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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 174/2005

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SECTION OFFICER (Judl.)

Shahid
03/11/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUJARATI BENCH.

ORDER SHEET

Original Application No. 174/05

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s): Ankaji Sherpa

Respondent(s): W.O. I - 908

Advocate for the Applicant(s): - K. Bhattacharyee, P.L. Sarmal

Advocate for the Respondent(s): - Case M.U. Ahmed

| Notes of the Registry | Date | Order of the Tribunal |
|--|-----------|---|
| This application is in form is filed/C. F. for Rs. 50/- deposited vide I.P.C./BD No. 206134532 Dated 29-6-05 | 30.6.2005 | present: The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman. Heard Mr. K. Bhattacharjee, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents. Issue notice to show cause to the respondents as to why the application shall not be admitted. Post the case on 25.7.2005 along with O.A.117/2005 for admission. Status quo as on today regarding transfer of the applicant will be maintained till the next date. |
| Defects - 1. NO filing by the Learned advocate 2) P.A. is not:complied in verification. 3. NO Notice is enclosed with O.A. 4. NO extra cost of 5/- is deposited in Remonance Put up for and signed N.S. 29/6/05 | 25.7.2005 | Mr. K. Bhattacharjee, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents are present. Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents seeks further time for filing written state- ment. Post on 26.8.2005. Status quo order will continue till the next date. Needless to say that the transfer will be the subject to the result of the O.A. |
| Removed S. 122. N.T. 29/6/05 Pl. bring order Date 25.7.05 N.D. 25.7.05 | | <i>Signature</i> Member Vice-Chairman |
| M.U. Ahmed Addl. C.G.S.C. 30/6/05 | | |

26.8.05.

Mr. K. Bhattacharjee, learned counsel for the applicant is present. Mr. M. U. Ahmed, learned Addl. C.G.S.C. seeks further adjournment to file written statement.

Post the matter on 29.9.05.

Status quo as on to-day shall be maintained till the next date.

Vice-Chairman

Notice & order sent to D/Section for issuing to resp. Nos. 1 to 6 by regd. A/D post.

27/05.

D/No = 1054, dt. 5/7/05

1060, "

1061, "

1062, "

1064, "

1063, "

29.9.05

Post on 6.10.2005 for admission.

By order.

Notice duly served on resp. Nos. 5, 6.

27/7/05

6.10.2005

Mr. M. Chanda, learned counsel representing Mr. K. Bhattacharjee, learned counsel for the applicant is present. Ms. U. Das, learned Addl. C.G.S.C. on behalf of Mr. M. U. Ahmed learned Addl. C.G.S.C. for the respondents seeks some more time to file written statement. Post on 9.11.2005.

Notice issued to all Responds by ~~Respond~~ Regd with A/D post and served on 5 & 6. Other S/R awaited.

Order of 26/8/05
issuing to both
the parties
on resp. No - 2.

Member

Vice-Chairman

mb

9.11.2005 Mr. K. Bhattacharjee, learned counsel for the applicant and Mr. M. U. Ahmed, learned Addl. C.G.S.C. for the respondents are present. The Standing counsel submits that the respondents are filing written statement today itself. Post the case before the next Division Bench alongwith O.A. 269/05.

No. written statement has been filed.

Vice-Chairman

bb

| Notes of the Registry | Date | Order of the Tribunal |
|--|------------|--|
| 22.11.05 <i>W/S filed by Report. No. 1 to 6.</i> | 20.12.2005 | Mr. M.K. Mazumdar, learned counsel for the applicant is present. Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents submits that written statement has already been filed. Post on 23.1.2006 alongwith O.A. 269/2005. Interim order dated 30.6.2005 will continue till the next date. |
| Pl. comply order dated 20.12.05. <i>NT 20.12.05</i> | | <i>23.1.06</i> |
| order dt. 20/12/05 issuing to learned advocates for both the parties. <i>21/12/05 21/12/05</i> | 23.1.2006 | Post the matter before the next available Division Bench along with the connected cases since there was an order in O.A. 116/05. Interim order will continue till the next date. |
| 20 - 1 - 06 <i>W/S has been filed.</i> | 9.3.06 | <i>bb</i> Mr. K. Bhattacharya, learned counsel for the applicant submits that he would like to complete the pleadings and some time is sought. Time allowed. Post on 4.4.06 for order. |
| Pl. comply order dated 23.1.06 <i>WS 24.3.06</i> | | <i>Vice-Chairman(J) Vice-Chairman(J)</i> |
| 25.1.06 <i>Report filed by the Applicant</i> | pg | |
| order dt. 23/1/06 issuing to learned advocates for both the parties. <i>25/1/06</i> | | <i>Case is ready for hearing.</i> |

O.A. No.

Date

order of the Tribunal

Notes of the Registry

Claimant and Respondent

Order of the Tribunal

1962-1963-64

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C.A 174/05

| Notes of the Registry | Date | Order of the Tribunal |
|---|-----------|---|
| <u>8.3.06</u> Additional W/S Submitted by the Respondents. | 4.4.06. | Post the matter before the next available Division Bench. Vice-Chairman |
| <u>9.8.06</u> The case is ready for hearing. | 10.8.2006 | Mr.K.Bhattacharjee, learned counsel is represented and adjournment is sought on his behalf. Post after a month. Vice-Chairman |
| <u>9.8.06</u> | bb | Member (A) Vice-Chairman |
| <u>28.3.07</u> C.C.W/S has been collected by the L/Adv. for the applicant. | 12.3.07. | Post the matter on 13.3.07. Vice-Chairman |
| | 13.3.2007 | Heard Mr.K.Bhattacharjee, learned counsel for the Applicant and Mr.M.U.Ahmed, learned Addl. C. G. S. C. for the Respondents. Hearing concluded. Order is reserved. Member (A)  Vice-Chairman  |
| | /bb/ | 21.3.07. Judgment delivered in open Court. Kept in separate sheets. Application is dismissed. No costs. Member  Vice-Chairman  |
| | lm | |

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X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.116/05, 117/05, 174/05, 269/05,
275/05 & 31/06.

Date of Order: This the 21st day of March, 2007.

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

HON'BLE MR.TARSEM LAL, ADMINISTRATIVE MEMBER

Sri Premtosh Dutta, (O.A.116/2005)

Son of Late T.K.Dutta

S.F.A (V) Office of the AO/SSB/Bongaigaon

Shastri Road, Ward No.10

P.O. North Bongaigaon,

Dist. Bongaigaon.

Sri Bimal Chakraborty (O.A.117/2005)

Son of Late D. Chakraborty

S.F.A(V) Office of the AO/SSB/Bongaigaon, shastri Road,
Ward No.10, P.O.North Bongaigaon, Dist.Bongaigaon.

Sri Ankaji Sherpa (O.A.174/2005)

Son of late P.D.Lama

S.F.A (V) Office of C.O., S.S.B

Bangajang Camp Jang

Dist. Tawang, Arunachal Pradesh.

Sri Haridas Sarkar (O.A.269/2005)

O/O the Area Organiser, SSB

Bongaigaon

Sri R.K.Saha (O.A. 269/2005)

O/O Area Organiser, SSB

Falakata

Sri Ram Kishore Barman (O.A.275/2005)

O/O the Area Organiser, SSB *S/O Late A.S.Barman

Vill:Sriram Para, P.O.Srirampara

P.S.& Dist.Jalpaiguri.

Sri Himangshu Kumar Roy Podder (O.A.31/2006)

S/o Late Khagendra Nath Roy Podder

Vill Dol Govinda, P.O.Citaldala

Dist. Coochbehar

Sri Pradip Basak, (O.A.31/2006)

S/o Late Kali Kumar Basak

Vill. Madhyapar (Near Girls School Road)

P.O. Dhupguri, Dist. Jalpaiguri

....Applicants

By Advocate Mr K. Bhattacharjee

- Versus -

1. Union of India,
represented by the Director General,
Sashastra Seemabali, East Block V
R.K.Puram, New Delhi-110066.
2. Ministry of Home Affairs,
Represented by Secretary to the
Govt. of India, New Delhi.
3. Director General,
Sashastra Seemabali, East Block-V,
R.K.Puram, New Delhi-110066.
4. Assistant Director,
O/O Director General,
Sashastra Seemabali, East Block-V
R.K.Puram, New Delhi-110066.
5. Inspector General,
FTR, HQr. S.S.B, MHA, Guwahati.
6. Area Organiser (H.Q)
FTR, HQRSSB, Guwahati.
7. Area Organiser, SSB,
Bongaigaon, Assam.
8. Area Organiser, SSB,
Falakata, West Bengal
9. Sr.Veterinary Officer,
S.S.B, East Block-V,
R.K.Puram, New Delhi-110066. Respondents

By Sri G.Baishya, Sr.C.G.S.C, in O.A.Nos.275/2005 & 31/2006.

M.U.Ahmed, Addl.C.G.S.C in O.A.116/05, 117/05 & 174/05.
Miss U. Das, Addl.C.G.S.C in O.A.269/2005.

O R D E R

TARSEM LAL, MEMBER (A)

Since common questions of law and facts are involved, all the six cases are being disposed of by this common order with the consent of the parties.



2. This case is regarding transfer/postings of Senior Field Assistant (Veterinary) for posting at Pup Rearing Centre Gorakhpur vide order dated 5.10.2005.

3. The applicants have stated that they joined in the post of Constable on different dates under the Command of Director General, SSB. Subsequently they were appointed afresh as Senior Field Assistant (Veterinary) under SSB (Para Veterinary Staff) Recruitment Rules 1989 which is a civil post in the pay scale of Rs.975-25-1150-EB-30-1600/- . The duties of the applicants under the said rule are to look after the treatment of sick animal, documentation of Veterinary Hospital Dispensary and have to undergo BASIC CONDENSED COURSE known as Veterinary Assistant Course.

4. The Chief Veterinary Officer in order to select some candidates for the post of Dog Handler issued a circular among the workers who are willing to join the new post and in that connection the applicants declined to join the post of Dog Handler which is a post for combative personnel.

5. The Director General, SSB has approved the postings of Veterinary staff alongwith posts with immediate effect in public interest. The officials were directed to be relieved immediately so as to report to Pup Rearing Centre, Gorakhpur on or before 24th October, 2005. The incumbents approached the Guwahati Bench of the Tribunal vide O.A.No. 117/2005 to mitigate their

grievances by challenging the order dated 5.10.2005. By order dated 26.5.2005 the Tribunal maintained the status quo. The relevant portion of the order is quoted below :

"Status quo as on today regarding transfer of the applicant issued vide orders dated 17.2.2005 and 5.4.2005 shall be maintained till the next date."

6. In the present applications the applicants have prayed for the following reliefs :

(i) This Hon'ble Tribunal may be pleased to call for the records pertaining to transfer of the applicants in the post of Senior Field Assistant (Veterinary) to a combat post and consequently to direct the respondents not to release the applicants along with the post and also to declare that the order dated 5.10.2005 is illegal and void.

7. The respondents have filed a detailed written statement denying the contention of the applicants. It has been stated that applicants were initially appointed as Constable(GD) and were subsequently appointed afresh as Senior Field Assistant (Veterinary) in the scale of Rs.975-25-1150-EB-30-1660/- in pursuance of Para Veterinary Recruitment Rule circulated vide Cabinet Secretariat Notification No.12018/30/88-DO.I dated 31.3.1989. Their services were utilized for treatment of sick animal and documentation of Veterinary hospital/dispensary works.

After the administrative control of the Organisation has been shifted from Cabinet Secretariat to Ministry of Home Affairs w.e.f. 15.1.2001, the role of the

organisation has been changed and it has now been assigned with the mandate to guard the Indo Nepal Border and Indo Bhutan Border and therefore SSB as on date has become a Border Guarding Force. With the change in role of the organisation from Stay Behind Role to that of a Border Guarding Force; the old area of operations have been closed and new offices/Battalions have been opened all along with Indo-Nepal and Indo-Bhutan Border.

8. For better performance of the duties, the Govt. of India has sanctioned Dog Squad to SSB to carry out operational duties in the border areas. As the Organisation has independent veterinary staff, it is primarily, the veterinary staff only who will raise and maintain the Pups and Dogs in changed circumstances. The Veterinary Cadre is the most suited and trained staff to look after the health, breeding, training, handling and maintenance of the dogs.

9. After having been trained in rearing and breeding of pups to the veterinary cadre personnel they are fully competent to perform their newly assigned duties. The rearing and breeding of pups is the primary job of the Para-Vety Staff. Moreover, during the service career every individual has to undergo certain departmental courses for improvement of efficiency and making them professionally equipped to meet the needs

and objectives of the Organisation as the Force has competent and independent Veterinary Staff.

10. Accordingly SFAs(V) were withdrawn and attached temporarily with the newly created Pup Rearing Centre at Gorakhpur. The applicant have been transferred along with Post as SFA(V) in public interest and nowhere it has been mentioned in the order dated 5.10.05 that the applicants have been posted as Dog Handlers. Nowhere it has been mentioned whether the Dog Handling is a part of the duty of veterinary cadre, which can only be performed by the trained existing Para Veterinary cadre. The applicants had been transferred in public interest to fulfill and discharge operational commitments urgently required at the border. Neither the nomenclature nor the cadre of the applicants has been changed. This is a mere apprehension on the part of the applicants. The rearing and breeding of pups is primary job of the Vety/Para-Vety Cadre/Staff. Moreover, during the service career every individual has to undergo certain departmental courses for improvement of efficiency and making them professionally equipped to meet the needs and objectives of the Organisation. They have been transferred in the same capacity in public interest along with the post. It is not correct that the applicants have been transferred from the post of SFA(V) to a combatant post but they have been

transferred along with post in public interest and after transfer also they will be governed by the same rules.

11. We have heard Mr K. Bhattacharjee, learned counsel for the applicants in all the O.A. and Mr G.Baishya, learned Sr. C.G.S.C, Mr M.U.Ahmed, learned Addl.C.G.S.C and Miss U. Das, learned Addl.C.G.S.C for the respondents in the respective O.As. and perused the documents.

12. Mr K.Bhattacharjee, learned counsel for the applicants submitted that the applicants are governed under Chapter IV clause 30 of the Indian Veterinary Council Act 1984 and their service conditions cannot be changed under an administrative order. They were originally recruited as Senior Field Assistant (Vety) which is a separate cadre and cannot be deployed as Dog Handler which is a combatant post. The learned counsel made us to traverse through various documents to establish that Senior Field Assistant (Vety) is a separate cadre. He repeatedly emphasized that separate cadre is not synonymous with a separate service but a particular group of officials in a department. He further pleaded that the applicants are not willing to join the services of Dog Handlers and they have not given their willingness for the same. Therefore, they may either be allowed to continue to perform their

present duties till they are retired or may be declared surplus in the service.

13. The learned counsel for the respondents on the other hand persuasively argued that the applicants are not governed under the "Indian Veterinary Council Act 1984." They were not qualified to be registered under the Council Act. In fact the doctors who are practicing are governed under the above statutory Act. The Sr. Field Assistant (Vety) had joined as Constables and on technical resignation from the post were appointed as Sr. Field Assistant (Vety) under the SSB (Para Veterinary Staff) Recruitment Rules 1989. Since the applicants had not obtained their veterinary qualification from any of the institutions of India as included in the first schedule (clause 15 of the Act), they are not governed by the Indian Veterinary Council Act 1984. The learned counsel further pleaded that in view of the above position, it was misnomer to say that Senior Field Assistant (Vety) are governed under the Statutory Rules. The counsel further pleaded that the decisions cited by the applicant's counsel are not squarely applicable in these cases, since their cadre has not been changed in any way but only additional duty was entrusted upon them. Therefore, the O.A may be dismissed with cost.

14. The learned counsel further pleaded that Sr. Field Assistant (Vety) are not a separate cadre and continue to be governed under the SSB (Para Veterinary Staff) Recruitment Rules 1989. They have been deployed for taking care of animals and are being sent on training for a period of six months. He emphasized that it was entirely within the domain of the employer to deploy officials any jobs for which they are more suitable according to their qualifications, experience and expertise. Their job, pay scales are not being changed.

15. We have given our due consideration to the arguments, pleadings, evidence and materials placed on record in these cases. Admittedly the applicants were appointed as Constable under the Director General, SSB and thereafter appointed as Senior Field Assistant (Vety) (SFA(V) for short) and posted at different stations under the respective Area Organisers. The applicants served as Constables for 6 years and according to them they were appointed afresh as SFA(V) which is a civil post in the pay scale of Rs. 975-1600/- . The applicants have been appointed afresh as SFA(V) in pursuance of the Para Veterinary Recruitment Rules circulated by Cabinet Secretariat Notification dated 31.3.89. Their services were utilized for treatment of sick animal and documentation of Veterinary hospital/dispensary works. The

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administrative control of the Organisation has been shifted from Cabinet Secretariat to Ministry of Home Affairs with effect from 15.1.01, the role of the organisation has been changed and it has now been assigned with the mandate to guard the Indo Nepal Border and Indo Bhutan Border and therefore SSB as on date has become a Border Guarding Force. With the change of role of the organisation from 'Stay Behind Role' to that of a Border Guarding Force, the old area of operations have been closed and new offices/Battalions have been opened all along with Indo Nepal and Indo Bhutan Border. For better performance of the duties, the Government of India has sanctioned Dog Squad to SSB to carry out operational duties in the border areas. As the Organisation has independent veterinary staff, it is primarily, the veterinary staff only who will raise and maintain the pups and Dogs as primarily, in changed circumstances, the Veterinary Cadre is the most suited and trained staff to look after the health, breeding, training, handling and maintenance of the dogs. Willingness for the training was called for and the said notification is re-produced below :

"All SAOs are informed to obtain willingness of SFA(Vety) under their respective area for undergoing Dog handlers Course, at the earliest, so as to intimate their names for further detailment from Frontier

Headquarter, Guwahati. The matter may be treated urgent."

The qualifications of the applicants were Matriculate and they have served as Constable and they were appointed as SFA(Vety) which is a civil post as per Veterinary Staff Recruitment Rules and the duty assigned to them was the treatment of sick animal and documentation of Veterinary hospital/dispensary works and they had to undergo 6 months Basis Condense Course known as Veterinary Assistants Course. The applicant are not Graduate or diploma holder in Veterinary Science, therefore it will be necessary to evaluate whether the SFA (V) are covered by the Indian Veterinary Council Act 1984. In the preamble of the Act it is stated that 'An Act to regulate veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers of the veterinary practitioners and for matters connected therewith. Whereas it is expedient to make provision for the regulation of veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers to persons qualified to engage in veterinary practice for the whole of India for matters connected therewith or ancillary thereto. As per definition of

the Act a person who registered to get enrolled as a Member of the Council. Register means a register maintained under this Act. Registered Veterinary Practitioner means a person whose name is for the time being duly registered in a register. Veterinary institution means any University or other institution within or without India which grants degrees, diplomas or licences in veterinary science and animal husbandry. Chapter IV of the Privileges of Registered Veterinary Practitioners shows as under :

"Subject to the conditions and restrictions laid down in the Act, every person whose name is for the time being borne on the Indian Veterinary practitioners register shall be entitled according to his qualifications to practise as a veterinary practitioner and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments and other appliances or any fees to which he may be entitled.

Right of persons who are enrolled on the Indian veterinary practitioners register - No person, other than a registered veterinary practitioner, shall -

(a) hold office as veterinary physician or surgeon or any other like office (by whatever name called) in Government or in any institution maintained by a local or other authority;

(b) practise veterinary medicine in any State."

On going through Schedule 2 of the Act 6 months Condense Course underwent by the applicants do not qualify them to become a veterinary practitioner as defined in the Act nor they have any right to register

themselves in the Indian Veterinary Council. At best they may be permitted as veterinary technician since they are not Graduate or diploma holders. Therefore, on the close scrutiny of the said Act we are of the view that SFA(V) as that of applicants are not covered under the Indian Veterinary Council Act 1984. They have actually been appointed under the SSB Para Veterinary Staff Recruitment Rules 1989, which is a civil post. They have not also been appointed as Dog Handler but they are being sent for training at Pup rearing centre, Gorakhpur for better performance of their duties. Therefore, the contention of the applicants that they are governed under the Indian Veterinary Council Act 1984 will not hold good and the question remains is whether their service conditions can be changed under administrative orders or not. From the above discussions we are of the view that the applicants are not governed by any statutory provision and they are not entitled to get any statutory protection as claimed by them.

17. The learned counsel for the applicants has relied on the following decisions :

- (i) Netai Pada Chakraborty & Anr. vs. U.I.O. & Ors., reported in 2005(1)SLJ (CAT) 191,
- (ii) Jaboolal Choudhury vs. State of Arunachal Pradesh & Ors, reported in (2004)1 GLR 393

Ro

(iii) Dilip Kumar Ghosh & Ors. vs. Chairman & Ors, reported in AIR 2005 SC 3485

(iv) K.P. Sudhakaran & Anr. vs. State of Kerala & Ors. reported in AIR 2006 SC 2138 and canvas for the position that where Statutory Rules govern the field, prior executive instruction cease to apply, circular cannot override the rules occupying the field and administrative instructions cannot be allowed to operate particularly when it is in contradiction to the statutory Recruitment Rules.

16. We are in respectful agreement with the propositions canvas by the applicants but to say that these are not squarely applicable in these cases. In those cases the applicants are not under protection of any statutory rules therefore, the ratio will not fit in these cases. What we find from the above is that since the cadre of the applicants have not been changed in any way but the only additional duty was entrusted to them and the SFA(V) is not a separate cadre and covered by SSB Para Veterinary Staff Recruitment Rules. They have been sent for training for six months. We are of the view that this is entirely within the domain of the administration according to their qualification, experience and expertise. Their job, pay scales have not been changed.

17. The learned counsel for the respondents also pleaded that this case has already been adjudicated by Hon'ble High Court, Allahabad and the Hon'ble Court has decided as under

.....The sum and substance of the order issued on 26.12.2005 is a direction to the petitioner to undergo dog-handling course commencing with effect from 2.1.2006. Through the impugned order, the rank, post or scale of the petitioners is not going to be changed. The petitioners, who are members of Sashastra Seema Bal, have been directed to undergo specialized training in handling of dogs. Merely sending on training cannot be said to be change of cadre or reduction in rank. This action may not adversely affect the service conditions of the petitioners. Accordingly, no legal right of the petitioners has been infringed by the impugned order. No interference is required.

The Writ petition is dismissed."

18. It is well settled law that judicial interference is limited to testing whether the administrative action has been fair and free from the taint of unreasonableness and has substantially complied with the norms or procedure set for it by rules of public administration. The above view has been taken by the Hon'ble Supreme Court in **Fertilizer Corporation, Kamgar Union vs. Union of India**, (1981) 1 SCC 568.

19. The Hon'ble Supreme Court has further held in case of **Tata Cellular vs. Union of India**, (1994) 6 SCC 651, that the duty of the court is to confine itself to the question of legality. Its concern should be :

1. Whether a decision making authority exceeded its powers?
2. Committed an error of law,
3. committed a breach of the rules of natural justice,
4. reached a decision which no reasonable tribunal would have reached or,
5. abused its power."

The Supreme Court has again held in a case of **Union of India vs. Flight Cadet Ashish Rai, (2006) 2 SCC 364** as under :

"There should be judicial restraint while making judicial review in administrative matters. Where irrelevant aspects have been ignored and the administrative decisions have nexus with the facts on record, there is no scope for interference. The duty of the court is (a) to confine itself to the question of legality; (b) to decide whether the decision making authority exceeded its powers; (c) committed an error of law; (d) committed breach of the rules of natural justice; and (e) reached a decision which no reasonable tribunal would have reached; or (f) abused its powers. Administrative action is subject to control by judicial review....":

Hon'ble Supreme Court has further held in **V.Ramana vs. A.P. SRTC, (2005) 7 SCC 338** that 'the common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards.'

20. From the above it appears that the Senior Field Assistant (Vety) are not governed under Indian

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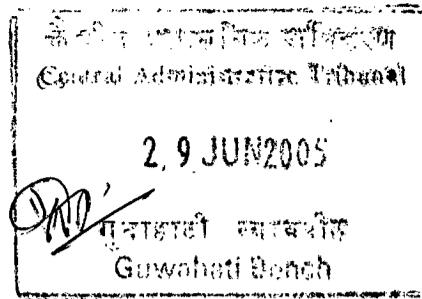
Veterinary Council Act 1984. They have actually been appointed under the SSB (Para Veterinary Staff) Recruitment Rules 1989 which is a civil post. They have also not been appointed as Dog Handler but they are being sent for training on Pup Rearing Centre at Gorakhpur for better performance of their duties. Therefore, administrative authorities have taken action with bonafide intention in the interest of the State.

21. In view of the discussions made above and the settled law position all the Original Applications are dismissed.

The interim orders dated 26.5.2005 passed by this Tribunal under which the orders dated 17.2.2005 and 5.4.2005 were stayed will stand vacated.

In the conspectus facts and circumstances there will be no order as to costs.

SD/ VICE CHAIRMAN
SD/ MEMBER (A)



Filed by K. Bhattacharjee
Advocate
29. 6. 05-24

DIST : TAWANG

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BRANCH
GUWAHATI

ORIGINAL APPLICATION NO. 174/05

Ankaji Sherpa

.....Applicant.

-Vs-

U.O.I. & Ors.

..... Respondents

DATE AND SYNOPSIS OF THE CASE IN THIS APPLICATION

DATE

SYNOPSIS OF THE CASE

24.10.1981

Join as a Constable in G.C. Sharambala Camp in the State of Himachal Pradesh under the Director General of Security, S.S.B/ Himachal Division.

10.4.91

The respondent vide memorandum dated 10.4.91 appoint the petitioner to the post of Senior Field Assistant Vety. (which is a Civil Post).

30.4.91

Notice to submit the Technical Resignation by the Authority.

29.5.91 Respondent vide order dated 29.5.91 selected the applicant for the post of Senior Field Assistant (Vety.)

3.9.04 Memorandum dated 3.9.04 calling for selection of Dog Handelor from the strength of S.F.A (Veterinary)

28.2.05 Order was issued whereby the applicant was sent for Dogs/ Pups breeding and rearing course with effect from 7.3.05 to 3.4.05, during the said training the applicant learnt that the post he is holding would be re-allocated as Dog Handler (combat Post).

22.3.05 During the training period the applicant submitted a representation High-lighting his grievances against re-allocating his post as Dog Handler.

2.5.05 The respondent vide memorandum dated 2.5.05 informed applicant that his representation has been rejected and he has to undergo training and have to work as Dog Handler.

6.6.05 The respondents vide order dated 6.6.05 transfer the applicant along with the post of to training Centre Gurakhpur.

(1) PRAYER

Direction for setting aside the impugned order dated 2.5.05 issued by Aria Organiser S.S.B. Bomdila and for the consequential order dated 6.6.05 issued by Assistant Director (E.A.IV) of S.S.B. New Delhi and/or to direct not to re-allocate the post of applicant from SFA (Veterinary) (Civil Post) to Dog Handler (Combat post) and or not to transfer the applicant from the present post of SFA (Veterinary) Bomdila to a new cadre in the post of Dog Handler (Combat Post).

*Filed by K. Bhattacharya
Advocate
20.6.05 p.m.*

DIST : TOWNS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

(An application u/s 19 of the Administrative
Tribunal Act. 1985)

ORIGINAL APPLICATION NO.

174 /05

Ankaji Sherpa

.....Applicant

-Vs-

Union of India & Ors

....Respondents

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Filed by-

(Advocate)

✓ C.Ang Xim Sherpa

DIST. :- TAWANG

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION

174 /05

An application U/S 19 of the Administrative
Tribunal Act. 1985)

(For use of Tribunal Office)

Signature :

Date :

ORIGINAL APPLICATION NO.-----/05

(1) PARTICULARS OF THIS APPLICATION

Ankaji Sherpa

S/o Late P.D. Lama

S.F.A (Vety.) Office of C.O., S.S.B

Bangajang Camp Jang

Dist- Tawang, A.P. (Arunachal Pradesh)

(ii) PARTICULARS OF THE RESPONDENTS :

(1) Union of India

Represented by the Director General

Sashastra Seemabal, East Block V

R.K. Puram, New Delhi-110066.

(2) Minister of Home Affairs,

Represented by Secretary to the

Govt. of India, New Delhi.

(3) Director General

Sashastra Seenabal, East Block-V

R.K. Puram, New Delhi-110066.

(4) Assistant Director,
O/O Director General
Sashastra Seenabali, East Block-V
R.K. Puram, New Delhi-110066.

(5) Araria organiser S.S.B. Bomdila Camp,
Dirang.
Dist- West Kameng,
Arunachal Pradesh.

6. I. G. Frontier Head Quarter
S.S.B.,
Uday Path, R.G. Baruah Road, Ghy.

3. PARTICULARS OF THE ORDERS AGAINST WHICH THIS APPLICATION MADE.

1. The applicant through this application wants to challenge the order No.BDL/AO/OPS.34/DH/04-05/168-70 dated 2.5.05 issued by Araria organiser Bomdila and the consequential order No.4 SSB/A-4/05 (i)-4370/4406 dated 6.6.05 issued by Assistant Director EA (IV) SSB, New Delhi.

4. JURISDICTION OF THE TRIBUNAL :

That the applicant declares that the subject matter of this Hon'ble Tribunal.

5. LIMITATION :

That the applicant also declares that the present application is within the limitation period as has been prescribe under Section 21 of the Administrative Tribunal Act.1985.

-3-

6. FACTS -OF - THE -CASE - :

(i) That the applicant is a citizen of India and at present residing at Gang in the District of Towang, Arunachal Pradesh and as such entitled to all the rights and priviledges granted under the constitution of India and relevant rules framed there under.

(ii) That the applicant state that he joined in S.S.B. as Constable on 24.10.1981 at Group Centre. Sarambal Camp in the State of Himachal Pradesh.

(iii) That the applicant state that after serving for more than 10 years as a Constable in the different places he had technically resigned from the said post and was appointed fresh on selection as a Senior Field Assistant (Vety.) which is a Civil post and was posted in the office of the Area Organiser, S.S.B. Sikkim, Gentok in the pay scale of 975-25-600-1600. The applicant after joining the new civil post at Gentok, After Serving for few years, in there he was transfered to Darjiling. There-after in the month of July 2004 he was transferred to Bomdila area and joined at the office of Bomdila area organiser as Senior Field Assistant (Vety.) and till the filing of this application he has not been released.

A copy of the order dated 10.4.91,
~~23.4.91~~, 30.4.91 and 25.5.91 are annexed
 hereto and marked as Annexure-I (Series)

Contd....4

Ang Kuri Sherpa

(iv) That the applicant state that after his resignation as constable he was selected as Senior Field Assistant (Vety.) which is purely civilian post and is guided by para-veterinary staff Recruitment Rules, 1989 and enjoyed all the benefits under the rules as provided the duty of the applicant under the said rules is to look-after the treatment of sick animal documentation of veterinary Hospital Dispensary and have to undergo BASIC CONDENSED COURSE, known a veterinary Assistant course, which also includes.

(A copy of the notification dated 23.5.90 is enclosed hereto and marked as annexure-II)

(v) That, the applicant states that on 3rd September 2004 the Chief Veterinary Officer issued a Memorandum number 99/Vety./SSB/2003/VC-3.39.41 whereby it is stated that to select and intimate the name of SFA (Vety.) working in the Department who are relatively young and have aptitude to care and Dog Handler for working as Dog Handler SSB in the Battalian which is namely raised. Accordingly, the said memorandum was circulated among the workers who are willing to join in the new post. The applicant has expressed that he is not willing to join in the new Battalian of Dog Handler which is armed force.

(A copy of the Memo dated 03.09.04 is annexed hereto and marked as annexure-III)

Contd....5

Anekarai M. S. S. P. A.

vi) That the applicant state that on 28.2.05 the area organiser SSB Bomdila Directed the applicant to go for a Training in Dogs/ Pups breeding and rearing course which is commens from 7.3.05 to 3.4.05 and according the applicant joined the course.

vii) That the applicant state that during the said training period the respondent informed him that after completion of the course he would be transfer in the new cadre of Dog Handler which is a Cambat post. The applicant immediately filed a representation dated 22.3.05 before the respondents whereby he sought an exemption from the said training post and also stated that he being over aged about 47 years of age and be not be given the dog handler training course.

(A copy of the representation dated 23.3.05 is annexed hereto and marked as annexure-IV).

viii) That the applicant state that in response to the said representation dated 22.3.05 the respondent issued a memorandum dated 2.5.05 whereby his representation has been rejected and also stated that after going through the training he had to work as a Dog Handler in the best public interest. Thereafter the respondents issued an order dtg 6.6.05 , whereby the applicant was transferred at Gorkha with Contd....6 post.

Hari Kari Sherpa

(b) copies of the memorandum dtd. 2.5.05 and order dtd 6.6.05 annexed hereto and marked as annexure-V and VI.

ix) That the applicant states that the post of senior Field Assistant is a Civilian post whose duty to give treatment to the animal individually or under the supervision of veterinary officer and whereas Dog Handler is a purely a job of combat personal.

x) That the applicant stated that the post of Dog Handler is a separate unit and is maintained by the combat personal headed by the constable and moreover from the plain reading of the memo dated 3.9.04 has clearly spelt out that the person who will be appointed as a Dog Handler have to undergo 6 months training at BSF Academy, moreover the post of Dog Handler under the Central Govt. is a combat post would be more evident if this Hon'ble Tribunal take into consideration of the Employment News dated 23.29.04-05 published by Delhi Police for the post of Dog Handler which is also under the Home Ministry.

(A copy of the Employment News dated 23.29.04-05 is annexed hereto and marked as Annexure-VI)

xi) That the applicant states that the way the applicant has been transfer along with the post to the training centre Gurakhpur indicates that he would be directed to take up the work in the different cadre (Dog

Contd....7

Mug Khan S. Khan

Handler Combat post) whereas he is at present working in the civilian post. It is a settle law that if the cadre is to be changed the authority must give an opportunity to the applicant as to whether he is interested to change the Centre or not. In the instant case no opportunity is given before being transferred to Gurakhpur Training Centre.

7. GROUND:-

(i) For that order dated 2.5.05 and 6.6.05 are bed in law and in fact as the Civil post was to convert in to armed post dong with the incumbent.

(ii) For, that the order dated 2.5.05 would go to show that the respondents forcefully directing the applicant that he has to do the work of Dog Handler which is a seperate cadre of combat post whereas the applicant is working in the cadre of civil post and as action on the part of the respondents in transferring the applicant along with the post is illegal and arbitrary and as such liable to be set aside.

(ii) The Respondent ought to have given a responsible opportunity to the applicant before issuing any order which are adverse to the service condition and thereby violated the principal of natural justice which is the basic tenement of administrative law.

(iii) For that the respondents ought to have know that in the service jurisprudence the cadre means strength of service or post of service sanction as a seperate unit,

Contd....8
Anup Kumar Shrivastava

and cannot be reallocated with incumbent to another unit without proper notification and as such the impugned order dated 6.6.05 is liable to be quash and set aside.

(v) The action of the respondent is arbitrary and violative of Article 14 of the constitution of India wherein the right of equity before law is provided in the guise of protecting equally opportunity of constitution of the applicant is being disturb.

vi) For that the more training of pub-breeding and rearing can not be the ground of change of cadre, where the cadre in which the applicant was appointed has not relation with the cadre where he was transferred by the impugned order dated 6.6.05 and 2.5.05 which are bed in law and as such liable to set aside and quashed.

vii) For that the order dated 2.5.05 would go to show that as to whether the Senior Field Assistant (Vety.) who are guided by pera-veterinary staff recruitment rules 1989 is a civilian post not a combat post and what are the nature of work for the post of Dog Handler and as such the impugned order is liable to set-aside and quashed.

viii) The applicant may be permitted to urge other grounds at the time of hearing.

8. DETAIL-OF-REMADIES-EXHAUSTED

(i) The applicant declare that he has exhausted his remedy and as such there is no other alternative or

Contd.....9

Amrit Kaur Sharma

equally efficacious remedy except to approach this Hon'ble Tribunal excise of its Jurisdiction under Section -19 of the Administrative Tribunal Act. 1985.

8. MATTER PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicant declares that they have not filed any writ petition or petition or application before any other court or any bench.

9. RELIEF SOUGHT FOR-

For the reason stated above the applicant prays that the Hon'ble Tribunal may be pleased to call for the records pertaining to the order dated 2.5.05 and consequential order dated 6.6.05 whereby the applicant was transferred to along with the post to training centre, Gurakhpur and upon hearing the parties be pleased to direct the respondent not to alocate the work or post of Dog Handler to the applicant.

10. INTERIM RELIEF IF ANY SOUGHT FOR

To direct the respondents not to give effect the order dated 6.6.05 and or not to release the applicant from present place of posting and such other order or further orders as it deem fit and proper.

Contd....10

By law Jhunsa

11. PARTICULARS - OF - THE - POSTAL - ORDERS - :

a. IPO No. 2067/34532 date 29.6.05 for Rs. 50/-
b. Envelope with acknowledgement
c. Vakalatnama
d. Material papers as per index

12. LIST OF ENCLOSERS :

1. Order dtd. 10.4.91, 23.4.91, 30.4.91 and 25.5.91
2. Notification dated 23.5.90
3. Memorandum dated 03.9.04
4. Copy of representation dated 22.3.05
5. Copy of memorandum dtd. 2.5.05 & 6.6.05
6. Copy of employment news dtd. 23.29.04-05.

VERIFICATION

I, Sree Ankaji Sherpa S/o Late P.D. Lama aged about 47 years by profession service R/o Geong in the District of Tawang, Arunachal Pradesh do hereby verified that I am the applicant of this application and well acquainted with the fact and circumstances of the case.

I hereby verified that the statement made in paragraph 3..& 4... are true to my knowledge and I have not supported any material fact.

And I signed this verification on this 29..day of June ~~2005~~ at Guwahati.

Ankaji Sherpa

No. IL/2/60/89(111) Dtd. 10-4-91
 Government of India
 Directorate General of Security
 Office of the Divisional Organiser, SSB
 North Bengal & Sikkim Division, Siliguri

M E M O R A N D U M

Sub : Appointment of CO, SSB, Constables on Transfer to the rank of SFA(Vet) in the SSB(Area Side)

Consequent upon Selection of the Group Centre, SSB, Constables on "Transfer Basis" to the rank of SFA(Vet) in the Pay Scale of Rs. 975-25-1150-EB-30-1650 vide SSB Directorate's Memo No. 6/SSB/A-2/89(9)-541, dtd. 15/29-7-90, the following Constables are posted at the places mentioned below against their names in the rank of SFA(Vet) from the date of their joining the post :-

| Sl. No. | Name of the Constable. | Present place of posting. | Place of Posting as SFA(Vet.) |
|---------|---|---------------------------|---|
| 1. | No. 76132, CT. Nikunja Kumar Roy Dakua | GC, SSB Ranidanga | Division Hqrs., SSB, Siliguri |
| 2. | No. 76276, CT. Atta Raj Rai | -do- | SAO's Office, Kalimpong |
| 3. | No. 76545, CT. Pravin Chhetri | -do- | SAO's Office, Namchi. |
| 4. | No. 50193, CT. Ankaji Sherpa | GC, SSB, Sikkim. | SAO's Office - Gangtok. <i>CC Office</i> |
| 5. | No. 50188, CT. Tekman Sunner | -do- | SAO's Office, Darjeeling. |
| 6. | No. 50241, CT. Chandra Prasad Mishra | -do- | SAO's Office, <i>Chyf</i> Jalapahar. |
| 7. | No. 76452, CT. Digendra Chandra Debbarma | GC, SSB, Calcutta | SAO's Office, Siliguri. |
| 8. | No. 80059, CT. Atul Chandra Barman | -do- | CO's Office, Cooch Behar |
| 9. | No. 80571, CT. Jarni Kanta Sarkar | - do - | SAO's Office Dinhata. |
| 10. | No. 80590, CT. Ram Kishore Barman | -do- | SAO's Office, Mathbhanga |
| 11. | No. 80602, CT. Haridas Sarkar | -do- | CO's Office, Silakuchi. |
| 12. | No. 80606, CT. Adhir Chandra Paul | - do - | CO's Office, Mal. |

2. The terms and conditions of Transfer will be as under :-

(1)

The seniority of the Senior Assistant(Vet) taken on "Transfer" will be regulated in terms of the orders contained in Ministry of Home Affairs O.M. No. 9/11/55/RPS dated 22.12.1959 as amended from time to time which envisage that their seniority will be below those already recruited.

*certified to be true copy
R-118
19/4/1991
18/10/1991
sent to
Ministry of Home Affairs
18/10/1991*

No. II/2/60/89(114) Dtd. 23/4/91
 Government of India
 Directorate General of Security
 Office of the Divisional Organiser, SSB
 North Bengal & Sikkim Division, Siliguri

Corrigendum

Sub:- Appointment of GC, SSB, Constables on "Transfer" to the Rank of SFA(Vet) in SSB(Area Side).

60/89(114) In partial modification of this Office Memo No. II/2/ postings of the following Constables be read as under:-

| Sl. No. | Name of the Constable. | Present place of posting. | Place of Posting as SFA(Vet). |
|---------|--|---------------------------|-------------------------------|
| 1. | No. 76276, CT Atta Raj Rai | GC, SSB Ranidanga | CO's Office, Kalimpong |
| 2. | No. 76545, CT Pravin Chhetri | -do- | CO's Office, Namchi. |
| 3. | No. 50193, CT Ankaji Sherpa | GC, SSB Sikkim. | CO's Office Gangtok. |
| 4. | No. 50188, CT Tekman Sunner | -do- | CO's Office Darjeeling. |
| 5. | No. 50241, CT Chandra Prasad Mishra | -do- | CO's Office Mangon. |
| 6. | No. 76452, CT Digen Chandra Debnath | GC, SSB Raiakata | CO's Office Siliguri. |
| 7. | No. 80571, CT Jatin Kanta Sarkar | -do- | CO's Office Diphata. |
| 8. | No. 80590, CT Ram Kishore Barman | -do- | CO's Office Mathbanga. |
| 9. | No. 80606, CT Abdul Chandra Paul | -do- | CO's Office Jalpaiguri. |

2. The other terms and conditions will remain unchanged.

11/4/91
 Area Organiser (Staff)
 SSB/NB&S Division, Siliguri.

TO,

NO- 50193 CT.
 Ankaji Sherpa
 CO- Commander
 GC, SSB, Sikkim.

Referred to
 True copy
 Notified by
 [Signature]

Contd..... P/2

They would not get any protection of the emoluments drawn by them as Constable. Their pay would be fixed under the normal rules with reference to their pay in the present cadre in the Group Centre.

(iii) They would not be made permanent immediately on their transfer as their permanency would be dependent upon their seniority in the grade of Sr. Field Assistant (Veterinary) and availability of permanent posts.

(iv) They will be required to undergo training course as prescribed for the Sr. Field Assistant (Veterinary) by the Department from time to time and complete the same successfully.

(v) Their seniority will be as per the merit drawn by the Selection Board/D.P.C. which is based on the date of their joining SSB as Constable.

3. Before being released from concerned Group Centre, the candidate will submit their "Technical Resignation" to the concerned Commandants. No joining time will be admissible as envisaged under FR-105 read with note below GOI decision (4).

[Signature] 15/4/91
Area Organiser (Staff)
SSB/MPS Division, Siliguri.

TO

No. 50193 Ct. Ankaji Sherpa,
C/o Commandant, GC, SSB, Sikkim,
Gangtok (SIKKIM)

Copy to :-

1. The Director of Accounts, Cb. Secretariat, New Delhi for information and necessary action.
2. Assistant Director (EA), SSB Directorate, New Delhi w.r.t. their Memo No. 6/SSB/A2/89(9)-541, - dtd. 15/29-1-90.
3. Area Organiser, SSB/Cooch Behar/Jalpaiguri/Darjeeling/Sikkim. They will intimate about the date of joining etc. to this Office immediately.
4. Copy to the Commandant, Group Centre, SSB, Falakata/Ranidanga/ Siliguri for information. The Commandants should release the concerned Constables immediately with direction to report to their respective places of posting. They will also obtain "Technical Resignation" from the concerned individual before releasing.
5. To the Veterinary Surgeon, Divisional Organiser's Office, SSB, MPS Division, Siliguri for information & necessary action.
6. The Accounts Officer, Divisional Hqrs., Siliguri for information and necessary action.
7. The Sub Area Organiser, SSB, Siliguri/Darjeeling/Jalpaiguri/Diphu/Matiubhang/ Gangtok/Namchi/Kalimpong for information.
8. The Circle Officer, SSB, Salkuchi/Mal/Cooch Behar for information.

[Signature] 15/4/91
Area Organiser (Staff)
SSB/MPS Division, Siliguri.

No.GC/ESTT/137/ 1857-63
Office of the Commandant,
Group Centre, SSB, Sikkim, Gangtok.
Dated the 10th April, 1991

MEMORANDUM

SUB:- RECRUITMENT FOR THE POST OF SFA(VET) ON TRANSFER BASIS

Enclosed please find herewith Area Organiser(S),
SSB, Siliguri Memo No.II/2/60/89(114) dated 23.4.91
on the subject cited above, for information and further
necessary action at their end.

'technical resignation' as has been desired ~~by~~ be submitted immediately for processing their cases further and to release them to take over the above post on 'transfer' basis.

E. COMMANDANT 20/11/69
GROUP CENTRE SGB STATION

- T_{O_2}

1. 50193 Const. Ankazi Sherpa
C/o Coy Commander, 2nd SKM Coy
2. 50188 Const. Tekman Sunar,
C/o Coy Commander, 2nd SKM Coy
3. 50241 Const. Chandra Pd. Mishra,
C/o Coy Commander, 1st SKM Coy

Copy to:-

1. ~~Ex~~ The Coy Commander, 1st Coy. - for information
2. The Coy Commander, 2nd Coy - and further necessary action pl.

F. COMMANDANT
GROUP CENTRE SSB SIKKIM

Isaac in die damp

Copy

B
OSR and
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Copy
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OSR any
certified to be true copy
by
Nestor
Schwartz
7/5

No. 14/2/89/138) Dtd. 29/4/91

Government of India

Directorate General of Security

Office of the Divisional Organiser, SSB

North Bengal & Sikkim Division, Sikkim.

FILE MARKED TO R.D.E.R.

Consequent upon selection of constable No. 50193 CT. Ankaj Sherpa of Group Centre, Sikkim to the post of Senior Field Assistant (Veterinary) in the SSB Area side on "Transfer basis", Shri Ankaj Sherpa is hereby appointed to the post of Senior Field Assistant (Veterinary) on a purely temporary basis under the SSB (Para Veterinary Staff) Recruitment Rules 1989 and as amended from time to time and posted at Office of the Circle Organiser, SSB, Gangtok. Dated 9/5/91 (P.M.)

2. He would be required to undergo the prescribed veterinary course at one of the Training Centres after appointment. If he does not complete the course successfully other than for valid reasons like medical grounds acceptable to the appointing Authority would have his probation terminated. In case he is allowed to continue on such special grounds will be given one more chance to attend the next course and would have the probation terminated if he fails the second time.

3. Shri Ankaj Sherpa will be on probation for a period of two years, which may be extended or curtailed at the discretion of the competent authority.

4. He will be entitled to draw the following pay and allowances:

(i) Pay Rs. 975-25-1150-ND-30-1600.

(ii) Allowances : DA, SCA and HRA etc. as admissible to the Central Govt. Employees in accordance with the instructions issued by the Ministry of Finance from time to time.

He is liable to be transferred anywhere in India.

1/1/91

24.5.91
Area Organiser (Staff)
SSB/NB&S Division/SikkimDISTRIBUTION

1. Shri Ankaj Sherpa o/o the Circle Organiser, SSB, Gangtok - STA (Vet), C/o

2. Director of Accounts, Lab. Secretariat, New Delhi - 66 for information.

3. The Asstt. Director (EA), SSB Directorate, New Delhi - 66 with reference to his Memo No. 6/SSB/142/89(9) - 541 dt'd 15/29-1-90

4. The Veterinary Assistant Surgeon, SSB, o/o the Div. Organiser, North Bengal & Sikkim Division, SSB, Sikkim for information.

5. The Commandant, SSB, Group Centre - Sikkim for information.

retd/sd/s
one copy
M/s/td/s
delivered

Government of India
Central Government
Bikaner House Annex
Chandigarh Food.

16
ANNEXURB 11
16

Annexure 11

New Delhi, the 21 May, 1990

AN OFFICIAL COPY

In exercise of the powers conferred by the proviso to article 368 of the Constitution, the President hereby makes the following rules for the Special Service Bureau (Para-Veterinary) Staff Recruitment Rules, 1989, namely : -

(1) These rules may be called the Special Service Bureau (Para-Veterinary Staff) Amendment Rules, 1990.

(2) They shall come into force at once.

In the Schedule to Special Service Bureau (Para-Veterinary Staff) Recruitment Rules, 1989, against the post of ~~Senior Field Assistant (Veterinary)~~, the entries in Para 2 under Column 12 shall be substituted as follows:

"Transfer of Field Assistant/Collectables of Special Service Bureau from Para-Veterinary Staff Assistant to Para-Veterinary Assistant having undergone one year's experience in treatment of sick animals and documentation of Veterinary Hospital/Dispensary and etc., having undergone

1. Basic Condensed Course organized by the Special Service Bureau, known as Veterinary Assistant Course, or Veterinary Assistant Course."

Sd/- (GP Chaudhary)
Director to the
Govt. of India

Note: The Principal Rules were issued vide this
Secretariat Notification No. A-12010/30/88-Do. I
dated 31.3.1988 and subsequently amended vide
notification attached hereto.

Smt. MR Johni, Director, S.S.B.
Shri Dr. Bishen Singh, Director, D.G.S.
Shri Sanjay Bhatia, Director, P.S.K.I.
Guard file.

SSB DIRECTIONS
ALL BRANCHES

2/SSB/A2/36(3)

Dated, the 1-6-90

Copy enclosed for information & necessary action to
all DCO/Intc/Commandants
Supt. Veterinary Officer, SSB Dte. 1990

AI / E2 / E3

(B.D. DIRECTOR)
SECTION OFFICER

00:00 0000 11.06.90

File No: 0091 551 2259175

FROM :

Certified to be true copy
[Signature]
ADVOCATE

- 17 -
- 13 -

ANNEXURE B

HO.99/Vet/SSB/2903/VC-339-4
Government of India,
Ministry of Home Affairs,
O/O the Director General,SSB,
East Block-V, R.K.Puram,
New Delhi-66.

Dated:- the 3rd Sept. 2004

MEMORANDUM

Subject - SELECTION OF DOG HANDLERS (DH) FROM THE STRENGTH OF S.F.A.(VET)

'It is requested to select and intimate the names of S.F.A.(Vet) working in your Frontier who are relatively young and have an aptitude to care and bridle dogs for working as Dog Handlers in SSIB.'

During the current financial year we have a requirement of 112 Dog Handlers @ 8 Dog Handlers per Battalion x 14th Battalions where the Dog Squads will be established in the first phase. These S.P.A. (Vet) will have to undergo six months training at BSF Academy, Tekanpur once the pups are purchased.

It is also proposed to impart a preliminary training in Dog Handling to the selected S.F.A. (V.C.) at a central location by the S:3B Vets. Further directions for conducting the preliminary training will be issued by the Force HQ. in due course after selection of Dog Handlers.

The matter may please be treated as urgent and may be dealt on priority.

Zanjani
... 15/7/04
(DR. SHARIJ RANJAN)
Chief Veterinary Officer (SG)

To
The Inspector General,
FTRHQRS, Lucknow/Patna/Jhawali.

$$\begin{array}{c}
 \text{A} \rightarrow (3) \\
 \text{C} \rightarrow 0
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 \begin{array}{c}
 \text{B} \rightarrow 1 \\
 \text{C} \rightarrow 0
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 \begin{bmatrix} 56.571 \\ 3.571 \end{bmatrix} \\
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 \begin{pmatrix} 6.6667 \\ 2.6667 \end{pmatrix} \\
 \text{C} \rightarrow 1
 \end{array}
 \quad
 \text{PRO}$$

Certified to be true copy
M. B. H. 
ADVOCATE.

VCR / TRG/2004-05/302397

-4418-

1725

Dated the 21/1/2005.

Memo No. VII/10/TRG/2004-05/302397

Copy forwarded to:-

Ex- The Area Organiser SSB Falakata/Chittagong/Kokrajhar/Tamabilur/Phulabanda/Pointika. They are requested to intimate the names of SSB(Very) who are young, energetic and having interest in pets like dogs, so that they could be put into course an mentioned above for getting the services in the near future. This may be done at most account.

R. P. Chakraborty

Area Organiser (IO),
FTR BDR SSB, Guwahati.

To.

Amulya IV/46

- 19 -

The Director General,
SSB (MHA) R.K. Puram,
Block No. - VI,
New Delhi-110066

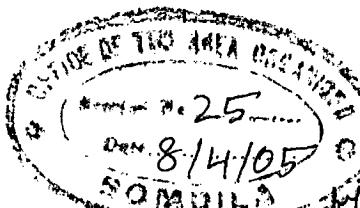
(Through Proper Channel)

Subj: Application for exemption of Training course related
of Pups/Dogs.

Respected Sir,

With due respect and humble submission, I, A.R.K. Sharpe, SPA (Vet.) of Bondala Area, beg to submit few lines for favour of your kind consideration under your kind control.

1. That, Sir, my age is running about 67 years rendering 24 years of service in SSB.
2. That, Sir, I am been bitten 2 times by Dogs. Once in my childhood about 8 years of age and secondly bitten by Rabies Dog during the month of Nov' 2004, due to which I feel allergy with Dogs moreover I am not interested and willing to undergo any T.R.C. course related to Dogs/Pups.
3. That, Sir, the Dentist Doctor has taken out my 3 Teeths from my upper and lower Jaw during 2004-05, due to which I am lossing my vision power and feeling weakness.
4. My Name is on 13 Nos. as General and 1 No. (senior-most) as S/T candidate as per seniority list of SPA (Vet.) as received during 2004.
5. That, Sir, I have verbally requested before our Hon'ble CVO (S.G.) Dr. Sashi Ranjan and GVO Dr. A.K. Raina during called for aptitude test at Force Hqrs. Delhi-66 regarding my unwillingness for Training course related to Dogs/Pups. But unfortunately I am been detailed for Pups breeding and rearing course held at N.T.C.D. R.S.F. Academy, Teknepur, Ovalick, (M.P.), w.e.f. 07.3.05 to 09.4.05 on 3rd Batch.



Refers to the matter
M. S. S.

contd... 2

20

6. That, Sir, I am very regretted to state that how and why I am detailed for Pups breeding & rearing course on 3rd batch leaving behind more than 250 Nos of Juniors, the detailment of said course is neither according to senioritywise nor Juniorswise or otherwise.

7. That, Sir, During Pups breeding & rearing course held at N TCD BSB Academy, Teknepur, Gwalior, M.P. I have noticed and observed that the Dogs handler Training course whether it is explosive detection, Narcotic detection or is any is belonging for combatised persons (State Police or Military or Para-military force personnel) suitable for young, healthy, interested and willing Constable (on) persons below the age of 30 years.

8. I am an un-combatised (civillian) employee governed under CCS (Central Civil Service) moreover my mental and physical condition in this over aged about 47 yrs of age would not permit me to undergo such type of training course related to Dogs/Pups.

It is, therefore, earnestly requested to your kind honour that my name may kindly be exempted/surrendered from Dog handler Training course being considered as on genuin ground as stated above please.

I will always follow any other respective direction which may be assigned against my present rank, i.e., Senior Field Assistant (Veterinary) whether it is Field work or Office work.

For this act of kindness I shall ever remain grateful to you Sir.

Date : 20th Mar 2005
Places : N TCD, Gwalior

Yours faithfully,

U. S. S.
(M/o KAZI SHERPA) BSA(Vet)
O/o the A.O. JBB, Komdila (P).

Carb.
true copy
M. S. S.
Regd. Letter - fm. Teknepur, Gwalior, on 20-3-2005
Wd. - 1600

71

Annex 48

21
No.BDL/AO/OPS-34/DH/04-05/168-70
Government of India
Ministry of Home Affairs
Office of the Area Organiser
Sashastra Seema Bal, Bomdila (AP)

Dated the 21/5/05

MEMORANDUM

The representation in respect of Shri. A. K Sherpa, SFA (V) dated 22.3.05 regarding exemption of training course related of Pups/Dogs, is returned herewith in original as the D.G, SSB has directed that " NO EXEMPTION/RELAXATION WHATSOEVER WILL BE GIVEN TO ANY SFA (VET) AND ALL THE NOMITATED SFA (VET) WHO ARE PHYSICALLY FIT WILL HAVE TO UNDER GO THE TRAINING AND WORK AS DOG HANDLER IN BEST PUBLIC INTEREST IN THE CHANGED ROLE OF SSB AS B.G.F".

All the SFA (V) be informed through Sub Area Organiser for information and compliance in future.

✓
for Area Organiser
SSB, Bomdila.

To

✓ Sh. A. K Sherpa, SFA (V) alongwith his application in original addressed to DG, SSB New Delhi.

2. The Sub Area Organiser, SSB, Kalaktang/Tawang to intimate the matter to all SFA (V) ^{Porter} ~~under them~~

Area Organiser
SSB, Bomdila.

✓
and
one copy
will be

SFA(V)

No.4/SSB/A-4/2005 (1)-4370-4406
Government of India,
Ministry of Home Affairs,
Directorate General,
Sashastra Seema Bal,
East Block-V, R.K. Puram,
New Delhi - 110066.

Annex- 1
v.9

DIARY NO. 5747
DATE 14/6/05

Dated, the 06/06/05

ORDER

The Director General, SSB has approved the transfer/postings of the following Veterinary Staff alongwith post with immediate effect in public interest. The officials should move to their new place of posting immediately:-

| Sl. No. | Name and Designation S/ Shri | Present place of posting | New place of posting |
|---------|--|--------------------------|-----------------------------|
| 1. | Nirath Singh | SHQ, Bahraich | Training Centre, Gorakhpur. |
| 2. | S.S. Khanka | Pithoragarh Area | -do- |
| 3. | Kapil Bhagat | Palia Area | -do- |
| 4. | S.S. Paliwal | Pithoragarh Area | -do- |
| 5. | P.R. Phun | Jhanjarpur Area | -do- |
| 6. | I. Rajen Singh | Kishanganj Area | -do- |
| 7. | S. Chatterjee | Darjeeling Area | -do- |
| 8. | A.K. Sherpa | Bomdila Area | -do- |
| 9. | S.K. Bhandari | Pithoragarh Area | -do- |
| 10. | Dayaram | Jayanagar Area | -do- |
| 11. | O.R. Singh | Betia-II Area | -do- |
| 12. | Arjun Deb Roy | Piprakoti Area | -do- |

2. The compliance of above order be confirmed to Force Hqrs, SSB, New Delhi.

3. They should report at T.C. Gorakhpur by 20.06.2005.

[Signature]
J.S.C. Katoch
Assistant Director (EA.IV)

Distribution.

1. Controller of Accounts, PAO (SSB), MHA, R.K. Puram, New Delhi.
2. I.G. Frontier Hqrs, Lucknow/Patna/Guwahati.
3. DIsG SHQ, Ranikhet/Bahraich/Gorakhpur/Muzaffarpur/Barauni/Ranidanga/Bongaigaon.
4. Area Organiser, SSB, Pithoragarh/Palia/Jhanjarpur/Kishanganj/Darjeeling/Bomdila/Bhinga/Jayanagar/Betia-II/Piprakoti.
5. Chief Veterinary Officer (SG), FHQ, SSB, New Delhi.
6. Assistant Director (EA-III) FHQ, SSB, New Delhi.
7. Accounts Officer, FHQ, SSB, New Delhi.
8. Official Concerned, through unit.
9. Office order file.

Nayal

*Carried out by
treee copy
Nayal
14/6/05
14/6/05*

DEHLI POLICE

RECRUITMENTS

APPLICATIONS FOR THE FOLLOWING POSTS ARE INVITED FROM INDIAN NATIONALS. THE CATEGORY-WISE BREAK-UP OF VACANCIES, PAY SCALES AND ELIGIBILITY CONDITIONS ARE MENTIONED BELOW:

THE NAMES SHOULD BE REGISTERED WITH ANY EMPLOYMENT EXCHANGE OF DELHI OR ON BEFORE 13-5-05 FOR THE POSTS MENTIONED AT SL. NOS. 1 TO 27.

| Sl. No. | Name of Post | No. of Vacancies | Gen. | SC | ST | OBC | Total | Pay Scale |
|---------|---|------------------|------|----|----|-----|------------------|------------------------------------|
| 1. | Inspector (Asstt. Programmer) | 02 | - | - | - | - | 02 | Rs. 5500-100-10500/- |
| 2. | SI (Shorthand Reporter/Hindi) | 01 | - | - | - | - | 01 | Rs. 5500-175-9000/- |
| 3. | SI (Machine Room Programmer) | 01 | - | - | - | - | 01 | Rs. 5500-175-9000/- |
| 4. | Hindi Translator (Civilian) | 01 | - | - | - | - | 01 | Rs. 4500-125-7000/- |
| 5. | ASI (Shorthand Reporter/Hindi) | 02 | - | - | - | 01 | 03 | Rs. 4500-125-7000/- |
| 6. | ASI (Finger Print) | 05 | - | 01 | 02 | - | 08 | Rs. 4000-100-6000/- |
| 7. | ASI (Stenographer) | 01 | 01 | - | - | 01 | 03 | Rs. 4500-125-7000/- |
| 8. | HC (Store Clerk) | 01 | - | - | - | 01 | 02 | Rs. 3200-85-4900/- |
| 9. | H.C. (Ministerial) | - | - | 06 | - | 08 | Rs. 3200-85-4900 | |
| 10. | H.C. (Ministerial) (India Reserve Battalion) | 09 | 02 | 01 | 03 | - | 15 | Rs. 3200-85-4900 |
| 11. | Water Carrier | - | - | 01 | - | - | 01 | Rs. 2550-55-2660-60-3200/- |
| 12. | Water Carrier (India Reserve Battalion) | 24 | 06 | 03 | 12 | - | 45 | Rs. 2550-55-2660-60-3200/- |
| 13. | Dhobi | - | 01 | - | - | - | 02 | Rs. 3050-75-3950-80-4500/- |
| 14. | Dhobi (India Reserve Battalion) | 14 | 03 | 01 | 06 | - | 24 | Rs. 3050-75-3950-80-4500/- |
| 15. | Barber | - | 01 | 01 | - | - | 03 | Rs. 3050-75-3950-80-4500/- |
| 16. | Barber (India Reserve Battalion) | 12 | 03 | 01 | 05 | - | 21 | Rs. 3050-75-3950-80-4500/- |
| 17. | Mochi | - | - | 01 | - | - | 01 | Rs. 2650-65-3300-70-4000/- |
| 18. | Sweeper | - | - | 42 | - | - | 42 | Rs. 2550-55-2660-60-3200/- |
| 19. | Cook | - | 03 | 02 | 02 | 01 | 08 | Rs. 2610-60-2910-65-3300-70-4000/- |
| 20. | Cook (India Reserve Battalion) | 36 | 10 | 05 | 01 | - | 69 | Rs. 2610-60-2910-65-3300-70-4000/- |

FOR PHYSICALLY HANDICAPPED PERSONS (Ortho Handicapped/Feeding Handicapped)

| | | | | | | | | |
|-----|--------------------------------------|---|----|----|---|----|----|------------------------------------|
| 21. | Kochi | - | - | 01 | - | 01 | 01 | Rs. 2650-65-3300-70-4000/- |
| 22. | Dhobi | - | - | 01 | - | 01 | 01 | Rs. 3050-75-3950-80-4500/- |
| 23. | Barber | - | - | 01 | - | 01 | 01 | Rs. 3050-75-3950-80-4500/- |
| 24. | Sweeper | - | - | 02 | - | - | 02 | Rs. 2550-55-2660-60-3200/- |
| 25. | Sweeper (India Reserve Battalion) | - | - | 03 | - | - | 03 | Rs. 2550-55-2660-60-3200/- |
| 26. | Cook | - | 02 | - | - | - | 02 | Rs. 2610-60-2910-65-3300-70-4000/- |
| 27. | Cook (India Reserve Battalion) | - | 02 | - | - | 01 | 03 | Rs. 2610-60-2910-65-3300-70-4000/- |

THE NAMES SHOULD BE REGISTERED WITH ANY STATE/UTT. EMPLOYMENT EXCHANGE ON OR BEFORE 13-5-05

FOR THE POSTS MENTIONED AT SL. NOS. 28 TO 37.

| | | | | | | | | |
|-----|---|----|----|----|----|-----|-----|----------------------------|
| 28. | Constable (Dog Handler) | 03 | 01 | - | 02 | 06 | 06 | Rs. 3050-75-3950-80-4500/- |
| 29. | Constable (Driver) | 48 | 02 | 17 | 05 | 12 | 72 | Rs. 3050-75-3950-80-4500/- |
| 30. | Constable (Driver) (India Reserve Battalion) | 90 | 21 | 08 | 25 | 144 | 144 | Rs. 3050-75-3950-80-4500/- |
| 31. | Constable (Brass Band) | - | 05 | - | 07 | 07 | 09 | Rs. 3050-75-3950-80-4500/- |
| 32. | Constable (Pipe Band) | - | 01 | 01 | 02 | 03 | 07 | Rs. 3050-75-3950-80-4500/- |
| 33. | Constable (MT/Help/Op) Battery Charger | - | 01 | - | - | - | 01 | Rs. 3050-75-3950-80-4500/- |
| 34. | Constable (MT/Help) Electrician | - | 01 | - | - | - | 01 | Rs. 3050-75-3950-80-4500/- |
| 35. | Constable (MT/Help) Carpenter | - | 01 | - | - | - | 01 | Rs. 3050-75-3950-80-4500/- |
| 36. | Constable (MT/Help) Mechanic | - | 19 | 04 | 02 | 08 | 33 | Rs. 3050-75-3950-80-4500/- |
| 37. | Constable (MT) Sloremen | - | 01 | - | - | - | 01 | Rs. 3050-75-3950-80-4500/- |

| | | |
|------|------------------------------------|---|
| 1. | Name of the Post | Inspector (Asstt. Programmer) |
| i. | Age limit | Between 20-30 years as on 1.1.2005 (Relaxable for Govt. Servants upto 5 years & Ex. Servicemen as per GOI's instruction or orders issued by Central Govt.) Note: No age limit for Depict. candidates. |
| ii. | Educational & other Qualifications | a) Masters Degree in Statistics, Physics/Computer Applications or Maths/Operation Research/Business Administration or Economics/Commerce with one paper in Statistics or Degree in Engineering Computer Science of a Recognized University or equivalent. b) Must possess 3 months training in Computer Programming/Console Operations from any organization of repute. c) 3 years experience in Data Processing work in any EDP organization. OR a) Bachelor's degree in Science or Commerce/Arts (with one paper in Maths or Statistics) or both from a recognized University or equivalent. b) Must possess 3 months training in Computer Programming/Console Operations from any organization of repute with 3 years experience in Data Processing Work in EDP organization. a) Knowledge of one or more programming language. b) Candidates working in Crime/Criminal Information System in Police Organizations. Candidates should be sound health, free from defect/deformity/disease. |
| iii. | Desirable | SI (Shorthand Reporter/Hindi) Between 18-25 years as on 1.1.2005. |
| iv. | Health | Graduate from a recognised university. Hindi Shorthand 100WPM Hindi Typing 30WPM |
| ii. | Name of the Post | SI (Shorthand Reporter/Hindi) |
| ii. | Age limit | Between 18-25 years as on 1.1.2005. |
| ii. | Educational qualification | Graduate from a recognised university. |
| ii. | Professional attachment | Hindi Shorthand Hindi Typing |
| ii. | Physical Standard (essential) | a) Height Male Candidates: 165 Cms. relaxable by 5 Cms. for residents of hill areas e.g. Gorkhas, Garhwali's etc. (Candidates claiming this relaxation would have to produce a certificate to this effect from the competent authority i.e. DC/DM/SDM or Tehsildar of their place of residence at the time of Physical Measurement Test) Female Candidates: 157 Cms. relaxable by 5 Cms. for residents of hill areas. b) Chest Male Candidates: 78 to 82 Cms. (Relaxable by 5 Cms. for Gorkhas, Garhwali's etc.) Female Candidates: No chest standard. |

| | | |
|-----|---|--|
| iv. | Medical Fitness | The candidates should be of sound state of health, free from physical defect, deformity, disease, having 6/12 vision with or without glasses, free from colour blindness. |
| 3. | Name of the post | SI (Machine Room Programmer) |
| i. | Age limit | 20-30 years as on 01.01.2005. No age limit for serving Govt. servant and departmental candidates. |
| ii. | Educational and other technical qualifications required | A) ESSENTIAL i) Bachelor's degree in Arts/Science/Commerce with one paper of Mathematics or Statistics or both from a recognized university. ii) Must possess three months training in computer programming console operations. |
| ii. | Medical fitness | B) DESIRABLE 2 years experience in Data processing work in any EDP organization. The candidates should be sound health free from defect/deformity/disease both eye 6/6 without glasses, worse eye 6/36 with glasses upto 6/9 or 6/12 without glasses both eyes. Free from colour blindness. No relaxation permissible. |
| 4. | Name of Post | Hindi Translator (Civilian) |
| i. | Age limit | Not exceeding 28 years as on 01.01.2005 |
| ii. | Educational qualifications | Master's Degree of a recognised University in English/Hindi with Hindi English as a compulsory and elective subject at Degree level. |
| ii. | Scheme of Examination | The examination will consist of two parts, viz. Part-I - Written Examination carrying 400 Marks. a) General Hindi & General English 200 Marks 2 Hours i) General Hindi 100 Marks ii) General English 100 Marks b) Translation & Essay (200 Marks) 2 Hours (Conventional Type) (Translation of 2 passages - each from Hindi to English and vice versa and an essay on each in Hindi & English.) Part-II - Personality Test (Interview): The personality Test will carry a maximum of 50 Marks. |
| 5. | Name of Post | ASI (Shorthand Reporter/Hindi) |
| i. | Age limit | Between 18-25 years as on 01.01.2005 (relaxable by 3 years for OBC candidates) |
| ii. | Educational and professional qualifications | Higher Secondary or equivalent. Hindi Shorthand 80WPM Hindi Typing 25WPM |
| ii. | Physical Standard (Essential) | a) Height Male Candidates: 165 Cms. relaxable by 5 Cms. for residents of hill areas e.g. Gorkhas, Garhwali's etc. (Candidates claiming this relaxation would have to produce a certificate to this effect from the competent authority i.e. DC/DM/SDM or Tehsildar of their place of residence at the time of Physical Measurement Test). Female Candidates: 157 Cms. relaxable by 5 Cms. for residents of hill areas. |
| 6. | Name of the post | ASI (Finger Print) |
| i. | Age limit | Between 18-25 years as on 01.01.2005 (Relaxable by 3 years for OBC and 5 years for ST) |
| ii. | Educational & other Qualifications | Graduate in Science with Physics or Chemistry or Mathematics or Zoology or Anthropology. OR Higher Secondary with Science/Mathematics and having served for 3 years with any Finger Print Bureau. OR CFSL or FSL doing with Finger Print Science or Single Digit Section of CRO. |
| ii. | Physical Standard | Serving 1 and Constable of Single Digit Section of Finger Print Bureau with at least 5 years service in the grade and two years experience of the trade. a) The candidates should be of sound state of health, free from disease, defect and deformity. b) Better eye 6/6 without glasses, worse eye 6/36 corrected with glasses to 6/9, 6/12 without glasses (both eyes). Nonvision J-2. Free from colour blindness. |
| 7. | Name of the Post | ASI (Stenographer) India Reserve Battalion |
| i. | Age limit | Between 18-25 years as on 1.1.2005 (Relaxable upto 28 years for OBC, upto 30 years for SC candidates). |
| ii. | Educational Qualification | Graduate from a recognised university or equivalent. |
| ii. | Professional attainments | Speed in Short hand/Typewriting 80/40 words per minute (English) OR 80/30 words per minute (Hindi) Preference: a) Accounts and Office Procedure b) Knowledge of Drafting & Office procedure. |
| ii. | Physical Standard | a) Height: Male Candidates: 165 Cms. relaxable by 5 Cms. for residents of hill areas e.g. Gorkhas, Garhwali's etc. (Candidates claiming this relaxation would have to produce a certificate to this effect from the competent authority i.e. DC/DM/SDM or Tehsildar of their place of residence at the time of application). Female Candidates: 157 Cms. relaxable by 5 Cms. for residents of hill areas. b) Chest: Male Candidates: 78-82 Cms. (Relaxable by 5 Cms. for Gorkhas, Garhwali's etc. to be submitted). Female Candidates: No Chest standard. The candidates should be of sound health, free from physical defect, deformity, disease, having 6/12 vision with or without glasses (both eyes), free from colour blindness. |
| 8. | Name of the Post | Head Constable (Store Clerk) |
| i. | Age limit | Between 20-35 years as on 1.1.2005 (Relaxable by 3 years for OBC and upto 40 years for departmental candidates) |
| ii. | Educational & other qualifications | ESSENTIAL i) Matriculation or equivalent. ii) Minimum 2 years experience in Accounting and indenting Radio/Spice/Paris. |
| ii. | Physical Standard | c) Should preferably be able to type @25 w.p.m. in English Type Writing. Height: Male candidates - 165 Cms. Female candidates - 157 Cms. OR Relaxation 5 Cms. for residents of Hill areas i.e. Gorkhas & Garhwali's. Chest: Male candidate - 78-82 Cms. |

केन्द्रीय नियन्त्रण न्यायालय
Central Administrative Tribunal, New Delhi

22 NOV 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

IN THE MATTER OF:

O.A. NO. 174/05

Ankaji Sherpa

..... Applicant

- VRS -

Union of India and others

..... Respondents

- AND -

IN THE MATTER OF:

Written statement submitted by the
Respondent No. 1 to 6

WRITTEN STATEMENTS

The Humble answering Respondents submit their
Written Statement as follows:-

Contd....P/2

Inspector General
Frontier Head Quarter
Sasbaitra Seemba Bal, (MHA)
Guwahati

5
M.S. Ahmed
Abdul G. G. S.
9/11/05

1. (a) I am the Inspector General, Guwahati Frontier at Guwahati and Respondent No. 6 in the above case. I am acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. I am competent and authorized to file the Written Statement on behalf of the all the Respondents. Save and except what ever is specifically admitted in this Written Statements, the contentions and statements made in the application may be deemed to have been denied.

(b) The application is filed unjust and unsustainable both on facts and in law.

(c) That the application is also hit by the Principle of Waiver, estoppels and acquiescence and liable to be dismissed.

2. That with regard to the statement made in Para 1 & 2, the Respondent admit to the extent borne by the Records.

2. (a) That with regard to the statement made in Paragraph-3 of the application, the Answering Respondent submit that, before giving the reply on merits to the instant O.A., the Respondents herewith furnish brief background history of the case for perusal and consumption of the Hon'ble Court.

It is stated that after the administrative control of the Organisation was shifted from Cabinet Secretariat to Ministry of Home Affairs with effect from 15.1.2001, and the role of the organization has been changed and it has now been assigned the mandate to guard the Indo-Nepal Border and the Indo- Bhutan Border. As on date , Sashastra Seema Bal is a Border Guarding Force, with the change in role of the organisation from that of a stay behind role to that of a Border Guarding Force. Battalions have now been deployed all along the Indo-Nepal and Indo-Bhutan Borders. For



Inspector General
Frontier Head Quarter
Sashastra Seema Bal (MHA)
Guwahati

Contd... P/3

performance of the border guarding duties, the Ministry of Home Affairs, had sanctioned Dog Squad for each Battalion. Since the Department has a professionally trained veterinary cadre, the initial work of rearing of Pups was assigned to the Senior Field Assistants (Veterinary) SFAs (V) who were Competent and trained to handle this job. As per the operational requirements and in national interests and for the security of the Nation the Veterinary Cadre has to cater to the veterinary needs of the department.

Accordingly the posts of SFAs (V) were reallocated to the Battalions from area side and subsequently some of the well trained SFAs(V) were attached at Gorakhpur where a Pup Rearing Centre has been established. It is clear that the action of the respondents in passing the impugned orders by the applicant is in order and has been issued in national interest keeping in view of the operational requirements of the Force. In the changed role of the respondent Department as Border Guarding Force having a well trained Veterinary Cadre obviously the job related to Dog handling becomes a part and parcel of the duties of the same Veterinary Cadre.

3. That with reference to the statement made in Para- 4, 5, and 6 (i) the respondents admits to the extent borne by the records.

4. That with regard to the statement made in Para 6(ii) to (iv) of the application, the Answering Respondent beg to state that the facts regarding resignation of the applicant as Constable and selection as SFA (V) is admitted. However, the applicant has only annexed a copy of the amended portion of the Recruitment Rules. A perusal of Annexure-3 to the OA would reveal that in the note portion Cabinet Secretariat has clearly incorporated that the principle rules were issued vide this Secretariat notification dated 31/3/89 and subsequently amended vide notification attached herewith. In addition to this as per the charter of duties of SFA(V), copy enclosed herewith as Annexure-R-I it may be seen in addition to the details mentioned by the applicant they were also required to perform any other duties assigned to them by the Senior Officer from time to time. A perusal of the detailed charter of duties would clearly reveal that the applicant is most suited for handling the Dog as this is the duties

Contd....P/4


 Inspector General
 Frontier Head Quarter
 Sashastra Seema Bal, (MHA)
 Government

which fall under the ambit of the duties of the Veterinary Cadre only. There is no other trained cadre in SSB which can perform these duties.

The aforesaid charter of duties is annexed herewith and
Marked as Annexure-'A'-

5. That with regard to the statement made in Para 6(V) and 6(IX) to (XI) of the application, the Answering Respondent begs to submit that the allegation of the applicant that core question whether the Dog Handler is the armed post or a civilian post has not been decided by the Department is basically wrong. The applicant is not working as Dog Handler nor have their posts been re-designated as Dog Handler. He is working as a SFA(V) and as a SFA(V) only he would be discharging his duties of Dog handling for the present in public and national interest as the Veterinary Cadre is the most professionally trained cadre to look after the Dogs which have been sanctioned by the Government for performance of border guarding duties. As on today, the SFA (V) is civilian post. The allegation of the applicant that the respondents have passed a speaking order without applying judicious mind and in a most arbitrary and whimsical manner is denied being factually incorrect. The applicant would be discharging his duties as SFA (V) only and presently has been assigned the job of Dog handling which very much comes under his charter of duties.

The comparison made by the applicant with the Delhi Police has no relevance in the instant case. Delhi police may be having combatised personnel for Dog handling but as on today as SSB has highly professional civilian Veterinary Cadre. It is this Cadre which is most suited to look after the training and handling of Dog keeping in view the changed role of the Organisation which has been done in national interest and in the security of the Country.

The said charter of duties is annexed herewith and marked
as Annexure 'A'

Contd... P/5



Inspector General
Frontier Head Quarter
Bachatra Seema Bal, (MHA)
Guwahati

6. That with regard to the statement made in Para 6(VI),(VII),(VIII), the Respondent do not admit anything which are contrary to the records. The Representation of the applicant considered and rejected due to devoid of Merit.

7. That with regard to the statement made in paragraph 7(i) to (vii), the Respondent beg to state that the factual position regarding the grounds have already bee answered / clarified in the reply furnished to Para 3 and 6(v) of the O.A.

8. That with regard to the statement made in Para 7(VIII), 8, 9 the Respondent begs to submit that the application has been filed without any national foundation hence liable to be dismissed.

9. That with regard to the statement made in Para 10 of the application, the Respondent submits that the applicant has not been relieved from Bomdila Area. The interim order of the Hon'ble court dated 30/06/2005 maintaining status quo was received by the respondents on 30/6/2005. Hence the status quo with respect to the applicant is being maintained as per the directions of the Hon'ble Court.

10. That this written statement is made bonafide and for the ends of justice and equity.

Contd... P/6


 Inspector General
 Frontier Head Quarter
 Sasthastra Seema Bal, (MHA)
 Guwahati

VERIFICATION

I, Shri Mohit Lal Chaudhuri S/O late M.M. Chaudhuri working as Inspector General,
SSB Guwahati Frontier at Guwahati do hereby solemnly affirm, declare and verify that the statement
made here-in-above is true to my knowledge and belief and information and nothing being
suppressed.

I sign this verification on this 27th day of Oct 2005 at Guwahati.

SIGNATURE

.....
Inspector General
Frontier Head Quarter
Sasbarta Seema Bsl. (MHA)
Guwahati

Identified by:
.....
27-10-05
Advocate

Date ... 27.10.05

Solemnly affirmed and declared
before me by the deponent who
identified by Shri *.....*,
advocate on 27.10.05
this day of Oct 2005 at
Guwahati.

.....
E 27/10/05
MAGISTRATE : GUWAHATI

CHARTER OF DUTIES OF VETERINARY STAFF SFA(VET), CONST (VET),
I/C (V & T)/DFO(VET), AFO(VET)

1. To visit remote areas/border villages covered by the SSB to render free Veterinary Animal Husbandry aid and care to the needy live-stock owner in respect of live Stock/poultry under the overall/guidance/instructions of CAS-Gr-I (Veterinary) and other supervisory officers.
2. To remain on tour for a minimum 15-20 days per month imparting door to door veterinary cover to the live-stock owners in the area under his charge.
3. While on tour, to visit NIP Camps for the purpose as also to deliver lectures on different aspects of Animal Husbandry to generates better awareness along the local people about common diseases and hygienic management of live-stock for better profitability. For this purpose, his monthly tour programme will be finalized well in advance with the approval of the Circle Organiser, the concerned CAS Grade-I (Vet) and the A.O.
4. To submit his tentative tour programme for the following month through C.O. to ~~CAS-Gr.-I (Vet)~~ at least a fortnight in advance.
5. For every calendar month to submit a detailed tour diary to his controlling authority to reach well by the 7th of the following month at the latest. Generally, his touring will be with NIP teams but only for a day or two at each such camp or with C.Os/CAS Gr-I (Vet) Independent touring may be allowed in special cases by CAS Gr-I (Vet) C.O. with the approval of AO/SAO.
6. To assist the CAS Gr-I (Vet) in performing day to day work.

7. To properly maintain expendable and non-expendable stock of medical stores/equipment etc. as also the stock and issue registers and other records in connection thereof. These will be verified by the CAS Gr-I (Vet) once every quarter and by other concerned Supervisory Officers periodically. AF0/SFA(Vet)/HC(Vet)/Constable (Vet) will be personally responsible for any lapses including for sheri in stores/equipment in this regard.

8. To strictly follow the instructions and orders of CAS Gr-I (Vet) and other supervisory officers and to carry out the Veterinary Civic Action Programme.

9. To ensure that kits provides to him are properly utilized and kept ready as per requirements.

10. To administer only those drugs/medicines which he has been taught and is authorized to handle. He will not administer intravenous injection/treatment beyond his skill and competence. In case of any complication he would contact CAS Gr-I of his area for guidance.

11. To prepare and submit Monthly Progress Report (MPR) in the performa enclosed in respect of his charge to CAS Gr-I (Vet)/CO in time for its onward transmission to the other concerned authorities. The Divisional Headquarters will send the consolidated report to the SSB Directorate so as to reach there by the 15th of the following month, at the latest.

12. To perform any other duties assigned to him by his superior authorities, from time to time.

केन्द्रीय अधीक्षण

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH AT
GUWAHATI

Filed by the Applicant
Through McMahon & Associates 59

IN THE MATTER OF :

O.A. No. 174/2005

Ankaji Sherpa

....Applicant

-Vs-

Union of India & ors

....Respondent

-AND-

IN THE MATTER OF :

Rejoinder / Reply to the Written

Statement filed by the Respondents

-AND-

IN THE MATTER OF :

Sri Ankaji Sherpa

....Applicant

The humble rejoinder/ reply to the Written Statement of
the Applicant as follows:

1. That the applicant submitted and states that the present O.A is filed against the order of reallocation of the service of the applicant from Senior Field Assistant (Veterinary) which is a Civil Post to the post of Degandler which is a combat post under Dogandler veteran without taking any consent of the applicant that too in contravention to the recruitment Rule known as Special Service Bureau (Para Veterinary) Staff recruitment Rules 1989, framed under Sec 30 of Indian Veterinary Council Act, 1984.

(Ankaji Sherpa)

2. That the respondent while submitting the written statement have tried to take a stand that, since change organization from Cabinet Secretariat to the Ministry of Home affairs with effect from 15.1.2001 the civilians are to be deployed as Cabinet personnel forming a separate Battalion.
3. That, the applicant states and submit that in the written statement they have admitted that the applicant is holding a post of Civilian but defying recruitment Rules and the statute, with wrong notion and misconception of statutory provisions of the duties assigned to the senior Field assistant (veterinary), the respondent illegally trying to reallocate the service of the applicant from pup rearing to Dog Handling.
4. That, the applicant submits and states that in para 3 of the written statement the respondent have specifically admitted the applicant is holding a Civil post on fresh selection as Senior Field Assistant and as such their further contention is subsequent paras made in reply to the averments and statement of the applicant are not tenable.
5. That, with regard to the statement made in para 4.6 of the Written statement in reply to the statements ad averments made in para 4.IV, 4 VII & 4VIII of O.A. the applicant submits and states that, the respondent failed to explain the meaning and duties assigned by Senior Officer. Further, the annexure 3 of the O.A is the Notification by which the amendment of the original 1989 Rule was made only to transfer the S.F.A and it does not speak anything about reallocation of service. Rather by the Memorandum dated 3.9.2004(Annexure-IV) of the specifically instructed the Area organizers to select those SFA (Vet) who are interested in preferring job of Dog Handler be put in to course for getting their services in the neat future.

It may further be mentioned that the Selection of Dog Hanters (DH) from the strength of SFA (Vet) is sought to made through motivation only with the consent / willingness of the SFA (Vet) by conducting personal interview of all willing para-veterinary staffs. As the action of the respondents in passing the impugned order dated 2.5.2005 cannot be said to be in adherence of the Notification, Memorandum etc

Chandrashekhar

issued and circulated by the Department rather itself contradictory apart from the status and recruitment Rule. And such the whole action is liable to be set aside.

Further, the applicant states, the contention made in para 6 of written statement shown in the respondent disposed of the Applicants representation dated 23.3.2005 communicating the decision of Director General SSB communicated by Area Organizer SSB vide memorandum dated 2.5.2005 and as such the impugned order dated 6.6.2005 is liable to be set aside and quashed.

A copy of the Memorandum dated 2.2.2005 is annexed as Annexure-IX.

VERIFICATION

I, Sri Ankaji Sherpa, Son of Late P. D. Lama, do hereby verify that the statement made in above and in paras 1, 2, 3, 4, 5 & 6 of this reply are matter of Knowledge derived from record and rest are my humble submissions before this Hon'ble Tribunal.

23rd January
And I sign this verification on this 19th day of December 2006 at
Guwahati

AN KAZI SHERPA

SIGNATURE

An KAZI SHERPA

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI

IN THE MATTER OF :

O.A. No. 174/2005

Shri Anakaji Sherpa

..... Applicant

- Versus -

Union of India and others

..... Respondents

- AND -

IN THE MATTER OF

Additional Written Statement

Submitted by the Respondent No. 1 to 6

ADDITIONAL WRITTEN STATEMENT

The humble answering respondents submit their Written Statements as follows:

1. (a) That I, Shri Nalinaksha Pal Chowdhury working as Area Organiser (Administration) in the Office of the Inspector General, Frontier Headquarter, SSB, Guwahati and Respondent No. 6 in the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the Written Statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the additional Written Statement on behalf of all the respondents.

Contd... Page 2

(b) The application is filed unjust and unsustainable both on facts and in law.

(c) That the application is also hit by the principle of waiver, estoppel and acquiescence and liable to be dismissed.

2. That any action taken by the Respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents against the applicant had suffered from vice of illegality.

Further, this additional affidavit may be treated as an integral part of the Written Statement.

3. That with regard to the statements made in Para 1 of the rejoinder, the answering respondents beg to submit that the facts projected in the instant paragraph are wrong and hence denied. The applicant is working as Senior Field Assistant (Veterinary). As the SSB has a professionally trained Veterinary Cadre of its own it is this cadre only which is most suited to look after the raising, training and maintenance of Dogs Squads which have been sanctioned by the Government for performance of border of guarding duties. The allegation of the applicants that he has been reeducated from the Civilian Post of Senior Field Assistant (Veterinary) to a combatant post of Dog Handler is basically wrong and against the facts on records. The applicant is a Senior Field Assistant (Veterinary) and will only be discharging further duties of Dog Handler which are within the purview of Veterinary duties.

4. That with regard to the statements made in para 2 of the rejoinder, the answering respondents beg to submit that the facts furnished in this para of the Written Statement are reiterated for the sake of brevity and the facts narrated by the applicants are denied.

5. That with regard to the statements made in Para 3 of the rejoinder, the answering respondents beg to submit that the position with respect to the instant paragraph has already been clarified in the reply furnished to Para-I of the rejoinder and in the Written Statement furnished by the applicant. The same is reiterated here for the sake of brevity.

6. That with regard to the statements made in Paragraph 4 of the rejoinder, the answering respondents beg to submit that it is admitted that the applicant belongs to the Civilian Cadre and will only be discharging duties of Dog handling after proper training. As SSB has a well trained Veterinary Cadre it is this cadre only which is most suited for performing additional responsibility of maintaining Dog's squads for performing duties related to national security and meeting of operational commitments.

7. That with regard to the statements made in Paragraph 5 of the rejoinder, the answering respondents beg to submit that the facts furnished in paragraph 4.6 of the Written Statement in reply to the statement and averments made in Para 4.IV, 4.VII AND 4.VIII of the O.A. are reiterated for the sake of brevity and the position stated by the applicant is denied. The Respondents have a professional Veterinary trained cadre which is the only Cadre suited to look after the Dog handling duties. The Force has already initiated steps to provide training to the Veterinary Cadre personnel so that they are made abreast with their additional veterinary needs to perform further duties assigned in national interest.

8. That with regard to the statements made in Paragraph 6 of the rejoinder the answering respondents beg to submit that the facts furnished in Paragraph 6 in the Written Statements are reiterated.

9. That this additional Written Statement is made bonafide and for the ends of justice and equity.

VERIFICATION

I, Shri Nalinaksha Pal Choudhury, Son of late Nabadwip Pal Choudhury aged about 58 years, at present serving as Area Organiser (Admn) in the office of the Inspector General, Frontier SSB, Guwahati, and competent officer of the answering respondents, do hereby verify that the statement made in paras 1 to 9 are true to my knowledge and those made in paras _____ being matters of record are true to my information derived therefrom 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 6 th day of March 2006 at Guwahati.

SIGNATURE

AREA ORGANISER (Admn)
Frontier Head Quarter,
SSB, Guwahati