Advocates for the Applicant: Mr. Adil Ahmed

Advocates of the Respondents: C.G.S.C.

Notes of the Registry Date: Order of the Tribunal

01.03.2005

Present: The Hon'ble Mr. K.V. Prahладан, Member (A).

Heard: Mr. A. Ahmed, learned counsel for the applicant and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents.

The applicant is directed to submit a representation listing out his grievances to the respondents within 15 days from the date of receipt of this order. If such representation is made by the applicant, the respondents are directed to give a reply ~~in that is~~ lawful, fair and just within two months from the date of receipt of the representation.

The respondents to file compliance report after two months List on 9.5.2005 for compliance report.

The O.A. stands disposed of.

Sd/MEMBER (A)

Certified to be true copy
S.D. Adwaerdi

-32-
-31-

Annexure-8

151 Base Hospital
C/O 99 APO

452/2i Civ Est/ Coy/05

Mar 05

Smt Alka Saha
D/O Jagbandu Saha
C/O Smt Gita Saha-W/S
151 BH, C/O 99 APO

RECRUITMENT OF WARD SAHAYIKA

1. Refer to your interview dated 17 Feb 05.
2. You are directed to report Col AK Praharaj presiding officer on 18-03-05 at 11-00 hrs for verification of certain information in connection with your education qualification and bio-data.
3. Please treat most urgent.


(RC Dhulia)

Major

Coy Commander
For Commdt

*Certified to be
true copy
Smt Advocati*

COMPLIANCE REPORT ON OA NO 59/2005 FILED BY SMT KALPANA DAS VS UOI
AND OTHER IN CAT GUWAHATI ORDER DATED 01 MAR 2005

1. As per the direction of CAT Guwahati bench order dated 01 Mar 2005 on OA No 59/2005, the interview testing board was ordered to assemble on 18 Mar 2005.

2. Representation from the applicant Smt Kalpana Das dated 04 Mar 2005 was recd on 09 Mar 2005 alongwith directions from CAT Guwahati Bench.

3. Smt Alka Saha daughter of Sh Jagabandhu Saha who has appeared before interview/testing board for the post of ward sahayika on 17 Feb 2005, was also directed to appear before the interview/testing board presided over by Colonel AK Praharaj on 18 March 2005.

4. On 18 March 2005, it was confirmed by the interview/testing board vide their letter dated 18 March 2005 that the candidate (Smt Alka Saha) who had appeared before interview/testing board on 17 February 2005 is the same lady who had appeared before the interview/testing board on 18 March 2005. The photograph of the lady affixed on the caste certificate has also been matched with lady present before the board on 18 Mar 2005.

5. The other documents such as school leaving certificate and caste certificate also mention the name as Alka Saha.

6. The board has shown their inability to find out whether the candidate is daughter or daughter-in-law of Sh Jagabandhu Saha and suggested that verification to the fact may be carried out by local police/other appropriate authorities.

7. The matter was reported to Officer in charge, Police Station Basistha Guwahati on 21 March 2005 and subsequent reminders issued on 03 April 2005 and 13 April 2005.

8. It was confirmed by police station Basistha vide their letter dated 25 Apr 2005(copy enclosed) that Smt Alka Saha (Dolly) was an adopted daughter of Late Jagabandhu Saha, when she was 8 years old. Later on she is married to Sh Shankar Saha son of Late Jagabandhu Saha and thereby she became daughter-in-law hence she is not the adopted daughter of late Jagabandhu Saha

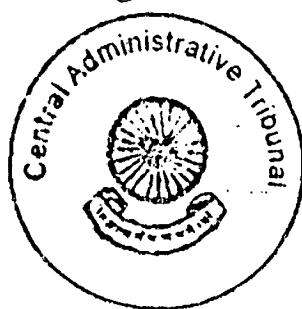
9. Since her relation to Sh Jagabandhu Saha is of dubious status (daughter/daughter-in-law), she will not be considered for the post of ward sahayika

10. Reply to Smt Kalpana Das, the applicant, has been fwd vide this office letter No 119/2/Adm/KD/2005 dated 06 May 2005.

11. It is also submitted that next candidate in order of merit will be called for and appointment letter for the post of ward sahayika will be offered in due course of time

151 Base Hospital
C/O 99 APO

Dated: 06 May 2005



Certified to be
true copy
by
Advocate

Certified to be true copy

(G. Ramdas)
Brigadier
Commandant

N. T. S. 30.5.05
Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati-781003

43

O.A. 59 of 2005

9.5.05. This application is posted for reporting compliance after direction issued in the final order. To-day Mr.A.K.Choudhury, Addl. C.G.S.C has placed before us a compliance report dated 6.5.05. Mr.A.Ahmed learned counsel for the applicant submits that the direction has already been complied with. Hence application is closed.



Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

Identified as to true copy
by Mr. A. Ahmed

Certified to be
true copy
by
Advocate

Section Officer (J)
C.A.T. GUWAHATI BANCH
Guwahati-781005

16/5/05
31/5/05