

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 219/2007

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... OAPg. 1 to 14
2. Judgment/Order dtd. 6.5.2010Pg. 1 to 3
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A..... 219/2007Pg. 1 to 35
5. E.P/M.P.....Pg. to
6. R.A/C.P.....Pg. to
7. W.S.....Pg. 1 to 8
8. Rejoinder.....Pg. 1 to 15
9. Reply.....Pg. to
10. Any other Papers.....Pg. to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Hakta
06.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH;

ORDERS SHEET

1. Original Application No. 219/07
2. Misc Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) Kapil Deo Chandny vs- Union of India & Ors

Advocate for the Applicants:- M.Z. Ahmed Ms. B. Datta, A. Datta
R. Patraik, R. Chetia

Advocate for the Respondents:- C.S.C.

K.H. Chandny for Adv. Mrs. R.S. Chandny
Mr. K. Borthakur for Rptt 325
Order of the Tribunal

Notes of the Registry

Date

12.9.2007

The Applicant was appointed as Casual Labour under the Respondents and engaged as Superintendent-cum Accountant/Senior Clerk. On 01.09.1993, he was granted temporary status. While he was working as such, Annexure-6 Advertisement No. 02/2005 has been issued inviting applications for various posts including for the post of Office-Supdt-cum-Accountant in the scale of Rs.5000-175-9000/-. The Applicant also applied for the said post. It is contended that in the advertisement no age limit was prescribed. However, his candidature for the above post has not been considered on the ground that he is over-aged. Aggrieved by the said action Applicant has filed this O.A.

Heard Mr.M.Z.Ahmed, learned Senior Advocate for the Applicant. Mr.G.Baishya, learned Sr.C.J.G.S.C. accepted notice on behalf of the Respondent Nos.1, 2 & 4. For Respondent Nos. 3 & 5 issue notice to them.

Post on 08.11.2007.

Vice-Chairman

This application is in form
is filed with Rs. 50/-
deposited vide IPO/BD
No. 326/040507
Dated 6.8.07

Registrar

Petitions are for
issue notices are not
received. Copy
served.

12/9/07

12.9.07.

Pl. issue notices to
R-3,5

↓

Notice & order sent to D/section
for issuing to R-3,5 by /bb/
regal. AID post.

04-5/1/07 AZ

08.11.2007 Mr.M.Z.Ahmed learned counsel for the applicant is present. Service Report is awaited. Counsel for the Respondents wants time to file written statement. Call this matter on 11.12.2007.

Member(A)

Lia

① Service report awaited.

24
7.11.07

11.12.2007

In this case written statement has already been filed. Subject to legal pleas to be examined at the time of hearing, this case is admitted and opportunity is given to the Applicant to file rejoinder.

6.12.07

W/S submitted on behalf of Applicant Nos. 1, 3, 4 & 5 Copy received.

Call this matter on 16.01.2008, awaiting rejoinder from the Applicant.

(Gautam Ray)
Member (A)

(M.R. Mohanty)
Vice-Chairman

Mr. Rommel Chetia, learned counsel appearing for the Applicant, seeks more time to file rejoinder; because the Applicant is away at his native presently. Prayer is allowed.

Call this matter on 20.02.2008 awaiting rejoinder from the Applicant.

(Khushiram)
Member (A)

(M.R. Mohanty)
Vice-Chairman

/bb/

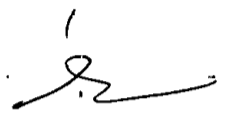
Rejoinder not filed

24
5.12.08

20.02.2008

Mr. Ramen Chetia, learned counsel appearing for the Applicant has filed rejoinder in this case. Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondent No.2 and Mr. M. Mohanta, on behalf of Mrs. R.S. Choudhury, learned counsel appearing for the Respondents has also received the copy of the rejoinder.

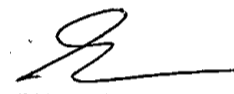
Call this matter on 09.04.2008.



(Khushiram
Member (A))

Lm

09.04.2008

Call this matter on 26.05.2008.


(Khushiram)
Member (A)



(M.R. Mohanty)
Vice-Chairman


nkm

26.05.2008

Mr M.Z. Ahmed, learned Counsel appearing for the Applicant and Mrs R.S. Choudhury, learned Counsel appearing for the Respondents are present.

Call this matter on 18.08.2008.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

nkm

21.2.08

Rejoinder filed against W/s by 1, 3, 4 & 5. Copy received. by case.



The case is ready for hearing.

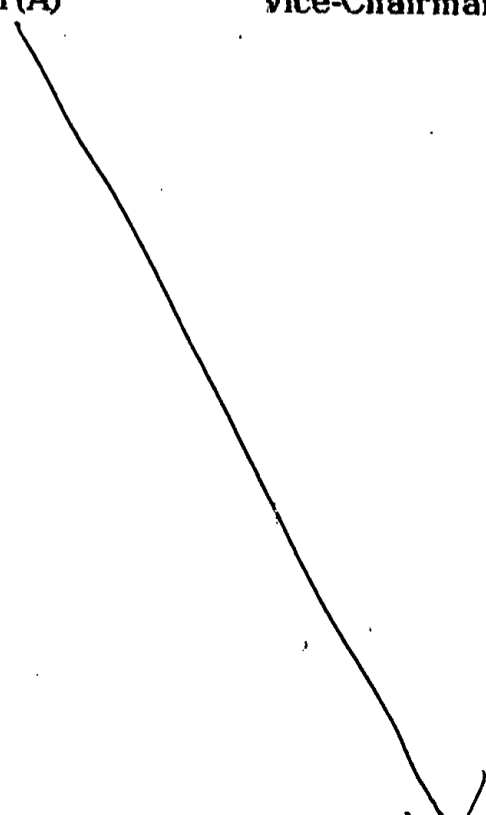
24
8.4.08

The case is ready for hearing.

23
23.5.08

The case is ready for hearing.

14
14.08.2008



18.08.2008

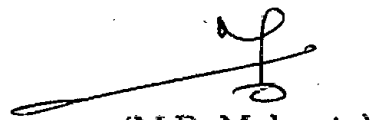
Mr M.Z. Ahmed, learned Counsel appearing for the Applicant, seeks an adjournment of the hearing of this case. Mrs R.S. Choudhury, learned Counsel appearing for the Respondents, has got no objection to the prayer for adjournment.

This is a case of the year 2007. In the said circumstances, call this matter on 29.09.2008 for hearing; when Mrs R.S. Choudhury should obtain up-to-date instructions in the matter of regularization of the Temporary Status Mazdoors (TSMs) of the Respondent Organisation. This is necessary in view of the submission of Mr M.Z. Ahmed, learned Counsel appearing for the Applicant, that by an Order (No.RC(G)46/95) dated 08.07.2008 of the Administrative Officer of ICAR Research Complex for N.E. Hill Region, a Committee was constituted to examine the matter related to regularization of the services of the TSMs.

Call on 29.09.2008.

Free copies of this order be handed over to the learned Counsel for the Parties.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

nkm

3
26.9.08.

18.8.08

Free copies of this order be handed over to the ld. counsel for the parties


21/8/08

Copies of order dt. 18/8/08 sent to D/Sec for issuing to resp. learned Counsel for the parties.

~~28/8/08~~ D/No
Dt.

The case is ready for hearing.

PTO

29.09.2008

On the prayer of Mr.R.Chetia, learned counsel appearing for the Applicant (made in presence of Mrs.M.Khound, learned counsel representing the Respondents) this case stands adjourned to be taken up on 01.12.2008.

dt. 29.9.08

Pl. supply a copy of this order to sh. R.Chetia, Advocate.

29/9/08

31.10.08

As per order dated 29.9.08 respondent Nos. 6, 7 & 8 impleaded.

As

Mr.Chetia, undertakes to implead Union of India represented through Ministry of Agriculture and to implead Ministry of Finance, Govt. of India as party Respondents in this case. He also undertakes to take step to implead ICAR as a party Respondent in a proper manner.

Call this matter on 01.12.2008 for hearing.

A copy of this order be supplied to Mr.R.Chetia, Advocate.

(S.N.Shukla)
Member (A)

(M.R.Mohanty)
Vice-Chairman

Copies of order dt. 29/9/08 send to D/Sec. for issuing to Mr. R. Chetia, Advocate.

/bb/

4431

D/No - 19/11/08
Dt - 19/11/08

01.12.2008

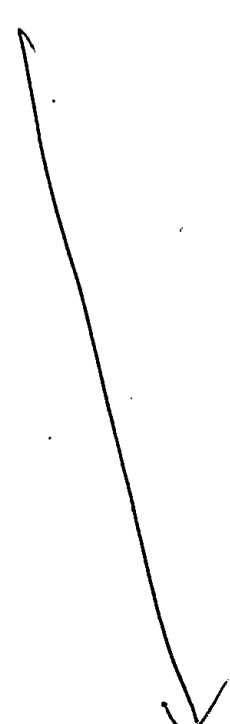
On the prayer of learned counsel appearing for both the parties, hearing of this case stands adjourned, call this matter on 16.12.2008.

The case is ready for hearing.

lm

(M.R.Mohanty)
Vice-Chairman

ms
15.12.08.



16.12.2008 By filing M.P.No.151/2008 the Applicant intends to implead a new Respondent No.1 (as against existing Respondent No.1) and to implead two more Respondents as Respondent Nos.6 and 7 in O.A.No.219/2007. A copy of this M.P. has already been served on the Respondents' side.

Heard. Prayer to implead new Respondents is allowed. The Applicant to carry out necessary entries in the Cause Title page of the O.A. in course of the day in presence of the Court Officer. Mr P. Chetia, learned Counsel appearing for the Applicant, undertakes to file 3 (three) extra copies of the O.A. and 3 (three) sets of postages for each one of the newly added Respondent Nos.1, 6 and 7 in course of the day.

Registry to issue notice to the newly added Respondent Nos.1, 6 and 7 requiring them to file their written statement by end of January 2009.

Call this matter on 02.02.2009.

M.P.No.151/2008 stands disposed of.

(S.N. Shukla)
Member (A)

(M.R. Mohanty)
Vice-Chairman

Copies of notices along with order dt. 16/12/08 send to D/Sec. for issuing to newly added Resp. nos - 1, 6 and 7 by speed post, A/D at the cost of learned counsel for applicant.

B/No - 5020-5021 nkm

CMS 22/12/08. A-26-12-08 45022

Notice received back unserved from the Respondent No. 6 in O.A. 219/07 with Postal Remark Incomplete Address

2.2.09 Bench is not available list on 9.2.09.

b/w

1) Notice received back from R.No.6.

2) Service waited from R.No-127. 22/2/09

27/11/09

dt. 9.2.09

Pl. issue Notice to the Respondents.

Pl. send copy of this order to be handed over to Mr. G. Baishya, Sr. sc for the Union of India.

11.2.09

Call this matter on 31.03.2009.

A copy of this order be handed over to Mr G. Baishya, learned Sr. Standing Counsel for the Union of India.

(M.R. Mohanty)
Vice-Chairman

- Issue Process Notice R-647 order dt. 9.2.09 to the Secy, M/o Finance N.B. New Delhi. nkm 31.03.2009
- I.C.A. Research, represented by Director General, Krishna Mahan B2, R.P. Rd. New Delhi - by Regd. Air Post.

Call this matter on 18.05.2009 for hearing.

Send copies of this order to the Applicant and to the Respondents in the address given in the O.A.

(M.R. Mohanty)
Vice-Chairman

com 13.2.09

/bb/ 18.05.2009

Call this matter on 28th July, 2009 awaiting reply from the Govt. of India.

(M.R. Mohanty)
Vice-Chairman

Copy of order dated 31-3-2009 prepared and sent to D(NSO Dargal) Member (A) for Issuing to the Applicant and Respondents vide D.No - 1883 to 1888 Date :- 20-4-09

20.07.2009

This case has wrongly been listed today.

31.4.09

Call this matter on 28.07.2009.

The case is ready for hearing.

15.5.09

/bb/

(M.K. Chaturvedi)
Member (A)

(M.R. Mohanty)
Vice-Chairman

The case is ready for hearing.

27.7.09

28.07.2009


There is a prayer for adjournment on behalf of the Applicant.

The case is ready for hearing.

M.S.
7.9.09

Call this matter on 08.09.2009 for hearing.


(M.K. Chaturvedi)
Member (A)


(M.R. Mohanty)
Vice-Chairman

nkm

K. D. Khairul

Send copies of this order to the Respondents and Respondent No. 6 along with the copy of O.A.


9/9/09

14-9-2009

Copy of the order dated 8.9.09 along with copy of the O.A and W/S, prepared and send to Di Section for issuing of the same to the respondent No. 6.

M.S.
Vide D.No. - 1277
Date: - 15/9/09

08.09.2009

On the prayer of the counsel for both the parties, call this matter on 06.11.2009 for hearing.

(2) In the written statement (filed on behalf of ICAR) it has been disclosed that proposal to create posts was sent to the Government of India and Ministry of Finance wanted to borrow time till the next Plan period for release of money for creation of new posts. That has not yet been done; as has been disclosed by the Learned Counsel for ICAR.


(3) In the aforesaid premises, send copies of the O.A. and written statement to the Department of Expenditure of Ministry of Finance (Respondent No.6) requiring them to give their instruction/written statement by next date through the Standing Counsel for Govt. of India.

(4) Call this matter on 06.11.2009.

(5) Send copies of this order to the Respondents and to Respondent No. 6 (along with the copy of the O.A. and written statement of ICAR) in the address given in the O.A.

The case is ready for hearing.

M.S.
5.11.09


(M.K. Chaturvedi)
Member(A)


(M.R. Mohanty)
Vice-Chairman

/PB/

O.A. No. 219 of 2007

06.11.2009

List on 17.11.2009 along with O.A.275/2006 as it is stated that these are analogous matters.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

17.11.2009

On the request of Proxy counsel on behalf of respondents case is adjourned to 23.11.2009

List this matter on 23.11.2009

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/pb/

23.11.2009

Mr.M.Z.Azad, learned Sr. counsel for the Applicant states that relief claimed in para 10(II) ^{relating} ~~mentioning~~ regularization in service since 1988 is not pressed and therefore, Applicant would confine to other reliefs prayed in the present O.A.. This statement has basically been made on the objection of Mrs.R.S.Choudhury, learned counsel for ICAR that the reliefs claimed in the O.A. are not consequential to each other and are prohibited under ^{Rule} ~~Section~~ 10 of the CAT (Procedure) Rules, 1987.

List on 07.12.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

- 11 -

O.A. No. 219 of 2007

07.12.2009

List the matter on 07.01.2010.

The case is ready
for hearing.

6.1.2010


(Mukesh Kumar Gupta)
Member (J)

/im/



07.01.2010

On the request of Applicant, case is
adjourned to 19th January, 2010.

List the matter on 19.01.2010.

The case is ready
for hearing.

18.1.2010

 (Madan Kumar Chaturvedi) Member (A)  (Mukesh Kumar Gupta) Member (J)

/PB/

19.01.2010

By the present application, Kapil Deo Chaudhary, who is working as casual labourer since 1988 and conferred temporary status in terms of Government of India "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993, challenges communication dated 19.06.2007 and 05.02.2007. Vide earlier communication, applicant's candidature to the post of Office Superintendent-cum-Accountant as well as LDC notified on 24-30 December 2005 has not been considered stating that he was overaged and as per clarification from Headquarter he "is not eligible for getting age relaxation for Group 'C' and 'B' post". Vide communication dated 05.02.2007 National Research Centre on Mithun had conveyed to Director, NRC, that as per Headquarter communication dated 13.09.2006 Temporary Status Labourers were not eligible for age relaxation, which was reiterated vide communication dated 19.06.2007. Contention raised by the applicant is that aforesaid advertisement,

12

O.A. NO 219/2007 -12

vide instruction No.3 specifically conveyed to public at large that: "No age bar will be applicable for serving ICAR employees". Since he had been serving ICAR and doing regular nature of work as Superintendent-cum-Accountant and Senior Clerk for more than a decade and as the advertisement did not make out any further clarification about regular, temporary or otherwise, he cannot be treated as ineligible on the ground of overage. In this view, learned Sr. Advocate prays that he is entitled for relief as prayed for.

Respondents in their reply have stated that as per clarification issued by the Headquarter, temporary service casual labourers are not eligible for getting age relaxation. Appointment to aforesaid post has been carried and as on date no post is vacant where applicant could be adjusted, contended Mrs R.S. Choudhry, learned counsel for respondent Nos.3 and 5. It is further stated that the selected candidate has been shifted to another unit of ICAT of same institute namely, National Research Centre on Mithun, ICAR, Jharnapani, Nagaland.

Placing reliance on ICAR Technical Services Rules, particularly para 8.4 wherein age is prescribed for Technical Services Category I, II and III respectively, it was stated that specific age limit for each category specifically. However, candidates belonging to SC/ST are provided normal age relaxation applicable to Government employees.

We have heard both sides and perused the pleadings.

8


Reply filed and verified on 04.12.2007 does not make any averment about the selection of any candidate or selected person against aforesaid vacancy and his posting. If that be so, respondents are directed to file a specific affidavit placing on record information on said aspect, including order of appointment as well as transfer order, if any, to some other unit to establish that the selection process initiated in December 2001 has culminated into an appointment much prior to the institution of present O.A., which was preferred on 16.08.2007 and non-impleadment of the selected candidates will unsuit the applicant. This shall be done within three weeks positively.

List on 12.02.2010.

Copy of the order be made available to learned counsel for respondents for compliance.

Received copy of order dated 27/01/2010

BEFORE THE JUDGE


Madan Kumar Chaturvedi
Member (A)


(Mukesh Kumar Gupta)
Member (J)

nkm

The case is ready for hearing

12.02.2010

Mr. D. Bhuyan, appeared on behalf of Mr. M.Z. Ahmed, learned counsel for the applicant and made a request for adjournment.

11.2.2010

List the matter on 10.03.2010.

16.2.2010
An add. W/S/ Affidavit filed by the R. Nos. 1, 3, 4 & 5 in the court on 12.2.10. Copy served.


(Madan Kumar Chaturvedi)
Member (A)

/lm/

16/2/2010

The case is ready for hearing

9.3.2010

O.A. No. 219 of 2009

10.03.2010 List before Division Bench on 29th March 2010.

The case is ready for hearing.



(Mukesh Kumar Gupta)
Member (J)


26
26.3.2010

/pb/

29.03.2010 On the written request of Ms R.S. Choudhury, learned counsel for the respondents, adjourned to 05.04.2010.

The case is ready for hearing.


(Madan Kumar Chaturvedi)
Member (A)



(Mukesh Kumar Gupta)
Member (J)

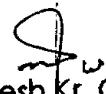
nkm

31
1.04.2010

05.04.2010.

On the request of proxy counsel for the ~~Respondents~~ ^{applicant} case is adjourned to 6.5.2010.


(Madan Kr. Chaturvedi)
Member (A)


(Mukesh Kr. Gupta)
Member (J)


lm


The case is ready for hearing.

5
5.5.2010

06.05.2010 For the reasons recorded separately, this O.A. stands disposed of.

Received by
Deepraj Bhargava
21/05/2010
For
Mr. M. Z. Ahmed
Snr Advocate


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/pb/

19.8.2010

Judgment framed
order sent to Mr
R/S for issuing the
verdict & No 2018 to
2025
At 23-8-2010

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 219 of 2007

Date of Decision: 06.05.2010

Kapil Deo Chaudhury

..... Applicant/s

Mr. M.Z. Ahmed, Sr. Advocate

..... Advocates for
the Applicant/s

- Versus -

U.O.I. & Ors.

..... Respondents

Mrs. R.S. Choudhury

..... Advocate for the
Respondents

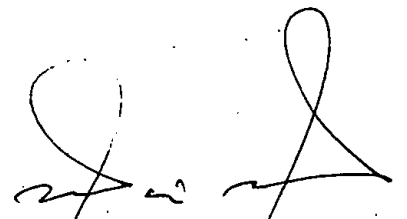
CORAM:

HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)

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

1. Whether reporters of local newspapers may be allowed to see the Judgment ? yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy Of the Judgment ? Yes/No

Judgment delivered by


(Member (J))

**CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI --BENCH:**

Original Application No.219 of 2007

Date of Decision: This, the 06th day of May 2010.

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

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

**Kapil Deo Chaudhury
Temporary Status Mazdoor
National Research Centre on Mithun
(ICAR), Jharnapani, Medziphema
District - Dimapur, Nagalnd.**

...Applicant

By Advocate: Mr. M.Z. Ahmed, Sr. Advocate along with Ms. B. Dutta.

-Versus-

- 1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Agriculture
Krishi Bhavan, New Delhi - 1.**
- 2. The Director
Ministry of Personnel and Training
Government of India,
New Delhi - 1.**
- 3. The Director
National Research Centre on Mithun
ICAR, Jharnapani, Medziphema
District - Dimapur, Nagalnd.**
- 4. Under Secretary (Animal Science)
Government of India, ICAR
Krishi Bhavan, New Delhi.**
- 5. The Assistant Administrative Officer
National Research Centre on Mithun
ICAR, Jharnapani, Medziphema
District - Dimapur, Nagalnd.**
- 6. The Secretary
To the Government of India
Ministry of Finance
North Block, New Delhi - 1.**

7. Indian Council of Agricultural Research
Represented by the Director General
Krishi Bhavan
Dr. Rajendra Prasad Road
New Delhi - 1.

...Respondents

By Advocate: Mrs. R.S. Choudhury.

ORDER (ORAL)

HON'BLE MUKESH KUMAR GUPTA, MEMBER (I):

Heard Mr. M.Z. Ahmed, learned Sr. Counsel appearing for Applicant and Mrs. R.S. Choudhury, learned counsel for Respondents.

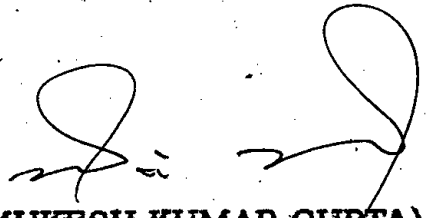
2. A detail order has been passed after hearing both sides on 19th January 2010. We are not reproducing the said order to avoid burdening the record. In terms of aforesaid order, Respondents have filed an affidavit whereby vide para 7, it has been specifically stated that selection process initiated by issuing concerned advertisement culminated in the offer of appointment to Th. Dipal Meitei on 31st July 2006 itself and he joined on 01st August 2006. Later he was offered the post of Assistant on 29.11.2007. Said official has not been impleaded in present proceedings and therefore third party interest accrued in the meantime. It is further stated that it is a trite law that a party whose interest is directly or indirectly affected, is a necessary party and in absence of impleadment of such official, no proper adjudication can be made. Non-joinder of necessary parties is fatal and therefore present O.A. is liable to be dismissed.

3. Both sides agree that in this view of the matter, ex-facie, no relief can be granted. Issue raised by the Applicant cannot be adjudicated as any observation made directly or indirectly will affect said official.

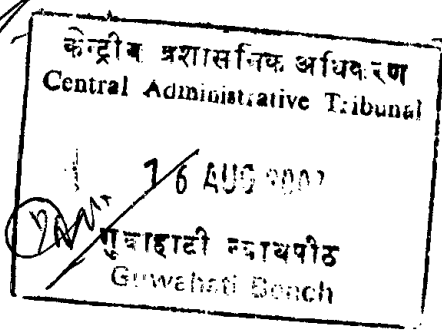
4. Mr. M.Z. Ahmed, learned Sr. Counsel appearing for Applicant states that he would be satisfied if present O.A. is disposed of by making an observation that in case any suitable post is available in future, the Respondents should consider him, despite his being over-aged. Since this question has not been raised in present O.A., consideration of such an eventuality is not possible except making observation that if such a situation arises in future, he would be at liberty to make appropriate representation to the concerned authorities, which we expect would be considered fairly and justly by the authorities taking a sympathetic view, keeping in view his long service.

Thus, O.A. is disposed of. No costs.


(MADAN KUMAR CHATURVEDI)
Member (A)


(MUKESH KUMAR GUPTA)
Member (J)

/pb/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH, GUWAHATI

O.A. No. 219 /2007

Kapil Deo Chaudhury

.....Applicant

-Versus-

Union of India & Ors

.....Respondents

INDEX

| Sl No. | Nature of papers | Page No. |
|--------|--------------------------------|----------|
| 1. | Original Application | 1-16 |
| 2. | Annexure-1 | 17 |
| 3. | Annexure-2 | 18 |
| 4. | Annexure-3 | 19 |
| 5. | Annexure-4 | 20-21 |
| 6. | Annexure-5 | 22-23 |
| 7. | Annexure-6 | 24 |
| 8. | Annexure-7 | 25-26 |
| 9. | Annexure-8 | 26A-26C |
| 10. | Annexure-9 | 27 |
| 11. | Translated copy of Annexure-9 | 28 |
| 12. | Annexure-10 | 29 |
| 13. | Translated copy of Annexure-10 | 30 |
| 14. | Annexure-11 | 31 |
| 15. | Annexure-12 | 32 |
| 16. | Annexure-13 | 33 |
| 17. | Annexure-14 | 34-35 |
| 18. | Vakalatnama | 36-43 |
| 19. | Notice | 44-59 |
| 20. | W/S | 60-78 |
| 21. | Rejoinder | — |
| 22. | Add. N/S | — |

- X -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH, AT GUWAHATI

Filed by:-

Kapil Deo Chaudhury
..... Applicant

through

Anup Moinal Dutta,
Advocate. 16/08/2007

O.A. No. 219 /2007

Kapil Deo Chaudhury
..... Applicant

-Versus-

Union of India & Ors
..... Respondents

LIST OF DATES

- 1988 ----- The Applicant was appointed as Casual Labourer and was engaged as Office Superintendent- cum Accountant/Senior Clerk in the Office Of N.R.C. on Mithun I.C.A.R., Barapani.
Pr.6.4/P4
Annexures- 1,2 & 3/ Pp 17 to 19
- 16/02/1990 ----- The Principal Bench of the Central Administrative Tribunal, New Delhi, passed a Judgment and Order on the basis of which the Applicant and other Casual labourers working in the ICAR were later granted the Temporary Status w.e.f 1/09/1993 by the Respondent No.2.

Pr-6.4/Pp-4 and 5.
- 08/04/1991 ----- The Respondent No.2 issued a letter granting age relaxation to casual labourers working in the I.C.A.R.

Pr-6.24/Pp-12
Annexure-14 /Pp-34

- 1993 ----- The Office of the National Research Center on Mithun was shifted to Jharnapani, Nagaland, and the Applicant was also made to shift to Nagaland.
- Pr-6.3/P-4.
- 10/09/1993 ----- The Director, Ministry of Personnel and Training issued Office Memo. No.51016/2/90-Estt.(C), whereby the Scheme titled Casual Labourers(Grant of Temporary Status and Regularisation) Scheme was notified and accordingly the Respondent Authorities of the NEH Region granted Temporary Status Mazdoor to all the Casual labourers along with the Applicant w.e.f.1/09/1993
- Pr-6.6/P-5.
- 12/12/1996 ----- ICAR Headquarters, by a letter, directed the Directors of the ICAR Research institutes and others to submit quarterly Reports and also directed that in the meantime for the next two years no vacancy in Supporting Staff shall be filled up other than from the casual Labourers with Temporary Status.
- Pr-6.11/Pp-7
Annexure-4/ Pp-20 and 21.
- 12/03/1997 ----- The Respondent Authority at New Delhi directed all its Units by a letter that all vacancies in Supporting Staff Grade-I to be filled up by the Casual labourers with Temporary Status and if it was not possible to regularise the Casual Labourers with Temporary Status, the respective Directors were asked to propose creation of Posts in the IX Plan for Supporting Staff for clearing the backlog of Casual Labourers with temporary Status.
- Pr-6.13/Pg-8
Annexure-5/P-22
- 12/01/1998 ----- This learned Tribunal by an Order in G.C. No. 112/1987 relating to some of the

Casual employees of the ICAR, observed that as regards the claim of regularisation of the Applicant in the instant case it is not justified for the learned Tribunal to make any Order and hoped that the Respondent will take necessary steps in accordance with law.

Pr-6.10/Pp-6 and 7

February 2005 -----

The applicant along with other Casual Labourers, were given the benefit of General Provident Fund which continued till February 2005 until it was suddenly stopped, and instead offered the Casual labourers with Temporary Status the benefit of Employee Provident Fund, which was not acceptable to the Applicant as well as the other Casual Labourers.

Pr-6.7/Pp-5 and 6

09/06/2005-----

A letter No. RC (9) 26/2005 was issued by the Senior Administrative Officer under Director, ICAR Research Complex, North Eastern Hill Region, Barapani, which indicated that some form of process has been initiated for regularisation of 325 Posts of Temporary Status Mazdoor serving under Director, ICAR Research Complex for North Eastern Region, Barapani, Meghalaya.

Pr-614/P-8

24-30 December 2005-----

The Director, National Research Center on Mithun(ICAR), Jharnapani, Nagaland published an advertisement No. 02/05 in the Employment news calling for interview for the Post of Superintendent-cum-Accountant.

Pr-6.15/Pp-8 and 9

Annexure-6/P-24

21/01/2006 -----

Applicant applied for the post of Superintendent-cum-Accountant.

Pr-6.15/Pp-8 and 9

Annexure-7/P- 25

- 2006 ----- The Director, National Research Center on Mithun (ICAR), Jharnapani, Nagaland published an advertisement No. 1/2006/Nagaland for the Post of Lower Division Clerk.
Pr-6.16 /P-9
- 28/06/2006----- The Applicant applied for the post of LDC in the Office of the National Research center on Mithun, Jharnapani, Nagaland against the Advertisement No. 1/2006/Nagaland/Post, to which he had not been called for interview.

Pr-6.16/P-9
Annexure-8/P-26A
- 01/08/2006----- Two other ~~Casual~~ Labourers were given regular appointment instead of the Applicant.

Pr-6.16/P-9
- The Applicant applied for the post of Office Superintendent-cum-Accountant in the Office of Krishi Vigyan Kendra, Kaushambi(I.C.A.R.) Ministry of Agriculture, Government of India.

Pr-6.21/ P 11
- 10/08/2006 ----- This learned Tribunal in O.A. No. 113/2005, dismissed an Application of the Casual Employees with Temporary Status who had approached this Tribunal being aggrieved with the withdrawal/ stoppage of the General Provident Fund benefit.
Pr-6.8/P-6.
- 19/10/2006----- Call letter was issued to the Applicant.

Pr-6.22/P-11
Annexure-13/P-33
- 05/02/2007----- The Under Secretary (Animal Science), National Research Center on Mithun, Jharnapani, Nagaland, issued a letter to the Director, National Research Center

on Mithun, Nagaland that relaxation of age of Temporary Status Labourers to make them eligible for the post other than the Supporting Staff, i.e. the posts under Group C and B is not admissible.

Pr-6.19/P-10
Annexure-12/P-32

17/02/2007----- The Applicant submitted a representation for not calling him for the interview for the Post, he had applied for.

Pr-6.17/P-9
Annexure- 9/Pp-27 and 28

18/06/2007----- As no reply was received by the Applicant against the representation dated 17/02/2007 the Applicant again submitted a reminder before the Director, National Research Center on Mithun, Jharnapani, Nagaland.

Pr-6.18/Pp-9 and 10
Annexure- 10/Pp-29 and 30

19/06/2007----- Assistant Administrative Officer by a letter informed the Applicant that as per the Headquarter letter dated 05/02/2007 Temporary Status Labourer is not eligible for the purpose of getting age relaxation for the Post of Group B and Group C and as such owing to overage, the case of the Applicant could not be considered for calling for interview to the Post of Superintendent-cum-Accountant as well as Lower Division Clerk.

Pr-6.19/P-10
Annexure-11/P-31

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH, AT GUWAHATI.

Filed by:

Kapil Deo Chaudhury.

Applicant

through Anup Moind Dutta,

Advocate 16/08/2007

O.A. No. 219 /2007

IN THE MATTER OF:-

An application under Section 19 of the
Central Administrative Tribunals Act,
1985.

-AND-

IN THE MATTER OF :-

Kapil Deo Chaudhury,
Temporary Status Mazdoor,
National Research Centre on Mithun
(ICAR), Jharnapani, Medziphema,
District: - Dimapur,
Nagaland.

.....APPLICANT

-Versus-

1) Union of India, represented by
The Secretary to the Government
of India,
Ministry of Agriculture,
Krishi Bhawan, New Delhi-1

2) (impleaded as New Respondent No. 2
as per order dated 16/12/08)

Union of India, represented by the
Secretary to the Government of
India, ICAR, Krishi Bhawan, New
Delhi.

The Director, Ministry of
Personnel and Training,
Government of India, New Delhi-1



3. The Director, National Research Centre on Mithun, ICAR, Jharnapani, District: -Dimapur, Nagaland.

⑥ The Secretary to the Government of India, Ministry of Finance, North Block, New Delhi -1.

4. Under Secretary (Animal Science), Government of India, ICAR, Krishi Bhawan, New Delhi.

⑦ Indian Council of Agricultural Research, Represented by The Director General, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi -1

5. The Assistant Administrative Officer, National Research Centre on Mithun, ICAR, Jharnapani, Nagaland.

.....RESPONDENTS

1. PARTICULARS OF APPLICANT: -

That the Applicant is a citizen of India, who after having graduated in Commerce from Allahabad University, joined as casual labour under the Indian Council for Agricultural Research (ICAR) in the year 1988, with the fond hope that his services will be regularised in due course of time upon satisfaction of the Respondent Authority. Subsequently he was appointed as a Temporary Mazdoor from 01/09/1993 and has been engaged in the works as that of a regular Superintendent-cum-Accountant at _____, National Research Centre on Mithun, Jharnapani, in the District of Dimapur, Nagaland. Since the Applicant had been made to do the regular nature of works all along till date, he has been denied regularisation of his service in spite of various representations. Even though he had applied for the Post of Office Superintendent - cum- Accountant against the Advertisement No. 02 / 2005 and also

for the Post of Lower Division Clerk in the Office of National Research Centre on Mithun, Jharnapani, Nagaland on 28/06/2006 against the Advertisement No. 1/2006/Nagaland/Post/ dated 07/06/2006, he had not been called for interview purportedly owing to being over aged.

2. PARTICULARS OF RESPONDENTS:

That the Respondents are the authorities under whom the Applicant has been serving as Casual labourer in the North East Hill Region and even though they have the power to regularise the services of the humble Applicant, they are deliberately exploiting him and denying the service benefits to which the Applicant would be otherwise entitled to after regularisation of his service.

3. JURISDICTION:-

The Applicant declares that this Application is within the jurisdiction of this learned Tribunal, at Guwahati.

4. LIMITATION

This Application has been filed within the period of limitation as contemplated under section 21 of the Central Administrative Tribunals Act, 1985.

5. ORDER AGAINST WHICH THIS APPLICATION HAS BEEN FILED: -

- I. Non-regularisation of the service of the Applicant.
- II. The purported letter No. F. No. II (4)/2006-IA-I dated 05/02/2007 purportedly issued by the Under Secretary (Animal Science), National Research Centre on Mithun,



Jharnapani, Nagaland, which is apparently fabricated and fraudulent.


- III. The letter No. NRCM (G) 134 (Part-I)/05 dated 19/06/2007 issued by the Assistant Administrative Officer, National Research Centre on Mithun (ICAR), Jharnapani, Nagaland.
- IV. Non-calling for interview for the Post of Office Superintendent-cum-Accountant against the advertisement No.02/05 published in Employment News dated 24-30 December by the Director, National Research Centre on Mithun (ICAR), Jharnapani, Nagaland and for the Post of Lower Division Clerks against the advertisement No. 01/06.

6. FACTS OF THE CASE: -

- 6.1 That the humble Applicant is a citizen of India and is presently residing at Jharnapani in the District of Dimapur, Nagaland.
- 6.2 That your humble Applicant after having graduated in Commerce from Allahabad University, was appointed as casual labour under the Respondents in the year 1988 and was engaged as Office Superintendent-cum-Accountant/Senior Clerk in the Office of the National Research Centre on Mithun at Barapani.
- 6.3 That in the year 1993, the Office of the National Research Centre on Mithun was shifted to Jharnapani, Nagaland and as such the Applicant was also made to shift to Nagaland.
- 6.4 That the Applicant has been serving at National Research Centre on Mithun (ICAR) (hereinafter called the NRCM), Jharnapani, Nagaland in the same capacity of an Accountant/ Senior Clerk, which is a similar nature of service as that of a regular employee of ICAR, with utmost sincerity and without any blemish and to the satisfaction of all concerned. It was only w.e.f. 01/09/1993, your Applicant

along with other casual labourers working in the ICAR were given temporary status, based upon a Judgment and Order dated 16/02/1990 passed by the Principal Bench of the Central Administrative Tribunal, New Delhi.

Copies of some of the Certificates issued by the concerned Officers regarding the nature of works done by the Applicant are annexed hereto as Annexures-1, 2 and 3 respectively.

- 6.5 That it was incumbent upon the Respondent authorities, soon after granting temporary status to the Applicant as well as other casual labourers working in the ICAR, to regularise their services since they have been doing similar nature of works all along as that of regular employees of ICAR and the Respondent authorities undoubtedly never felt the need to abolish any of the Posts held by the Applicant as well as the other casual labourers in ICAR.
- 6.6 That upon the Office Memo No. 51016/2/90-Estt (C) dated 10/09/1993 being issued by the Respondent No.2, whereby the Scheme titled Casual Labourers (Grant of Temporary Status and Regularisation) Scheme was notified, the Respondent authorities of the North Eastern Hills Region granted the Temporary Status Mazdoor to all the casual labourers along with the Applicant w.e.f. 01/09/1993 but after more than 14 years having elapsed, the Respondent authorities of North Eastern Hills Region have, on some pretext or the other, failed to regularise the services of the Applicant except for a couple of casual labourers.
- 6.7 That upon being granted the status of Temporary Mazdoor, your humble Applicant along with other casual labourers, they were also given the benefits of General Provident Fund and the said benefits continued till February 2005 but all on a sudden, the Respondent authorities, without giving any
- 

prior Notice to your humble Applicant and the other casual labourers, arbitrarily and illegally stopped the said General Provident Fund benefits and instead offered the casual labourers with temporary status the benefits of Employees Provident Fund, which was not acceptable to the Applicant as well as the other casual labourers.

- 6.8 That being aggrieved by the action of the Respondent authorities, the members of the casual employees with Temporary Status approached this learned Tribunal by way of O.A. No. 113/2005, but unfortunately this learned Tribunal, by an Order dated 10/08/2006, dismissed the Application of the casual employees with Temporary Status on the ground that the Tribunal ought not to adjudicate upon the issues raised, which purportedly arises out of a Policy matter of the Government involving expenditure in respect of the defined contribution under General Provident Fund Scheme, whereby it was stipulated that no deduction shall be made towards General Provident Fund contribution from the Government servants joining the service on or after 01/01/2004 as the General Provident Fund Scheme was not applicable to them.
- 6.9 That even after repeated requests made by the Casual labourers with Temporary Status, the Respondent authorities while allowing the Applicant along with others to continue to serve the Respondent ICAR for many years, failed to regularise their services as per directives of not only the instant Tribunal in O.A. No. 32/1991, but also directives of the higher authorities.
- 6.10 That it is pertinent to point out that this learned Tribunal, in an earlier Order dated 12/01/1998 in G.C. No. 112/1987 relating to some of the casual employees of ICAR, observed as follows: -



“ As regards the claim of regularisation of the service of the Petitioner we do not think that we shall be justified in making any Order in the facts and circumstances of the case but we hope and trust that the Respondents will take necessary steps in accordance with law.”

- 6.11 That it is necessary to point out that by a letter dated 12/12/1996, ICAR Headquarters directed the Directors of ICAR Research Institutes and others, to submit quarterly Reports as per the enclosed format and had also directed that in the meantime for the next two years no vacancy in Supporting Staff shall be filled up other than from the Casual Labourers with Temporary Status. The Competent Authority had also ordered that the Director/AO of the Institute would be held personally responsible for violation of instructions related to casual labourers regarding engagement, regularisation etc., and that in appropriate cases responsibility may be fixed and may lead to even disciplinary action.

A copy of the aforesaid letter dated 12/12/1996 is annexed hereto as Annexure-4.

- 6.12. That the Respondent authority failed to submit the Reports as directed by the aforesaid letter dated 12/12/1996 and whatever information has been sent was only to mislead ICAR Headquarters. Posts, as directed were not at all created and instead, in total violation of the 1993 Scheme, the Respondent ICAR have appointed a number of Contract labourers to regular Posts, that too, not only in Group-D but also in Group-C Posts by totally ignoring the Applicant and his similarly situated colleagues.



6.13. That the admitted position is that the Respondent authority at New Delhi directed all its Units by letter dated 12/03/1997, after granting Temporary Status to all the eligible casual labourers, that all vacancies in Supporting Staff Grade-I be filled out of casual labourers with Temporary Status. Further, the resultant vacancies of higher Posts in Supporting Staff may also be filled from eligible casual labourers granted Temporary Status. If it was not possible to regularise the casual labourers with Temporary Status in spite of the aforesaid measures the respective Directors were asked to propose creation of Posts in the IXth Plan for Supporting Staff for clearing the backlog of casual labourers with Temporary Status.

A copy of the aforesaid letter dated 12/03/1997 is annexed hereto as Annexure-5.

6.14. That it would be evident from the letter No. RC (G) 26/2005 dated 09/06/2005 issued by the Senior Administrative Officer under Director, ICAR Research Complex, North Eastern Hill Region, Barapani that some form of process has been initiated for regularisation of 325 Posts of Temporary Status Mazdoors serving under the Director, ICAR Research Complex for North Eastern Region, Barapani, Meghalaya but it appears that no efforts have been made by the Respondent Authorities, in as much as till date, only about 8 Temporary Status Mazdoors have so far been appointed on regular basis.

6.15. That it is necessary to point out that your humble Applicant had since applied for the Post of ^{Office} Superintendent/[^] ~~Director~~ ^{A.H. Ditt} which was advertised by Advertisement No. 02/2005 but he was not even favoured with any call letters and instead some contract labourers have been given regular

appointment, which was in total violation of the directives of the Respondent authorities themselves. It would be apparent that the Office of the Respondent No.3 has been deliberately publishing Advertisements for various Posts wherein the requirements for eligibility have been made extremely stringent with a view to deny your humble Applicant and other eligible casual labourers a right to claim such posts.

A copy of one of such Advertisement No.02/2005 dated 24-30 December 2005 published in the Employment News and the applications are annexed hereto as Annexure-6 and 7 respectively.

- 6.16. That the Applicant begs to state that the Applicant had once again applied for the Post of Lower Division Clerk (LDC) in the Office of Respondent No.5 against the Advertisement No.01/2006 but he was again not favoured with any call letters and instead two other ^{Contract} labourers had been given regular appointment and they joined their services on

22/03/2007.
A.M. Dutta

A copy of the Applicant's application is annexed hereto as Annexure-8

- 6.17. That the Applicant thereafter submitted a representation dated 17/02/2007 for not calling him for the interview for the Post he had applied for.

A copy of the aforesaid representation dated 17/02/2007 is annexed hereto and is marked as Annexure-9.

- 6.18. That as no reply has been received by the Applicant against his representation dated 17/02/2007, the Applicant once again submitted a reminder dated 18/06/2007 before the

Director, National Research Centre on Mithun, Jharnapani,
Nagaland, Kohima.

A copy of the aforesaid reminder dated
18/06/2007 is annexed hereto and is marked as
Annexure-10.

- 6.19. That in response to the aforesaid letter dated 17/02/2007 and
18/06/2007, the Assistant Administrative Officer,
Respondent No.5 by his letter dated 19/06/2007, informed
your humble Applicant that as per Headquarter letter dated
05/02/2007 Temporary Status Labour is not eligible for
getting age relaxation for Group-C and Group-B Post and as
such owing to overage, the case of the Applicant could not
be considered for calling for interview to the Post of
Superintendent-cum-Accountant as well as Lower Division
Clerk. The aforesaid purported Headquarter letter dated
05/02/2007 was also sent along with the letter dated
19/06/2007.

Copies of the aforesaid letters dated 19/06/2007
and 05/02/2007 are annexed hereto and marked
as Annexures 11 and 12 respectively.

- 6.20. That a mere reading of the letter dated 19/06/2007 read with
the enclosed letter dated 05/02/2007 indicates that the said
letter dated 05/02/2007 is a fraudulent document
manufactured by the Assistant Administrative Officer,
Respondent No.5 manufactured for the sole purpose of
denying your humble Applicant the right to the Post against
which he had submitted application by stating that “
Relaxation of age of Temporary Status Labour to make them
eligible for the Post other than the Supporting Staff, i.e. the
Posts under Group -C and B is not admissible”, without any
authority of law. In the absence of any authentic directives

from the ICAR Headquarter, New Delhi this learned Tribunal necessarily placed reliance upon the aforesaid letter dated 05/02/2007, more so, as the Respondent Authorities at Barapani have in fact appointed both Contract labour as well as Casual Labour in both Group C and B Posts in the recent past.

- 6.21. That in this connection the Applicant states that the Applicant had also applied for the Post of Office Superintendent-cum-Accountant in the Office of Krishi Vigyan Kendra, Kaushambi (ICAR), Ministry of Agriculture, Government of India.
- 6.22. That the Convener, Selection Committee, Krishi Vigyan Kendra, Kaushambi by their letter dated 19/10/2006, called your humble Applicant for the interview for the Post of Superintendent-cum-Accountant to be held on 05/11/2006 at 3.30 P.M., and even though the Applicant is overaged, but the Applicant could not appear before the said Selection Committee owing to the late receipt of the call letter dated 19/10/2006, and his own personal problems at the relevant time.

A copy of the aforesaid call letter dated 19/10/2006 is annexed as Annexure-13.

- 6.23. That the Applicant is continuing to serve as the Superintendent-cum- Accountant since his joining the ICAR in the year 1988, a Post which is much above the minimum Group D Post and he cannot be bound to start at the minimum scale of pay prescribed for a Group D Post in the event of regularisation and as such the Applicant will be entitled to pay protection and he cannot be subjected to the minimum of the Pay Scale in the lowest of a group in a particular Office in so far as the minimum Pay Scale is concerned. The last Pay drawn by any employee, before



regularisation of the Applicant must necessarily be protected by the Respondent authority.

6.24. That the Applicant begs to state that the Applicant has been serving as casual labour much before he was granted Temporary Status Mazdoor w.e.f 01/01/1993, the Applicant is entitled to be regularised in his Post and the same not being done in spite of directives and commitments by the Respondent authorities, even though the Applicant had applied for the Post of Superintendent-cum-Senior Clerk and Lower Division Clerk. The Respondent authorities illegally and arbitrarily denied your Applicant from getting an appointment in a regular cadre in ICAR by not calling him for interview on the ground of being over aged, in spite of a direction that age relaxation be granted to the casual labourers.

A copy of the letter dated 08/04/1991 issued by the Respondent No.2 with regard to age relaxation is annexed hereto as Annexure-14.

7. GROUNDS WITH LEGAL PROVISIONS: -

7.1 For that the Respondent authorities having committed themselves to regularise the services of the Applicant, they were bound to do so within the IXth Plan period itself, by creating Posts, if necessary, and they having failed so to do for so many years, necessary directions ought to be passed by this learned Tribunal in favour of your humble Applicant.

7.2 For that the instant application is in any event liable to be allowed on the sole ground that the Respondent authorities, in order to deprive the benefit of regularisation of service of the Applicant, has laid down stringent qualification requirements in respect of Post advertised by them, which is a gross violation of the directives of ICAR, New Delhi, whereby the

Applicant even after having duly applied for the Post of Superintendent-cum-Accountant/.. and later the Post of Lower Division Clerk, was totally ignored and was not even issued a call letter, which is a clear case of arbitrariness and discrimination and a violation of the basic fundamental rights of the Applicant, as enumerated under Article 14, 16 and 21 of the Constitution of India.

- 7.3 For that the Applicant having been doing regular nature of work as Superintendent-cum-Accountant and Senior Clerk from his date of joining in ICAR as casual labour, is legally entitled to be regularised in his Post, by relaxing the age.
- 7.4 For that the Applicant having admittedly been granted Temporary Status Mazdoor under a special Scheme w.e.f. 01/01/1993, it was incumbent upon the Respondent authorities to regularise his services, but the Respondent authorities having failed to do so, this learned Tribunal must necessarily interfere and pass necessary Orders in favour of your humble Applicant.
- 7.5 For that by virtue of his long years of casual and thereafter temporary service as Mazdoor in ICAR, the Applicant is entitled in law to be regularised forthwith in his present Post.
- 7.6 For that the impugned letter dated 19/06/2007 and 05/02/2007 are liable to be set aside and quashed as being highly arbitrary, illegal and discriminatory as it tantamounts to sheer exploitation of the Applicant for over almost 19 long years.
- 7.7 For that your humble Applicant is a member of the North East ICAR MAZDOORS' Union and is a party in OA No. 275 of 2006 which is pending disposal before this learned Tribunal but owing to the impugned letters dated 05/02/2007 and 19/06/2007, which are personal to your humble Applicant, your humble Applicant had no option but to file the instant Application.

8. DETAILS OF THE REMEDIES EXHAUSTED

The Applicant filed representations dated 17/02/2006 and 08/06/2006 before the concerned authorities but by the impugned letters dated 05/02/2007 and 19/06/2007 issued by the Respondent No.5 in the instant case, the Applicant's representation stood rejected.

9. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT OR TRIBUNAL

No case before this learned Tribunal or in any other Court of law has been filed or is pending in any Court of law or Tribunal against the impugned letters dated 05/02/2007 and 19/06/2007.

10. RELIEFS SOUGHT FOR

In view of the facts and circumstances narrated hereinabove the instant Applicant prays for the following reliefs:-

- I. The impugned letter dated 19/06/2007 along with the purported enclosed impugned letter dated 05/02/2007, be set aside and quashed. 31
→ A32
- II. The instant Respondent authorities be directed to forthwith regularise the services of the Applicant in the Post he has been serving since 1988 and thereafter direct the Respondent authorities to grant your Applicant full pay protection.
- III. Any other relief or reliefs as entitled to by the Applicant may kindly be granted by this learned Tribunal.

11. PARTICULARS OF THE I.P.O: -I. I.P.O. No.- **32 G 040507**II. Date- **6/8/07**

III. Payable at Guwahati.

12. LIST OF ENCLOSURES: -

As stated in the index.



VERIFICATION

I, Kapil Deo Chaudhary, son of Late Ram Pratap, aged about 42 years, residing at present, Jharnapani, District – Dimapur, Nagaland, at present working as T.S.M. in the Office of NRC on Mithun (ICAR) Jharnapani, do hereby solemnly verify that the statements made in Paragraphs

Para 5, 6.1 to 6.9, 6.12, 6.14 to 6.18, 6.20, 6.21, 6.23 & 6.24 are true to my knowledge, those made in Paragraph 6.10, 6.11, 6.13, 6.19 & 6.22 being matter of records are true to the information derived therefrom which I believe to be true and the rest are my humble submissions before this learned Tribunal.

And I sign this verification on this the 26th day of July, 2007, at Guwahati.

Kapil Deo Chaudhary

Deponent

भारतीय कृषि अनुसंधान परिषद
राष्ट्रीय मिथुन अनुसंधान केंद्र

17
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INDIAN COUNCIL OF AGRICULTURAL RESEARCH
NATIONAL RESEARCH CENTRE ON MITHUN
MITHUN PUR (NEAR SANKA DEV COLLEGE)
SHILLONG - 791 013

ANNEXURE - 1

TO WHO IT MAY CONCERN

It is to certify that **Shri Kapil Deo Chaudhary** s/o Late Ram Pratap Chaudhary has been working under me from 1988 to 1996. Based on his qualifications and experience, I gave him the job of an Accountant/ Sr. clerk, although he is a temporary status SS grade-1 employee in ICAR. He has successfully handled the job (s) of an office Accountant. Shri Kapil is a motivated and honest, young gentleman and does his duty with seniority and devotion. Shri Kapil has a strong moral character and a pleasing positive attitude. I wish him all success in life.

(N.D. Verma)

Director
Nrc-Mithun, I.C.A.R.,
Medziphema, Nagaland-797106.

T/c

Bem

Dr. K. K. Choudhary
Scientist (A. N.)
N.R.C. on Mithun (ICAR)
Mithun, Nagaland-797106

CERTIFIED TO BE TRUE
(Signature)
ADVOCATE

राष्ट्रीय मिथुन अनुसंधान केंद्र
भारतीय कृषि अनुसंधान परिषद
National Research Centre on Mithun (I.C.A.R.)
Jharnapani, Medziphema, Nagaland - 797 106
Phone : (03862)-247327/247341
Fax : 03862-247341



ANNEXURE-2

Dated: 17.06.2006

TO WHOM IT MAY CONCERN

This is to certify that Shri Kapil Deo Chaudhary, son of Late Sh. Ram Pratap of Mauhariya Village, U.P. is known to me since March 2002. He has been working as TSL in National Research Centre on Mithun since 1993. During my association with him I found him to be very obedient and hard working man with amiable nature. He has been helping this institute in the Account Section in preparing salary, remittances etc. in the computer and maintain sale record of mill.

There is nothing to say against his moral character.

I wish him all success in his future life.

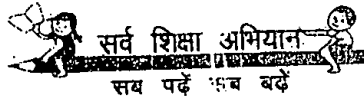
(C. RAJKHOWA)
Director
NRC on Mithun (ICAR)
Jharnapani, Nagaland
797106

T/c

Kt. B. 441444
Scientist (A. N.)
N.R.C. on Mithun (ICAR)
Jharnapani, Nagaland-791106

CERTIFIED TO BE TRUE

APPROVATE



NO.NRCM(G)/Appli./73/2001/

Dated:07.11.2001

TO WHOM IT MAY CONCERN

This is to certify that Shri Kapil Deo Chaudhary, S/o Late Ram Pratap Chaudhary a permanent resident of Mauharra (U.P.) is working in this Institute since last 8 years as a temporary status mazdoor. Shri Chaudhary has been engaged in the account branch of this office since last 8 years. He was mainly given the responsibility to prepare salary bills, arrear bills and other related works in the accounts branch in addition to attending the bank duties regularly. During my four years of association with him, I have observed him to be a sincere and responsible staff who can be relied with responsibility.

As far as I know Shri Chaudhary bear a good moral character.

T/c

Ram

Dr. B. K. Singh
Scientist (A.N.)
N. C. of M. Harra (ICAR)
Nagaland, Nagaland-791106

(K.M. BUJARBARUAH)

Director.

Director

National Research Centre on Mithun

Jamnapur-791105

NAGALAND

CERTIFIED TO BE TRUE

AP-CCM

20
Annexure - 4

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN: NEW DELHI

F.No.24-25/96-Cdn.

Dated the 12th December, 1996.

To

The Directors/Project Directors/Project Coordinators/Zonal Coordinators of ICAR Research Institutes/NRCs/Zonal Coordinating Unit.

Sub: Regularisation of Casual Labourers with Temporary Status-Quarterly Reports

Sir,

The problems related to engagement of casual labourers, declaration of Temporary Status and their regularisation has been engaging the attention of the ICAR. The matter was thoroughly discussed in the Mid-Year Review Meeting of the Directors of ICAR Institutes held on October 14-15, 1996. The decisions taken are reiterated for strict compliance.

1. All eligible casual labourers may be granted Temporary Status even in cases where Directors have sent such proposals to the respective SMDs provided the casual labourers fulfill the eligibility condition in accordance with the instructions of the DOPT/ICAR. The additional financial liability on this account, if any, will be borne within the sanctioned budget of the Institute.
2. For next two years no vacancy in Supporting Staff will be filled other than from casual labourers with Temporary Status. All vacancies in Supporting Staff grade I should be filled out of casual labourers granted Temporary Status as per order vide F.No. 24(15)/93-Cdn dated 24.6.96. The resultant vacancies of higher posts viz in SSG-II, SSG-III and SSG-IV in Supporting Staff at SSG-I may also be filled from eligible casual labourers granted Temporary Status.
3. Details of vacancies likely to arise as a result of retirement, promotion etc. of Supporting staff in the next two years may be intimated in the enclosed format to the DDG concerned with a copy to OSD(S).
4. In order to watch the progress of clearance of backlog regarding regularisation of casual labourers, the Institutes should send the information in the enclosed format to the respective DDG/ Subject Matter Division. The reports will be sent on quarterly basis. The first report of compliance of these instructions as on 31st December, 1996 may be sent positively by 10th of January, 1997. The reports for the 1st, 2nd, 3rd and 4th quarters may be sent by 10th of April, July, October and January of the years respectively. A copy of the first report may also be sent to the Coordination Section in room No. 509.
5. The information related to Annual Budget (Plan as well as Non plan) which is spent on labour input for Cat.A and Cat.B may be sent to a respective SMD with a copy to Director (Finance) by 10th January, 1997.

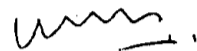
Amul Kumar Dutta

CERTIFIED TO BE TRUE

6. If in Inspite of all these measures it is not possible to regularise the casual labourers with Temporary Status, the Directors may propose creation of posts in the Ninth Plan for Supporting Staff for clearing the backlog of casual labourer with Temporary Status. The posts created specifically for absorption of Casual Labourers will be co-terminus on resignation, retirement or death of the casual labourers. A detailed exercise may be done at the Institute level and posts that are likely to be required for clearing the backlog, as specified above in para 2 may also be intimated to the concerned DDG by 10th January, 1997.

7. The competent authority has ordered that the Director/ AO of the Institute would be held personally responsible for violation of instructions related to casual labourers regarding engagement, regularisation etc. In appropriate cases the responsibility will be fixed and may lead even to disciplinary action.

Yours faithfully,



(G.C. Sharma)
OSD(S)

Encls: As above

Copy to :

1. DDGs/ADGs/DSs/USs: DDGs are requested to strictly watch compliance of these instructions in respect of Institutes under their control. The cases of violation of these instructions may be dealt with strictly.
2. Director(P)/(Fin.)/(Works)/(DARE)
3. PPS to DG/PS to Secretary/PS to FA
4. Secretary, ASRB
5. F&AOs of ICAR Institutes
6. Personal Section of A.M.

22 Annexure - 5
TELEPHONE OFF 3388993/3388994
3388995 EXTN/.....
TELEGRAM AGRISEC
TELEX 031-62249 ICAR IN



भारतीय कृषि अनुसंधान परिषद्
कृषि भवन डा० राजेन्द्र प्रसाद मार्ग, नई दिल्ली-110001
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN, Dr. RAJENDRA PRASAD ROAD, NEW DELHI-110 001

F.No.16(24)/96-PI&M

Dated the 12 March, 1997

To


The Directors,
Project Directors,
Project Coordinators,
Zonal Coordinators of ICAR Institutes,
National Research Centres,
Zonal Coordinating Units.

Subject: Creation of posts in IX Five Year Plan for
regularisation of Casual Labourers - reg.

Sir,

I am to invite a reference to this Council's letter No. 24-25/96-Odn. dated 12.12.1996 communicating that all the eligible casual labourers may be granted Temporary Status even in cases where Directors have sent such proposals to the respective SMOs provided the casual labourers fulfil the eligibility condition in accordance with the instructions of the DOPT/ICAR. The additional financial liability on this account, if any, will be borne within the sanctioned budget of the Institute and for next two years no vacancy in Supporting Staff will be filled other than from Casual Labourers with Temporary Status. All vacancies in Supporting Staff Grade-I should be filled out of Casual Labourers with Temporary Status. All vacancies in Supporting Staff Grade-I should be filled out of Casual Labourers granted Temporary Status as per order vide F.No.24(15)/93-Odn. dated 24.6.1996. The resultant vacancies of higher posts viz. in SSG-II, SSG-III and SSG-IV in Supporting Staff at SSG-I may also be filled from eligible casual labourers granted Temporary Status.

It was indicated therein that if in spite of all these measures it is not possible to regularise the casual labourers with Temporary Status, the Directors may propose creation of posts in the Ninth Plan for Supporting Staff for clearing the backlog of casual labourers with Temporary Status. The posts created specifically for absorption of Casual Labourers will be co-terminus on resignation, retirement or death of the casual labourers.

CERTIFIED TO BE TRUE

ADVOGATE

(2)

23



TELEPHONE OFF. 3388993/338899
3388995 EXTN./.....
TELEGRAM AGRISE
TELEX 031 - 62249 ICAR, IN

भारतीय कृषि अनुसंधान परिषद्
क्रि. भवन, डॉ. राजेन्द्र प्रसाद मार्ग, नई दिल्ली-110001
INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI-110 001

: 2 :

You are, accordingly advised to initiate action for regularisation of Casual Labourer in your Institutes as per the above instructions and ensure that the issue of casual labourers is properly addressed, and if considered necessary more posts of supporting staff may be creation in the IX Five Year Plan for the purpose.

proposed for

Yours faithfully,

(MR. J. N. JAYARAJ)
Assistant Director General (PI&M)

Copy to:

1. All Deputy Directors General
2. Director (Fin.)
3. All ADGs/Deputy Secretaries/Under Secretaries
4. OSD(S)
5. PPS to D.G., ICAR
6. PS to Secretary, ICAR
7. Guard file

VIVEKANAND NATIONAL INSTITUTE OF REHABILITATION TRAINING AND RESEARCH

(Ministry of Social Justice & Empowerment, Govt. of India)
Olatpur, Post: Bairoi, Dist.: Cuttack (Orissa), Pin - 754010
Website: http://www.nirtar.nic.in

REQUIRES

No.: AD 6B 10 Date: 02.12.2005
Applications are invited from the eligible candidates for the following posts.

Table with 4 columns: Sl. No., Name of the Post, No. of Posts, Scale of Pay, Age. Posts include Anesthetist (UR), Asst. Prof. (PMR) (UR), Asst. Prof. Clinical Psychology (UR), General Duty Medical Officer (UR), Accounts Officer (UR), Lecturer in Prosthetic (UR), Lecturer in Physiotherapy (UR), Lecturer in Occup. Therapy (UR), Asst. Programmer (UR).

Posts for Sl.No.03, 07 & 08 are meant for CRC Project at Guwahati and will be filled up on deputation/contractual basis.

Qualification & Experience:

For Sl.No.01: (a) MS (Anaesthesiology) (b) 3 Years experience in the field after Post graduation. For Sl.No.02: (a) MD in PMR or 2 Years Diploma course in PMR after MD Medicine From a University required by MCI or Diploma in PMR from National Board of Examination or any other equivalent qualification. (b) 3 Years teaching experience as Sr. Resident or General Duty Medical Officer or Lecturer in a recognized Institution in related field.

General Conditions:

- 1. Application on plain paper giving complete Bio-data with passport size photograph copies of certificates and crossed Demand Draft of Rs.25/- (Rupees Twenty Five) only towards application fees. (Non-refundable), no fee for SC/ST/PH candidates drawn in favour of Director, SVNIRTAR and payable at Indian Bank, Olatpur Branch, Olatpur should reach the Director at above address within 30 days of publication of this advertisement. 2. Age/Qualification and experience are relaxable for meritorious candidates at the discretion of the authority and for SC/ST/OBC/Ex-Servicemen and Physically Handicapped as per rules.

DIRECTOR



Indian Council of Agricultural Research

National Research Centre on Mithun

Jharnapani, P.O. Medziphema-797106, Nagaland

Advertisement No. 02/2005

Applications are invited for the following posts under National Research Centre on Mithun, Jharnapani, Nagaland for KVK, Phek district, Nagaland.

- 1. (a) Name of the post : Training Associate (T-6)
(b) Scale of pay : 8000-275-13500
(c) Number of post : 06 (six)
(d) Discipline : Agronomy, Horticulture, Soil Science (3 posts, one from each discipline) - General category.
Vety. Science/Animal Science, Agri. Engineering (2 posts, one from each discipline) - reserved for OBC
Plant Pathology (one post) - reserved for SC
(e) Educational Qualification
(i) Essential : Master Degree in the Relevant subject from a recognized university.
(ii) Desirable : 2 years of experience in conducting training in the KVK.
2. (a) Name of the post : Office-Suptd.-cum-Accountant-General, Category
(b) Scale of pay : 5500-175-9000
(c) Number of post : 01 (one)
(d) Educational Qualification
(i) Essential : Master in Business Management/Post Graduate / Diploma in Business Management/MA/M.Com/CA. OR B.Com/B.A/Bachelor in Business Management with minimum 5 years experience of working as Junior Accountant or Sr. Clerk dealing with financial/accounts matter.
3. (a) Name of the post : Farm Management (T-3) - General Category
(b) Scale of pay : 4500-125-7000
(c) Number of post : 01 (one)
(d) Educational Qualification
(i) Essential : B.Sc in Agriculture from a recognized University.
(ii) Desirable : At least 2 years experience in farm management.
4. (a) Name of the post : Computer Programmer (T-3) - General category
(b) Scale of pay : 4500-125-7000
(c) Number of post : 01 (one)
(d) Educational Qualification
(i) Essential : Bachelor Degree in Computer Application / B.Sc in Computer Application/Post Graduate Diploma in Computer Application.
(ii) Desirable : At least 2 years experience in handling Agri-based data on computer.
5. (a) Name of the Post : Training Assistant (T-3) - Reserved for ST
(b) Scale of pay : 4500-125-7000
(c) Number of post : 01 (one)
(d) Educational Qualification
(i) Essential : B.Sc in Home Science from a recognized University.
(ii) Desirable : At least 2 years experience in conducting training.

GENERAL INSTRUCTIONS

- 1. The prescribed essential qualifications are minimum. Where the number of applications received in response to the advertisement is large, it may not be convenient or possible for the institute to call for interview for all the applicants. The Director, NRCM, Jharnapani reserves the right to fix the criteria for screening the applications. Incomplete applications will not be entertained.
2. Age limit for T-6 grade post bearing scale of pay 8000-275-13500/- is 35 years maximum. For T-3 grade post bearing scale of pay Rs. 4500-125-7000/- is 30 years and for the post of office-Suptd.-Cum-Accountant bearing scale of pay of Rs. 5500-175-9000/- is 20-27 years. The upper age limit is relaxable for SC/ST/OBC/Ex-Servicemen/Physically handicapped as per rule. Age limit will be applicable as on closing date.
3. No upper age limit will be applicable for serving ICAR employees.
4. Candidates applying for the posts will have to pay application fee of Rs. 20/- (Rupees twenty) only in form of crossed IPO drawn in favour of Director, NRCM, Jharnapani, Medziphema, Nagaland - 797 106. Candidates of reserved categories will be fully exempted from paying application fee.
5. All posts carry usual allowances, selected candidates will be under "Defined Contributory Pension Scheme" as per central govt. rules mutatis-mutandis applicable in ICAR from time to time. The posts are non-government.
6. Original certificates and marksheets should not be submitted alongwith the application but should be brought if and when called for selection process. Attested copies of certificates regarding age, educational qualifications, experiences and castes etc. should, however, be submitted alongwith the applications.
7. Application received late and in incomplete form will not be considered. No correspondence will be entertained with the candidates. Mere fulfillment of requirements as laid down in the advertisement will not vest any right in the candidate for being called for interview. Canvassing in any form will disqualify the candidate for the post applied for.
8. The last date for receipt of the application is 02/02/2006.
9. Candidates applying for two or more posts will have to submit application form separately for each post and have to superscribe the envelop as "Application for the post of addressed to the Director, NRCM, ICAR, Jharnapani, Medziphema, Nagaland - 797 106.
10. All the posts are temporary, but likely to continue indefinitely.

APPLICATION FORMAT

(a) Advertisement No., (b) Post applied for, (c) Name in full (block letters), (d) Father's/Husband's name, (e) Full Address (f) Address for correspondence (with pin code), (g) Permanent address (with pin code), (h) Nationality, (i) Marital status (single or married), (j) Whether belong to SC/ST/Ex-serviceman/Physically handicapped (Attested copies of such certificates from the competent authority should be enclosed with the application) (k) Date of birth (in Christian Era as recorded in the Matriculation/School leaving certificate), (l) Age as on the closing date, (m) Educational qualification (from Matriculation /HSLC onwards in details with attested copies of relevant certificates and mark sheet), (n) Experience if any (with attested copies of certificates), (o) Employment Exchange Registration No., (p) Postal Order No. date and value, (q) List of documents attached.

I do hereby declare that all statements made in the application are true, complete and correct to the best of my knowledge and belief. In the event of any information being found false or incorrect, my candidature/application may be cancelled/terminated without any notice. (Full signature of the candidate)

Note : Please attach recent passport size photograph

Sd/- Director, NRCM

Continued from page 38

(In block letters), (2) Father's/Husband's Name, (3) Date of Birth, (4) Qualification, (5) Experience and (6) Post applied for. The application, along with attested copies of all documents/testimonials, should reach the Director, Director's Office, Indian Statistical Institute, 203, B.T. Road, Kolkata - 700 108 within 15 days from the date of publication of this notification. No application will be entertained after 15 days from the date of advertisement. An application received in any format other than the one specified above and without the required documents/testimonials shall be liable for rejection. Those who are already employed should forward their applications through proper channel.

entertained after 15 days from the date of advertisement. An application received in any format other than the one specified above and without the required documents/testimonials shall be liable for rejection. Those who are already employed should forward their applications through proper channel.

davp 1564/2/2005

(Director)



RAILWAY RECRUITMENT BOARD : KOLKATA

Metro Railway A. V. Complex, Chilpur, (Opp. to R. G. Kar Medical College & Hospital) R. G. Kar Road, Kolkata-700 037

RESULTS

Out of the candidates who appeared in the written examination held on 23.10.2005 for the post of Tr. Assistant Station Master vide Category No. 23 of Employment Notice No. RRB/CAL/EN-1/87 held in compliance of the directives of the Honble CAT/Cuttack Bench, the candidates bearing following roll numbers are found provisionally eligible for Psychological Test. The schedule of Psychological Test is given below:

Value of Psychological Test : Block No. 12A

South Eastern Railway Head Quarters

11, Garden Reach Road,

Kolkata-700 043 (Bus Stop : BNR)

E.N. No. : 1/87 Category No. 23 Post : Tr. Asstt. Station Master

Date of Written Examination : 23.10.2005

Date of Psychological Test : 03.01.2006 Time : 10:00 hrs.

Table with 4 columns: Roll No., and three columns of numbers representing candidate lists.

Date of Psychological Test : 05.01.2006 Time : 13:00 hrs.

Table with 4 columns: Roll No., and three columns of numbers representing candidate lists.

N.B. : The result of Psychological Test will be available on the Notice Board of RRB/Kolkata on 09.01.2006. The candidates who will qualify in the Psychological Test, have to appear for interview at the office of Railway Recruitment Board/Kolkata on 10.01.2006 at 10:00 hours.

Note :-

- 1. While every care has been taken in preparation of the above result, RRB/Kolkata reserves the right to rectify any inadvertent error or typographical mistake.
2. RRB regrets inability to entertain any correspondence from unsuccessful candidates.
3. Call letters to the above candidates are being issued accordingly. Those candidates who may not receive their call letters in time should reach the venue of Psychological test on the specified date & time. All the candidates must bring with them all original testimonials (with attested copy of each), two copies of recent passport size photographs, Counter part of the call letter of the written examination.
4. No request for change of date, time and Venue of Psychological Test will be entertained.
5. Call letter is provisional and does not give any guaranty for Employment. If it is found later at any stage of the recruitment that the candidate does not fulfil all/any of the conditions of eligibility, his/her candidature will be cancelled and no appeal against such cancellation will be entertained. Candidates should satisfy themselves that they are eligible in all respects as per terms & conditions of Employment Notice, before appearing in Psychological Test.

CHAIRMAN

BE A PARTNER IN THE TURN AROUND OF INDIAN RAILWAYS

CERTIFIED TO BE TRUE

Signature of Advocate

1965-09-01

02-02

42.4-53.9-42.4

EN 39/81

EN 39/82

EN 39/81

25

Annexure - 7

| |
|-----------------|
| ICAR |
| NRC on Mithun |
| Diary No. 10569 |
| Date 21-1-06 |
| File No. |

To,

The Director,

N.R.C. on Mithun, Jharnapani,
Nagaland-797106.

Sub:- Submission of an application for the post of "Office-Supt.Cum- Accountant" & Forwarding, reg.

Sir,

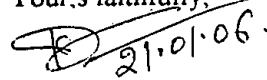
With due respect I want to pray few lines for your kind and sympathetic Consideration please , That , Sir I am applying for the post of "Office-Supt.-Cum-Accountant" in the office of " The Director, NRC on Mithun, Jharnapani, Nagaland-6.

The application may Kindly be forwarded.

I shall be grateful if you kindly forward the same

Thanking you.

Your.s faithfully,


 21.01.06.

Kapil Deo Chaudhary

T.S.M. ,NRC on Mithun,

Jharnapani, Nagaland-797106

CERTIFIED TO BE TRUE


U DATE

26

APPLICATION FORMAT

| | | | | | |
|------|---|--|----------------------------|-----------------------------|--|
| a | Advertisement No | 02/2005 | | | |
| b | Post applied for | Office-Supdt.-cum -Accountant | | | |
| c | Name in full (block letters) | KAPIL DEO CHAUDHARY | | | |
| d | Fathers name | Late Sri. Ram Pratap | | | |
| e | Full address | | | | |
| (i) | Address for correspondence (with pin code) | NRC on Mithun, Jharnapani, P.O.- Medziphema, Distt. Dimapur- 797 106, Nagaland | | | |
| (ii) | Permanent address (with pin code) | Village- Mauhariya P.O.- Muvarakhpur, Distt.- Ambedkar Nagar (U.P.)- 224 190 | | | |
| f | Nationality | Indian | | | |
| g | Marital status (single or married) | Married | | | |
| h | Whether belongs to SC/ST/OBC/Ex serviceman/physically handicapped (attested copies of such certificates from the competent authority should be enclosed with the application) | OBC | | | |
| I | Date of birth (in Christian Era as recorded in the matriculation/ School leaving certificate) | 01-09-1965 | | | |
| J | Age as on the closing date | 40 years 05 months 01 day | | | |
| k | Educational qualification (from matriculation/ HSLC onwards in details with attested copies of relevant certificates and mark sheet) | | | | |
| | Exam passed | Board/ University | Passing years | Div. & (%) | Subjects |
| | High School (10 th) | Madhayamic Shiksha Parisad, Uttar Pradesh, Allahabad | 1981 | 2 nd (47.4) | Hindi, general Math's, English, Agriculture & General Science |
| | Intermediate (10+2) | Madhayamic Shiksha Parisad, Uttar Pradesh, Allahabad | 1983 | 2 nd (53.9) | All Agricultural compulsory subjects |
| | B. Com (10+2+2) | Allahabad University, Allahabad (U.P.) | 1987 | 3 rd (42.4) | All Commerce groups compulsory subjects |
| l | Experience if any (with attested copies of certificates) | | | | |
| | Name and address of Employer | Designation, Scale & present pay | Period from | Permanent/ Temporary | Nature of work |
| | Director, NRC on Mithun, Jharnapani, Nagaland | TSM, (2550-55-2660-60-3200), Rs. 3140.00 | 01-09-1993 to conti... | Temporary | Dealing with account. section, cashier as well as financial work and dealing milk charge |
| m | Employment exchange registration No. | Nil | | | |
| n | Postal order No. date and value | 20 F 115916, 22-12-2005, Rs. 20/= | | | |
| o | List of documents attached | | | | |
| 1 | High school mark sheet | 2 | High school certificate | | |
| 3 | Intermediate mark sheet | 4 | Intermediate certificate | | |
| 5 | B. Com mark sheet | 6 | OBC caste certificate | | |
| 7 | Experience certificate (A) | 8 | Experience certificate (B) | | |

I do hereby declare that all statements made in the application are true, complete and correct to the best of my knowledge and belief. In the event of any information being found false or incorrect, my candidature/ application may be cancelled/ terminated without any notice.

Kapil Deo Chaudhary

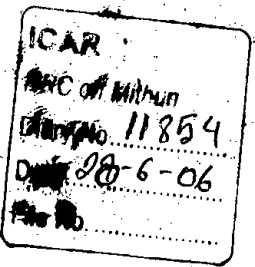
(Full signature of the candidate)

CERTIFIED TO BE TRUE

U. O. & T. E.

26A = ~~11854~~

Annexure - 8.



Date- 28.06.2006

To,

The Director,
N.R.C. on Mithun,
Jharnapani, Nagaland-797106.

Sub:- Submission of an application form for the post of "LDC"- reg.

Ref.: Advertisement No. 1/2006/Nagaland post/ dated- 07.06.06.

Sir,

With due respect I want to pray few lines for your kind and sympathetic consideration please , That , Sir I am applying for the post of LDC in the office of N.R.C. on Mithun, Jharnapani, Nagaland.

Thanking you.

Yours faithfully,

Kapil Deo Chaudhary
T.S.M, NRC.on Mithun,
Jharnapani, Nagaland-797106

CERTIFIED TO BE TRUE

ADVOCATE.

APPLICATION FARMAT

- a) Advertisement No. : 01/2006
- b) Post applied for : LDC
- c) Name in full (Block letter) : **KAPIL DEO CHAUDHARY**
- d) Father's/~~Husband's~~ name : Late Shri Ram Pratap
- e) Full Address: : Kapil Deo Chaudhary,
(i) Address for correspondence : NRC on Mithun (ICAR),
(with pin code) : Jharnapani, Medziphema,
Nagaland -797 106, India
03862-247019 (R)
(ii) Permanent address : Kapil Deo Chaudhary,
(with pin code) : Village- Mauharia,
P.O. -Muvarakhpur,
Distt. -Ambedkar Nagar - 224 190 (U.P.)
- f) Nationality : Indian
- g) Marital status (single or married) : Married
- h) Whether belongs to SC/ST/OBC/Ex- : OBC
serviceman/Physically handicapped
(Attested copies of such certificates
from the competent authority should
be closed with the application)
- i) Date of birth (in Christian era as : 01/09/1965
recorded in the matriculation/School
leaving certificate)
- j) Age as on the closing date : 40yrs, 09months, 28days

Passport size
Photograph

k) Educational qualification (from matriculation/HSLC onwards in details with attested copies of relevant certificates and mark sheets):

| Examination passed | Name of Board/ University | Class/ Division | % of marks obtained | Year of passing | Subject |
|---------------------------------|---|-------------------|---------------------|-----------------|-------------|
| High School (10 th) | Madhyamic Shiksha Parishad, Uttar Pradesh | II nd | 47.40 | 1981 | Agriculture |
| Intermediate (10+2) | Madhyamic Shiksha Parishad, Uttar Pradesh | II nd | 53.90 | 1983 | Agriculture |
| B.Com (10+2+2) | Allahabad University, Allahabad, (U.P.) | III rd | 42.40 | 1987 | Commerce |

1) Details of experience :(with attested copies of certificates)

| Employer Address | Post held/ Designation | Pay scale | Period of service | | Nature of job |
|---|------------------------|------------------------|-------------------|-----------|--|
| | | | From | To | |
| 1. Director, NRC on Mithun, Jharnapani, Nagaland | TSM | 2550-55-2660-60-3200/- | 01-09-93 | Till date | Dealing with account section , cashier as well as financial work and dealing milk charge |

m) Employment Registration No. (if any)

: No

n) Postal Order No. date and value

:No.20F115989, date12.06.2006 and valueRs.20/-

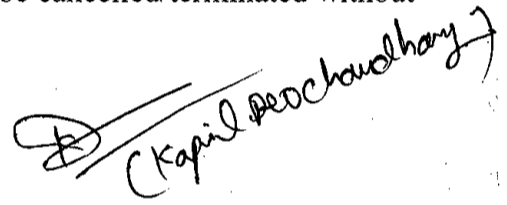
(o) List of documents attached

: IPO(Rs.20/-), 1. High School & Intermediate mark sheets & certificates, 2. B. com mark sheet, 3. Experience certificates (3 Nos.)

I do hereby declare that all statements made in the application are true, complete and correct to the best of my knowledge and belief. In the event of any information being found false or incorrect, my candidature/application may be cancelled/terminated without any notice.

Place: Jharnapani (Nagaland)

Date: 28.06.2006.



(KAPIL DEO CHAUDHARY)
(Full signature of the candidates)

27-11

Annexure - 9

ICAR
NRC on Mithun
Diary No. 5744
Date. 17/02/07

श्रीवा

श्रीधर मिश्रा

राष्ट्रीय मिथुन अनुसंधान केंद्र,
झरनापानी, नगालैंड-6

विषय: गुलाबापत्र न देने के सम्बन्ध में पत्र।

आपके द्वारा प्रेषित कृषि सेवा बोर्ड की ओर से
राष्ट्रीय मिथुन अनुसंधान केंद्र, झरनापानी में 01.09.93
में श्री. राम चम. के रूप में करिब्ट लिपि का
आपको भेजा गया है और मुझे रा. मिथुन अनुसंधान
केंद्र के अन्तर्गत, कृषि विज्ञान केंद्र, पोरबा
में Office Supdt. Cum - Accountant एवं Main
Scheme के L.D.C. पोस्ट हेतु आवेदन पत्र
के मुझे किस कारण से गुलाबापत्र नहीं दिया
गया। अतः इस वजह का कारण बताने की
कृपा की जावे। अति आभारी रहूंगा।

ता. 17.02.07.

श्रीधर मिश्रा
कृषि सेवा बोर्ड
17.02.07
रा. मिथुन अनुसंधान केंद्र,
झरनापानी, नगालैंड-6

CERTIFIED TO BE TRUE
BROGATE

28

Translated Copy/Annexure-9

To,
The Director,
N RC (M)
Jharnapani, Nagaland-6

Sub : Letter regarding non-issue of Call Letter.

Sir,

I , Kapil Deo Choudhury have been working as T.S.M. since 01.09.93 in N.R.C.M. in Jharnapani and engaged in the works of a Superintendent-cum-Accountant, and I had applied for the post of Office Superintendent-cum-Accountant in K.V.K. under N.R.C.M. as well as for the post of L.D.C. under the main scheme. Please intimate as to why Call letters were not issued and dispatched to me against the said posts, applied for.

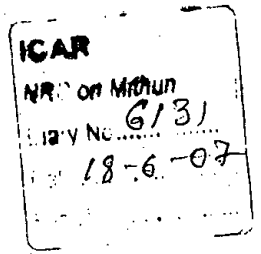
Dated: 17.02.07

Yours faithfully,
Sd/-
Kapil Deo Choudhury,
17.02.07
T.S.M.
N.R.C.M.
Jharnapani, Nagaland-6

सेवा में

29
ऑफिस निदेशक,
राष्ट्रीय मिथुन अनुसंधान केंद्र,
इरगापानी, नमाली-6.

Annexure - 10
विलास पत्र



निदेश :- पत्र संख्या निल, ता० - 17.02.07.

विषय :- बुलावापत्र न देने के सम्बन्ध में विलास पत्र

मान-महोदय, आप से प्रार्थना की जा रही है कि राष्ट्रीय मिथुन अनुसंधान केंद्र इरगापानी में 01.09.73 से ही प्रस. पत्र के रूप में लेखापत्रिका में जापूरत हैं। मुझे रा० मिथुन अनुसंधान केंद्र, पोरवा में Office Supdt. Cum Accountant and Main Scheme में LDC पोस्ट हेतु आवेदित पोस्ट में किस कारणवश मुझे बुलावापत्र नहीं दिया गया तथा वडे दुःख की बात है कि प्रथम पत्र में, 17.02.7 को पत्रानुसार अभी तक मुझे कारण नहीं बताया गया। और इस पत्रानुसार मुझे अविलम्ब कारण बताने की कृपा की जावे। अति आभारी रहूंगा।

ता० - 18.06.07.

भवदीयतः
जीपिलदेव चौधरी
18.06.07
प्र. प्रस. पत्र,
राष्ट्रीय मिथुन अनुसंधान केंद्र,
इरगापानी, नमाली-6.

CERTIFIED TO BE TRUE
U. G. & T. B.

30

Translated Copy/Annexure-10

To,
The Director,
NRC (M)
Jharnapani, Nagaland-6

Ref : Letter Dated 17/02/07
Sub : Letter regarding non-issue of Call Letter.

Sir,

I, Kapil Deo Choudhury have been working as T.S.M. since 01.09.93 in N.R.C.M. in Jharnapani and engaged in the works of a Superintendent-cum-Accountant, and I had applied for the post of Office Superintendent-cum-Accountant in K.V.K. under N.R.C.M. as well as for the post of L.D.C. under the main scheme. Please intimate as to why Call letters were not issued and despatched to me against the said posts, applied for. That no reply was sent to me against the letter dated 17/02/07 is indeed a grave cause of concern for me. I would like to request of you to kindly convey me the reason at the earliest.

Much obliged,

Dated: 18.06.07



Yours faithfully,
Sd/-
Kapil Deo Choudhury,
18.06.07
T.S.M.
N.R.C.M.
Jharnapani, Nagaland-6

ANNEXURE-11

31



राष्ट्रीय मिथुन अनुसंधान केंद्र
भारतीय कृषि अनुसंधान परिषद
National Research Centre on Mithun (I.C.A.R.)
Jharnapani, Medziphema, Nagaland - 797 106
Phone : (03862)-247327/247341
Fax : 03862-247341



Date : 19.06.07.

NRCM(G)134(Part-I)/05/

To,

Shri K.D.Chaudhary
TSM, NRC-Mithun
Jharnapani.

Dear Chaudhary,

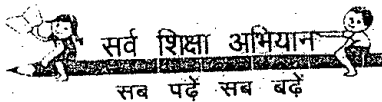
In response to your letter no. NIL dtd 17.02.07 and 18.06.07, I have been directed to inform you that due to overage, your case could not be considered for calling for interview to the post of Office Suptd. Cum Accountant as well as LDC. The clarification has been received from the Headquarter vide letter F.No.11(4)/2006-IA-I dtd 05.02.07 wherein they have clarified that TSL is not eligible for getting age relaxation for Group C and B post.

Yours sincerely,

Prakash
19/6/07

(B.Prakash)
Asstt. Admn. Officer.

CERTIFIED TO BE TRUE
19/6/07



ANNEXURE-12

32

ICAR
NRC on Mithun
Diary No. 20502
Date 07/03/07
File No.

NATIONAL RESEARCH CENTRE ON MITHUN
JHARNAPANI, NAGALAND

Dated 05.02.2007

F.No. 11(4)/2006-IA-1

To
The Director
NRC on Mithun,
Lagaland.

Sub: Clarificaiton of age relaxation of Temporary Status Labourer (TSL) – reg.

Sir,
I am directed to refer to your letter No.NRCM(G)120/99-2004(Vol - /4746 dt. 13.09.2006 on the subject cited above and to say that the matter has been considered in the Council. It is observed that age relaxation is admissible to the Casual Workers meeting certain requirements for recruitment to the Group D posts only. Relaxation of age of TSL to make them eligible for the posts other than the supporting staff i.e, the posts under Group C & B is not admissible.

Yours faithfully

Sd/-
(PITAMBER)
UNDER SECRETARY (AS)

Director
Anupam
07/03/07

Atto
Plea f. B 21
A
12/4/07

CERTIFIED TO BE TRUE
J. GC&TB



Krishi Vigyan Kendra, Kaushambi

Unit: Indian Council of Agricultural Research, Ministry of Agriculture, Govt. of India
Village- Malak Moinuddin (Shantipuram), Post-Mahgaon, District- Kaushambi
Correspondence Address: 8A/1 Elgin Road, Civil Lines, Allahabad-01 (U.P.)

Ref : KVK/Camp/OS-Acc/06/10/ 05

Date: 19/10/06

To,

Mr. Kapil Deo Chauhan

Dear candidate,

In reference to your application for the post of **Office Superintendent cum Accountant**, we have to intimate that your interview will be held as per the following Schedule.

Venue → Suchna Proudhyogiki Bhawan, 8A/1 Elgin Road, Civil Lines,
Allahabad-01, U.P., Ph 0532-2607006

Date → 05 Nov'06

Time → 3:30 p.m.

You are requested to come along with your original testimonials and related documents, if any.

Kindly note that no TA & DA will be reimbursed.

Thanking You.

Sincerely Yours

Convenor, Selection Committee

CERTIFIED TRUE COPY
BY
PROVOST

(COPY)

34-
Annexure - 14



No. 49014/4/90-ESTT. (C)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL
PUBLIC GRIEVANCES & PENSION
(DEPARTMENT OF PERSONNEL AND TRAINING)

New Delhi the 8th April, 1991

OFFICE MEMORANDUM

Sub:- Regularisation of services of casual workers in Group 'D' posts - Relaxation of employment exchange procedure and upper age limit.

The undersigned is directed to refer to this Department's OM No. 49014/4/77-Estt. (C) dated 21st March, 1979 wherein the conditions for regularisation of casual workers against Group 'D' posts were prescribed. The policy with regard to engagement and remuneration of casual workers in Central Government offices has been reviewed from time to time and detailed guidelines in the matter were issued vide OM No. 49014/2/86-Estt. (C) dated 7th June, 1988.

2. Requests have now been received from various Ministries/ Departments for allowing relaxation in the conditions of upper age limit and sponsorship through employment exchange for regularisation of such casual employees against Group 'D' posts, who were recruited prior to 7.6.88, i.e., date of issue of guidelines. The matter has been considered and keeping in view the fact that the casual employees belong to the economically weaker section of the society and termination of their services will cause undue hardship to them, it has been decided, as a one time measure, in consultation with the Director General Employment & Training, Ministry of Labour, that casual workers recruited before 7.6.88 and who are in service on the date of issue of these instructions, may be considered for regular appointment to Group 'D' posts, in terms of the general instructions, even if they were recruited otherwise than through employment exchange and had crossed the upper age limit prescribed for the post, provided they are otherwise eligible for regular appointment in all other respects.

3. It is once again reiterated that recruitment of casual workers in Central Government offices may be regulated strictly

contd....

CERTIFIED TO BE TRUE
Anup Kishor Dutta
21/04/91

CERTIFIED TO BE TRUE
[Signature]
21/04/91

35

16

in accordance with the guidelines contained in this Department's OM No.49014/2/86-Estt.(C) dated 7.6.88. Cases of neglect of these instructions should be viewed very seriously and brought to the notice of the appropriate authorities for taking prompt and suitable action against the defaulters.

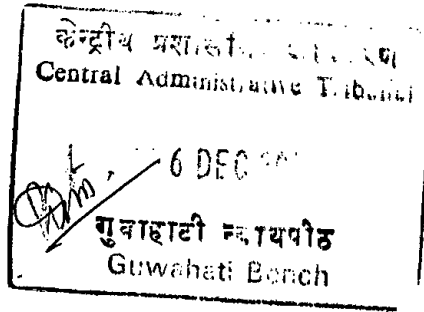
4. Ministry of Finance etc, are requested to bring the contents of this OM to the notice of all the appointing authorities under their respective administrative control.

31/-

(M.S. BALI)

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.



IN THE MATTER OF :

O.A. NO. 219 of 2007

Dr. Kapil deo Chaudhury

...Applicant

-Vs-

Union of India & Ors.

...Respondents

-AND-

IN THE MATTER OF :

A Written Statement filed on behalf of the
Respondent Nos: 1,3,4 and 5 in the aforesaid
Original Application.

WRITTEN STATEMENT

I, Dr. Chandan Rajkhowa, son of ~~old~~ *R.C. Rajkhowa*, aged about 55 years, presently working as Director of National Research Centre on Mithun, I.C.A.R., Jharnapani, District- Dimapur in the State of Nagaland do hereby solemnly affirm and state as follows.

1. That, I have received a copy of the application filed by the Applicant and I have gone through the same and understood the contents thereof. I have been arrayed as the Respondent No.3 in the instant Application. Being the Director of the Institute I am fully aware and well acquainted with the facts and circumstances of the case and I have been duly authorized by the Respondent Nos. 1, 4 and 5 to verify and file this Written Statement on their behalf. That save and except the statements, which have been specifically admitted herein below, the rest shall be deemed to have been denied by the answering Respondents.
2. That, the statements made in paragraph 1 of the Original Application shall be duly answered in the subsequent paragraph, specially in the context of the Applicant not being called for interview for the post of Lower Division Clerk in the office of the National Research Centre on Mithun (herein after referred to as NRCM).

Chandan Rajkhowa.

Filed by
The Respondents Nos 1, 3, 4 & 5
through
R. S. Choudhury
Advocate 64/12/07

3. That the statements made in paragraph 2 of the Original Application are categorically denied by the Answering Respondents. It is not a fact that the answering Respondents have the power to regularize the services of the Applicant or that they have deliberately exploited him.
4. That with regard to the statements made in paragraphs 3, 4, 5 and 6.1 of the Original Application the Deponent has not comment to offer.
5. That with regard to the statements made in paragraphs 6.2, 6.3 and 6.4 of the Original Application the Deponent does not admit anything, which is contrary to the records of the case. Be it stated herein that the Applicant was appointed as a casual labour in the year 1988 however, he was neither appointed against any specific designated post nor was he appointed in the capacity of Office Superintendent-cum-Accountant/Senior Clerk at NRCM as contended by the Applicant. Further, it is essential to note that although the Status of Temporary Mazdoor has been conferred on such casual labourers w.e.f. 1993, however, the same does not entitle the Applicant to any particular benefit as claimed by him.
6. That with regard to the statements made in paragraphs 6.5 and 6.6 of the Original Application the Deponent states that at regular period of time requests/proposals are being sent by the Institute concerned to the I.C.A.R. Headquarter for creation of posts to enable the authorities to regularize the services of the Casual labourers/Temporary Status Mazdoors. However, no such permission/approval/sanction has been granted by the Ministry of Finance and accordingly the hands of the answering Respondents are tied since they are bound by the directions of the Ministry of Finance.
7. That the statements made in paragraphs 6.7 and 6.8 of the Original Application do not have any nexus/connection with the grievances raised in the instant Original Application since the same pertain to an issue which has already been answered by the Hon'ble Tribunal. Be it stated herein that the action of stopping the G.P.F. deductions in respect of Casual Labourers was done as per the policy guidelines issued by the Government of India, Ministry of Personnel, Public Grievances and Pension issued under Memo No.21-4/2005/CDN dated 21.02.2005, whereby a new pension scheme has been implemented which does not envisage any such deductions.
8. That the statements made in paragraphs 6.9, 6.10, 6.11, 6.12 and 6.13 of the Original Application are denied by the answering Respondents to the extent they are contrary to and inconsistent with the records of the case.

केन्द्रीय प्रशासनिक अपील बोर्ड
Central Administrative Tribunal

6 DEC 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Chandru Raikhem.

(Signature)

However, it is pertinent to state that presently the Institute concerned, i.e. N.R.C on Mithun, Nagaland is having 12 Nos of T.S.M workers. Proposal in the IX and X plan was put for the creation of 10 and 13 numbers of the group "D" posts respectively. However, the same was not approved due to existing ban on creation on new posts. The Institute concerned is again proposing the posts under group "D" in the XI plan.

9. That with regard to the statements made in paragraph 6.14 of the Original Application the Deponent states that it only fortifies the stand of the authorities that proposals are being sent regularly from the Institutes as well as the Regional Headquarter at Borapani for creation of posts to regularize the services of the TSM, however, without prior approval/sanction from the Ministry of Finance no action can be taken in this regard by the authorities concerned.
10. That while denying the statements made in paragraphs 6.15 and 6.16 of the Original Application which are not borne out of records, the answering Respondents states that the eligibility criteria as quoted in the advertisements in question was strictly in accordance with the Rules/Norms being followed by the I.C.A.R. The appointments against the said advertisement were also finalized after following the due procedure laid down in the Recruitment Rules framed by the I.C.A.R. for different categories of the posts. The Applicant herein was not called for interview as he was overage and as per the existing rules, age relaxation to him can only be given in Group "D" posts. Hence, the statements made contrary thereto are denied by the answering Respondents. ✓
11. That with regard to the statements made in paragraphs 6.17 and 6.18 of the Original Application the Deponent states that a suitable reply was duly given to the Applicant by the Respondent No.5 vide letter dated 19.06.2007, whereby it was clarified that his case for calling for interview to the post of Office Superintendent-cum-Accountant as well as Lower Division Clerk, could not be considered due to the fact that he was over aged.

A copy of the said letter dated 19.06.2007 issued by the Assistant Administrative Officer of the Institute has been annexed as ANNEXURE-11 of the Original Application.

12. That with regard to the statements made in paragraphs 6.19 and 6.20 of the Original Application the Deponent states that due to some administrative

Chandran Raikhan

(Signature)

6 DEC

गुवाहाटी न्यायपीठ
Guwahati Bench

lapses, the letter dated 05.02.2007 which has been annexed as Annexure-12 of the O.A., had been marked at the top as "National Research on Mithum, Jharmnapani, Nagaland" whereas it should actually have been "Indian Council of Agricultural Research, New Delhi". Such lapses on the part of the authorities are regrettable and infact a corrigendum in this regard was also issued by the Under Secretary (Animal Science Division vide corrigendum No.F.11(4)/2006-IA-I dated 13.06.2007), rectifying the error.

A copy of the said corrigendum dated 13.06.2007 is annexed herewith and marked as **ANNEXURE-A.**

13. That with regard to the statements made in paragraphs 6.21 and 6.22 of the Original Application the answering Respondent states that it is not understood as to how the Krishi Vigyan Kendra, Kaushambi, U.P. had issued a called letter to the Applicant for the said posts. However, the answering Respondents have sought for clarification in this regard from the Institute concerned vide letter under Memo No.NRCM(R).13/91 Vol.-I/2004 dated 30.10.2007. Appropriate clarifications in this regard are awaited from the Institute. It may be further pertinent to state that the Applicant said that merely calling for interview does not indicate that he was eligible for the said post and the action taken by the said K.V.K, Kaushambi is not in order.

A copy of the said letter dated 30.10.2007 is annexed herewith and marked as **ANNEXURE-B.**

14. That with regard to the statements made in paragraphs 6.23 and 6.24 the answering Respondent state that the Applicant is bound to follow the Rules and regulations of the I.C.A.R. in the event of the regularization of his services at any point of time in future. As such, the Applicant cannot claim pay protection as per his whims and fancies, since the same would amount to a gross discrimination to the other employees/casual labourers besides being violative of the Rules in force. In so far as the claim for regularization is concerned, the same can be granted only with the prior approval/sanction of the Ministry of Finance. The answering Respondents have not denied any opportunity to the Applicant and it is once again clarified that the age relaxation to casual workers is admissible only for recruitment to group "D" posts. Relaxation of age to Temporary Status Mazdoor for posts other then the Supporting staff i.e. for posts under group "C" and "D" is not permissible. Hence, the claim of the Applicant cannot be entertained.

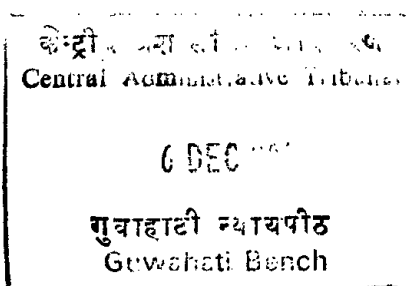
Chandau Rajkumar

(Signature)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
6 DEC 2007
गुवाहाटी न्यायपीठ
Guwahati Bench

15/ That, the answering Respondents humbly stated that whatever may be the margin of over-age there is no provision under any rule of the Technical Services of ICAR or for that matter, Government of India to consider a candidate once he has crossed the age-limit so prescribed. Once a candidate is found 'over-aged', he is over aged for all practical purpose unless he belongs to the exempted categories. The Applicant even after being granted the relaxation of age of 3 (three) years admissible for O.B.C candidates does not conform to the age limit prescribed. Further, only considering the Applicant for such posts, despite his having crossed the age-bar, would not only be discriminatory but would also gravely prejudice several other similarly placed candidates. Besides, such an action on the part of the authorities would lead to a floodgate of litigations. The deponent humbly reiterates before this Hon'ble Tribunal that no discrimination has been meted out to the Applicant in any way and infact only if his candidature is considered, the same would amount to a discrimination, for which the authorities would be answerable.

16. That, none of the grounds so averred to in the Original Application are legally tenable grounds. The Respondents have acted within the ambit of Constitutional powers and rules and have in no way violated the principles of Natural justice. In the conspectus of the facts narrated hereinabove, and in view of the corrigendum issued by the authorities on 13.06.2007, there remains no merit in this instant Original Application. The relief so sought for by the Applicant by way of the instant Application of regularization of services has aptly and comprehensively been dealt with by the Hon'ble Apex Court in the case of Secretary, State of Karnataka and Ors. -Vs- Uma Devi and Ors. (2006 4 SCC 1) and in view of the ratio laid down in the said case, the Application has no legs to stand on and is entitled to be dismissed in limine. Further the Applicant cannot claim pay protection as a matter of right and would have to adhere to the Rules and Regulations applicable to regular I.C.A.R employees, in the event of his services being regularized. As such, the instant Application being devoid of any merit, this Hon'ble Tribunal may be pleased to dismiss the same at the threshold.

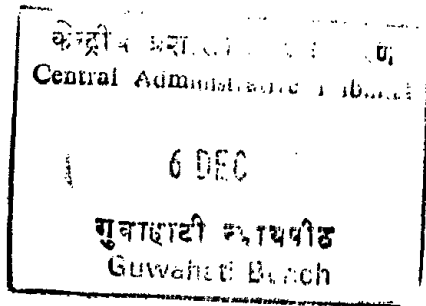


Chandan Reikhan.

[Signature]

41

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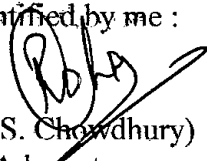


VERIFICATION

I, Dr. Chandan Rajkhowa, son of late K. C. Raikhowa, aged about 55 years, presently working as Director of National Research Centre on Mithun, I.C.A.R, Jhamapani, District- Dimapur in the State of Nagaland, do hereby verify that the statements made in paragraphs 1 to 4, 5 (partly), 6, 7 (partly), 8 (partly), 9, 10 (partly), 11, 12 (partly), 13 (partly), 14, 15, 16 of the Written Statement are true to my knowledge and those made in paragraphs 5 (partly), 7 (partly), 8 (partly), 10 (partly), 12 (partly) & 13 (partly)..... Are true to my information derived from records and rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact. I have been duly authorised to swear this Written Statement on behalf of the Respondent Nos.1, 4 and 5.

And I sign this Verification on this 4th day of December 2007 at Guwahati.

Identified by me :


(R. S. Chowdhury)
Advocate

Chandan Raikhowa
DEPONENT

Solemnly affirmed and declared before me by the Deponent, who is identified by R.S. Chowdhury, Advocate, Guwahati on this the day of December, 2007 at Guwahati.

ADVOCATE

Amisha Khound

42

-7-



Indian Council of Agricultural Research
(Animal Science Division)

No. F.11(4)/2006-IA-I

Dated: 13.6.2007

The Director,
NRC on Mithun,
Nagaland

CORRIGENDUM

Subject:- Clarification of age relaxation of Temporary Status Labourer (TSL) - reg.

The office address in the Council's letter of even number dated 5.2.2007 be read as Indian Council of Agricultural Research, Krishi Bhavan, New Delhi-110 001 instead of National research Centre on Mithun, Jharnapani, Nagaland.

Under Secy (AS)
13.6.2007

Certified to be true Copy

Rakhee Sirauthia Chowdhury
ADVOC TS

राष्ट्रीय मिथुन अनुसंधान केंद्र
भारतीय कृषि अनुसंधान परिषद

National Research Centre on Mithun (NRC-M)
Indian Council of Agricultural Research (ICAR)
Jharnapani, Medziphema, Nagaland-797106 INDIA



No: NRCM(R) 13/91 Vol-I/2004

Dated:-30/10/2007.

The Convener,
Selection Committee,
Krishi Vigyan Kendra, Kaushambi,
(Unit of Indian Council of Agricultural Research),
Dist: Kaushambi. (U.P)

Sub: - Queries, in reference to OA No. 219/2007 (CAT Guwahati). -reg.

Ref: - Your interview call letter No.KVK/Camp/OS-Acc/06/10/05 dated 19.10.2006
in favour of Mr. Kapil Deo Chaudhary, Temp:Status Mazdoor(TSM) of this
Institute.

Sir,

On the subject and reference cited above this Institute is to file a reply with the Hon'ble CAT, Guwahati (Assam) and in this regard, I am directed to request you to help this Institute by furnishing the facts (as mentioned by the Hon'ble CAT) on a point pertaining to your KVK, as follows:-

"6.21 - That in this connection the Applicant states that the Applicant had also applied for the Post of Office Superintendent -cum- Accountant in the office of Krishi Vigyan Kendra, Kaushambi (ICAR), Ministry of Agriculture, Government of India.

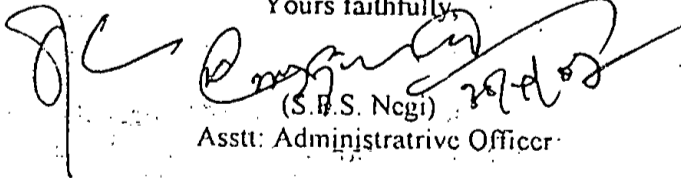
6.22 - That the Convener, Selection Committee, Krishi Vigyan Kendra, Kaushambi, by their letter dated 19.10.2006, called your humble Applicant for the interview for the post of Superintendent -cum- Accountant to be held on 5/11/2006 at 3.30.PM, and even though the Applicant is overaged, but the Applicant could not appear before the Selection Committee owing to the late receipt of the call letter dated 19/10/2006 and his own personal problems at the relevant time"

Further, I may inform you also that the so called applicant (Mr. Kapil Deo Chaudhary, TSM) of this Institute filled a suit alleging the Director, NRC on Mithun, Jharnapani, Nagaland for not issuing the interview call for the post of Superintendent-cum-Accountant filled up at the KVK unit of this Institute, located at Porba, Dist: Phek, Nagaland, during the last year. In fact, his candidature could not be considered for the purpose as per the instructions of the ICAR that the TSM's shall not be granted any age relaxation for the posts under group "B" and "C" category.

You are, therefore, humbly requested to forward a reply by return fax (Fax No.03862-247341) by TODAY, itself, considering the matter of TOP PRIORITY / TIME BOUND, enabling us to file the suitable reply with the Hon'ble CAT.

Thanking you in anticipation.

Yours faithfully,


(S. B. S. Nengi)
Asstt. Administrative Officer

Certified to be true Copy


Rakhee Sirauthia Chowdhary
ADVOCATE

File in Court on.....
20/1/08
Court Officer.

44

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH, GUWAHATI

O.A. No. 219/2007

केन्द्रीय प्रशासनिक अपिषरण
Central Administrative Tribunal
20 FEB 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

Kapil Deo Chaudhury

.....Applicant

-Versus-

Union of India & Ors

.....Respondents

INDEX

| Sl No. | Nature of papers | Page No. |
|--------|------------------|----------|
| 1. | Rejoinder | 1-10 |
| 2. | Annexure-15 | 11 |
| 3. | Annexure-16 | 12 |
| 4. | Annexure-17 | 13 |
| 5. | Annexure-18 | 14 |
| 6. | Annexure-19 | 15 |
| 7. | Notice | |

Eiled by:

Anup Moinal Dutta

Advocate

20/02/2008.

Kapil Deo Chaudhury

~~52~~
45

Filed by
Kapil Deo Chaudhury
..... Applicant
through
Anup Minal Datta,
Advocate 20/02/2008.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH, GUWAHATI.

IN THE MATTER OF :-

O.A. No. 219 of 2007

Kapil Deo Chaudhury.

....APPLICANT

-Vs-

Union of India & Ors.

RESPONDENTS

A REJOINDER TO THE WRITTEN STATEMENT FILED ON
BEHALF OF RESPONDENT NOS. 1,3, 4 AND 5 ABOVE-NAMED:-

I, Kapil Deo Chaudhury, son of Late Ram Pratap, aged about 42 years, presently residing at Jharnapani, District: Dimapur, Nagaland, at present working as Temporary Status Mazdoor in the Office of NRC on Mithun (ICAR), Jharnapani, do hereby solemnly affirm and state as follows:-

1. That I have received a copy of the Written Statement filed on behalf of Respondent Nos.1, 3, 4 and 5 and having perused the same I have understood the contents thereof.
2. That I deny the correctness of the averments made in various Paragraphs of the Written Statement save and except those which may be specifically admitted herein and /or are borne out from the records of the case.
3. That while denying the correctness of the averments made in Paragraph 3 of the Written Statement, I reiterate that the Respondent

Kapil Deo Chaudhury

46

2

केन्द्रीय प्रशासिक न्यायालय
Central Administrative Tribunal
20 FEB 2007
गुवाहाटी न्यायापीठ
Guwahati Bench

Authorities not only have the power to regularise the services of the Temporary Status Mazdoors but are obliged so to do owing to the specific directives of the Headquarters of ICAR dated 12/03/2007 (Annexure-5 to the Original Application,) wherein it was indicated that even though it was not possible to regularise the casual labourers with temporary status, the Directors were given the liberty, if regularization was not possible, to propose creation of posts in the IXth Five year Plan for Supporting Staff for clearing the backlog of casual labourers with Temporary Status. The Respondent No.3 was accordingly advised to initiate action for regularisation of casual labourers in his Institute.

It is pertinent to mention herein that the Applicant has been working with the Respondent Authority since the year 1988, first as a casual labour and thereafter, as a Temporary Status Mazdoor from 01/09/1993 and has been engaged in the works as that of a regular Superintendent-cum-Accountant. The Applicant had been made to do regular nature of work all along till date, but has been denied regularisation of his service by the Respondent Authority. The fact that the Applicant's services have been continued since 1988 necessarily implies that his Post is otherwise regular in nature and he has been exploited to the fullest.

4. That while denying the correctness of the statements made in Paragraph 5 of the Written Statement I beg to state that the Scheme of 1993, whereby the Applicant was granted Temporary Status, may not have envisaged that the Applicant would be automatically brought into the permanent establishment by way of regularisation of his service but the intention of the ICAR Headquarters was made clear that the Applicant must be considered for regularisation of his service, if necessary by even creating posts. The view of the Respondent Authorities is very clear that casual labourers ought not to be retained for long periods in regular nature of works since they would be a

Kapil Des Chandhary

47

3

केन्द्रीय प्रशासनिक अपीलरण
Central Administrative Tribunal
20 FEB 2008
गुवाहाटी ब्याचपीठ
Guwahati Bench

65

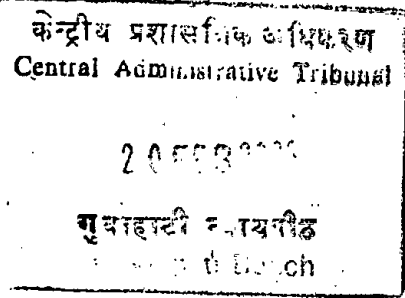
financial burden on the Authorities. The Respondent Authorities however as model employers, having failed to regularise and take note of the fact that by allowing your humble Applicant to continue to serve for long periods in regular nature of works without granting him the due service benefits, is an act which is highly arbitrary, illegal and discriminatory and violative of the basic and fundamental rights of your humble Applicant, which makes the answering Respondents liable to forthwith take steps to regularise the service of the Applicant.

5. That I categorically deny the correctness of the averments made in Paragraph 6 of the Written Statement and while reiterating what I have already stated in this regard in my Original Application, I further state that once the ICAR having declared as a Policy that all the existing casual labourers are to be regularised, if necessary by creating posts, the question of obtaining prior approval of the Ministry of Finance is a vague plea for denying regularisation of service of the Applicant. In any event the Ministry of Finance also cannot deny approval to the regularisation of your humble Applicant, and other similarly situated casual employees, who have been deliberately exploited by the ICAR Management and deprived of the regular service benefits even after making them work for years in jobs of regular nature as that of regular employees. It would be evident from the records of the Respondent Authorities that they have been deliberately denying the process of regularisation by misleading the Headquarters of ICAR at New Delhi as well as the concerned Ministries. The fact that the Answering Respondents have not annexed a single Document seeking prior approval of the Ministry of Finance or any documents to show that posts have been created for the benefit of your humble applicant and other similarly situated casual labourers, establishes that the plea taken in defence in the Written Statement is not based on records and accordingly the same cannot be based on knowledge.

Kapil Des chandhary

48

4



6. That while denying the correctness of the averments made in Paragraph 7 of the Written Statement, I reiterate what I have stated in this regard in my Original Application. There has been a misrepresentation and misinterpretation of the new Pension Scheme dated 26/04/2004, which provided that casual labourers, on their regularisation against Group-D posts on or after 01/01/2004 will be entitled to pension and the provisions of General Provident Fund was to be done away in such cases. The Scheme never contemplated that the existing casual labourers who were not regularised w.e.f. 01/01/2004 will not be covered by General Provident Fund Scheme, which was otherwise holding the field till 01/01/2004. The stoppage of deduction towards General Provident Fund of the Applicant and other similarly situated Temporary Status Mazdoors pursuant to the Office Memorandum dated 26/04/2004 and refund of the General Provident Fund amounts of the Applicant and other Temporary Status Mazdoors which were collected prior to 01/01/2004 was undoubtedly illegal and arbitrary and a denial of a service benefit to the Applicant. Moreover the statements made by the Respondent Authorities with regard to the new Pension Scheme dated 21/05/2005 are not supported by any cogent documents and the Respondent Authorities are put to the strictest proof thereof.

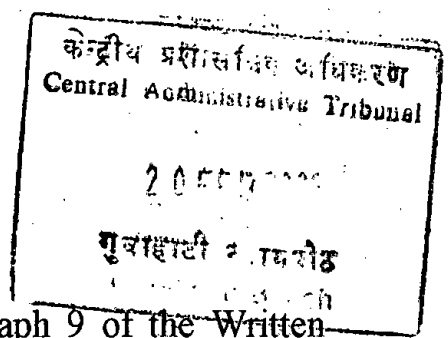
A copy of the Office Memorandum dated 26/04/2004 is annexed hereto as Annexure-14.

7. That while denying the correctness of the statements made in Paragraph 8 of the Written Statement I beg to submit that the claim of the Respondent Authorities that proposal in the IX and X plan was put up for the creation of 10 and 13 members of the Group "D" posts, respectively is not supported by any cogent evidence on record, and the activities initiated by the Respondent Authorities, being matters of record, the Respondent Authorities need to establish the same through proper documents.

Kapil Des Chandhary

49

5



8. That as regards the averments made in Paragraph 9 of the Written Statement I reiterate what I have already stated in Paragraph 5 of the instant Rejoinder and further state that the Respondent Authorities while asserting that they have been admittedly considering regularisation of the Temporary Mazdoors of the Respondent Institute, but have in fact been dilly dallying with the matter and are deliberately delaying regularization of the said Post of the Applicant by not furnishing proper and clear facts to the Headquarters of ICAR. The said letter is a mere eyewash only to mislead the Applicant and others.

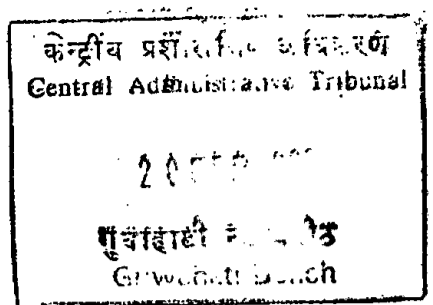
A photo copy of the letter dated 09/06/2005 is annexed herewith as Annexure-15.

9. That while denying the correctness of the averments made in Paragraphs 10 and 11 of the Written Statement, I reiterate what I have already stated in this regard in the Original Application and further state that in the said Advertisement it was clearly written that "no upper age limit will be applicable for serving ICAR employees" (Annexure 16 of the Original Application) and your humble Applicant has been serving under the Respondents since the year 1988 and yet he was not favoured with any call letters, which was in total violation of the directives of the Respondent Authorities themselves, and as such, the claim for not calling your humble Applicant for interview on the ground that "he was overage and as per the existing rules, age relaxation to him can only be given in Group "D" posts.", is not sustainable in law and also not supported by any cogent documents.
10. That I categorically deny the correctness of the statements made in Paragraph 12 of the Written Statement and further reiterate that the said letter dated 05/02/2007 is in-fact a fraudulent document manufactured by the concerned Respondent Authorities for the sole purpose of denying the right of your humble Applicant to the Post against which he had submitted application. It is further stated that the

Kapil Des Chandhary

50

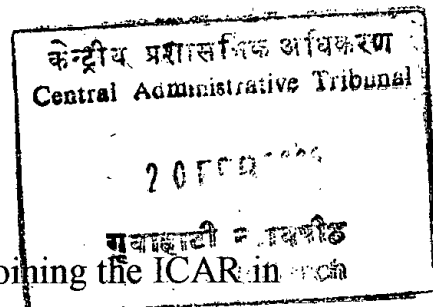
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Corrigendum which is annexed as Annexure-A to the Written Statement filed by the answering Respondents, seems to be another fraudulent document manufactured by the Respondent Authorities only to deny the right of your humble Applicant to the Post against which he had submitted application. The Corrigendum dated 13/06/2007 appears to be a clearly fake document inasmuch as the letter head of the said Corrigendum is entirely different from that of the other letters of Indian Council of Agricultural Research, New Delhi” and in that view of the matter this Hon’ble Tribunal must necessarily direct the Respondent Authorities to produce the Original Records before this Hon’ble Tribunal.

11. That while denying the correctness of the averments made in Paragraph 13 of the Written Statement I state that the Respondent Authorities have deliberately sought to make an evasive reply while clarifying their stand as to how the Krishi Vigyan Kendra, Kaushambi, U.P. had issued a call letter to the Applicant for the said Posts, which is not at all warranted from a Model Employer such as the Respondent Authority. It is further submitted that the reason why your humble Applicant was not favoured with any call letters by the Respondent Authority as done by the Krishi Vigyan Kendra, Kaushambhi, a similarly situated Institute as that of the Respondent Authority, for the Post of Superintendent-cum-Accountant, even though the Applicant was overaged, was solely a deliberate and biased act, and in that view of the matter the Written Statement must be summarily rejected by this Hon’ble Tribunal and complete relief granted to the Applicant.
12. That while denying the correctness of the statements made in Paragraph 14 of the Written Statement I reiterate what I have stated in my Original Application that it is a settled law that upon regularisation, an employee must necessarily be granted the pay protection. It is necessary to state that your humble Applicant has

Kapil Des Chaudhary



been serving the Respondent Authorities since his joining the ICAR in the year 1988 till dated in a Post which is much above the minimum Group-D Post, and he cannot be compelled to start at the minimum scale of pay prescribed for a Group-D Post in the event his service is regularized. In service jurisprudence, as well as in a catena of decisions, an aggrieved member must necessarily be entitled to pay protection and he cannot be subjected to the minimum of the pay scale in the lowest of a Group in a particular Office in so far as the minimum pay scale is concerned. The last pay drawn by any employee, before his/her regularisation, must necessarily be protected, if not by the Respondent Authorities, by this Hon'ble Tribunal. The Respondent Authority, by a letter dated 28/07/2007, to the utter surprise of your humble Applicant, was pleased to shift your humble Applicant from Accounts Section to Farm and Vehicle Section, being apprehensive that your Applicant will move the Court of law.

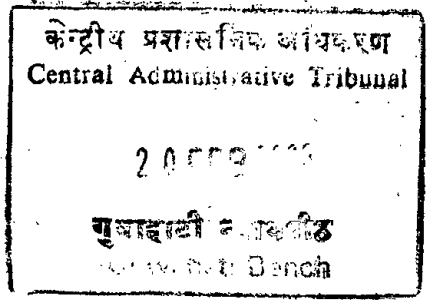
A copy of the Office Order dated 28/07/2007 is annexed hereto as Annexure-16.

13. That it is pertinent to point out that the Respondent Authorities, after filing of the Original Application, by an Order dated 29/10/2007, were pleased to offer the Post of Assistant to Shri Th. Dipal Meitei, Superintendent-cum-Accountant of K.V.K. under the National Research Centre on Mithun, which was accepted by the said Th. Dipal Meitei a person who is similarly situated employee as that of your humble Applicant, an act which manifests utter discrimination and arbitrariness and a violation of the basic principles of fundamental rights to your humble Applicant, as enumerated under Article 14, 16 and 21 of the Constitution of India, by the Respondent Authorities. Had there been no regular Post of Superintendent-cum-Accountant, Shri K.Mhasikolie Chusi, Jr. Clerk of the Administration Section, could not have been transferred or reshuffled to the Post held by your humble Applicant in the Accounts Section.

Kapil Des Chandhary

52

8



A copy of the Order dated 29/10/2007 issued by the Assistant Administrative Officer, NRCM on Mithun, Jharnapani, Nagaland, and a copy of the acceptance letter dated 29/10/2007 are annexed hereto as Annexure-17 and 18 respectively.

14. That while denying the correctness of the averments made in Paragraph 14 of the Written Statement I further reiterate that Applicant has been serving as casual labour much before he was granted Temporary Status Mazdoor w.e.f 01/01/1993 and the Applicant is entitled to be regularised in his Post and the same not being done in spite of directives and commitments by the Respondent higher Authorities, even though the Applicant had applied for the Post of Superintendent-cum-Senior Clerk and Lower Division Clerk, the Respondent authorities illegally and arbitrarily denied your Applicant from getting an appointment in a regular cadre in ICAR by not calling him for interview on the ground of being over aged, in spite of a direction that age relaxation be granted to the casual labourers
15. That while denying the correctness of the statements made in Paragraph 15 of the Written Statement I further submit that the Applicant having been doing regular nature of work as Superintendent-cum-Accountant and Senior Clerk under the Respondent Authority from his date of joining as casual labour, is legally entitled to be regularised in his Post, by relaxing the age. Furthermore the instant case must be treated as an exceptional case where relief ought to be granted without going to into any technicalities in respect of service jurisprudence at a stage where the Respondent Authorities have clearly indicated in their Advertisement that "no age bar will be applicable for serving ICAR employees", and it was incumbent upon the Respondent Authorities to regularise his service and ought to have favoured the Applicant with call letters for

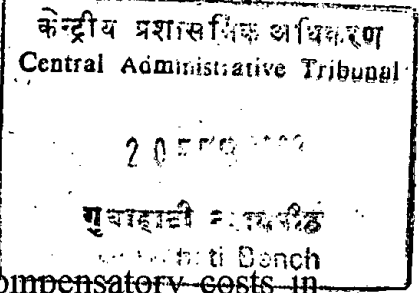
Kapil Doo Chandhary

the said Interview, and the Respondent Authorities having failed so to do, this Hon'ble Tribunal must necessarily interfere and pass necessary Orders in favour of your humble Applicant so as to meet the ends of justice.

16. That I deny the correctness of the averments made in Paragraph 16 of the Written Statement and the submission put forward by the Respondent Authorities that the instant case be dismissed in view of the observations of the Hon'ble Apex Court, quoted therein, is not legally tenable or sustainable and this Hon'ble Tribunal ought to completely ignore the same in as much as the decision in Uma Devi's case (2006 (4) SCC 1), even though made by a Constitution Bench, is now subject to review before the Hon'ble Apex Court. The said case otherwise supports the case of the Applicant.
17. That a mere perusal of the Written Statement would indicate that the answering Respondents have never been serious in implementing the Policy Decision of the Respondent Authorities in the matter of regularisation of the service of the Applicant, and also in not calling the Applicant for the said Interview, and in that view of the matter this Hon'ble Tribunal must necessarily look into the entire records and thereby arrive at a judicious finding that the action of the answering Respondent Authorities is highly illegal, arbitrary, discriminatory and in total violation of the basic principles of Natural Justice and fair play and on this ground alone, the submissions of the answering Respondents in the Written Statement must necessarily be rejected and the instant Original Application allowed with exemplary as well as compensatory costs in favour of the Applicant.
18. That the answering respondents have deliberately given a totally vague and false reply to the Original Application and the averments made therein being not supported by any cogent documentary evidence, the Written Statement must necessarily be rejected and the

Kapil Des Chandhary

(54)



instant Original Application be allowed with compensatory costs in favour of the Applicant.

19. That in any view of the matter the answering Respondents have failed to justify with any reasons whatsoever the cause for non-regularising the services of the Applicant and for not issuing call letters to the Applicant in spite of the specific directives and Advertisement of the Government of India and the Respondent Authorities at New Delhi

VERIFICATION

I, Kapil Deo Chudhury, son of Late Ram Pratap aged about 42 years, residing at present Jharnapni, District:- Dimapur, Nagaland, at present working as a T.S.M. in the Office of the NRC on Mithun (ICAR), Jharnapani, do hereby verify that the statements made in Paragraphs 1 to 5, 9 to 11, 14, 16 & 19 are true to my knowledge, those made in Paragraphs 6, 8, 12 & 13 being matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I sign this Verification on this 20th day of February, 2008 at Guwahati.

Kapil Deo Chaudhary
DEPONENT

55

Annexure

4

No 49014/1/2004-Estt. (C)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel & Training

New Delhi-110001 dated the 26th April, 2004

केन्द्रीय प्रशासनिक एवं विवरण
Central Administrative Tribunal

OFFICE MEMORANDUM

20 FEB 2004

गुवाहाटी न्यायपीठ
Guwahati Bench

Subject:- Introduction of New Pension Scheme - Modification of scheme for grant of temporary status.

The undersigned is directed to say that the scheme for grant of temporary status and regularization of casual workers in Central Govt. Offices formulated in pursuance of the judgement dated 16-2-90 of the Central Administrative Tribunal Principal Bench in the case of Raj Kamal & Others vs. Union of India has been reviewed in the light of introduction of New Pension Scheme in respect of persons appointed to the Central Govt. service on or after 1-1-2004 and it has been decided to modify the scheme as under:-

(i) As the new pension scheme is based on defined contributions, the length of qualifying service for the purpose of retirement benefits has lost its relevance, no credit of casual service, as specified in para 5(v), shall be available to the casual labourers on their regularization against Group 'D' posts on or after 1-1-2004.

(ii) As there is no provision of General Provident Fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees, in terms of para 5 (vi) of the scheme for grant of temporary status. It is, therefore, requested that no further deductions towards General Provident Fund shall be effected from the casual labourers w.e.f. 1-1-2004 onwards and the amount lying in their General Provident Fund accounts, including deductions made after 1-1-2004, shall be paid to them.

2. The existing Guidelines contained in this Department's OM No. 49014/2/86-Estt(C) dated 7-6-88 may continue to be followed in the matter of engagement of casual workers in the Central Government Offices.

P. Mohan
(Smt. Pratibha Mohan)
Director

All Ministries/Departments of Govt. of India and their Attached and Subordinate Offices.

Attached
Smt.
Advocate
23/6/05

56

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.F. REGION
UNBOY ROAD : DISANG, 781 005, ASSAM

Dated 9th June, 2005.

NO. 101(0)20/2005

To,

- 1. The Joint Director,
ICAR Res. Complex for NEF Region,
AcP/Mizoram/Tripura/Nagaland/Manipur/Sikkim
- 2. The Incharge KVK, Turat.
- 3. The Sr. Form Manager, ICAR Res. Complex, Umiam

Sub j:- Creation of posts for regularisation of T&N- reg^d

Sir,

With reference to the above, I would like to inform you that regularisation of 325 posts of Temporary Magdoors of this Institution is under consideration in the Council and for which certain informations are being furnished to Council as called for. Grant of regular status to Temporary Magdoor will entitle them to all the benefits, as applicable to regular employees.

Further, fixation of pay of casual labourers with temporary status, on regularisation against group 'D' post is to be fixed at the minimum of the pay scale of relevant Group 'D' as per OM of DORT dated 29.11.98 (copy enclosed). Therefore, undertaking may please be obtained from the Temporary Magdoors for fixing their pay on the minimum of the scale and be forwarded the same to the undersigned at the earliest to process the matter further (The proforma enclosed).

Yours faithfully,

(H. K. JAIS)
Sr. Administrative Officer

Encls:- As above

CERTIFIED TO BE TRUE
A.M. Dutta
ADVOCATE

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
20/06/2005
गुवाहाटी न्यायपीठ
Guwahati Bench

- 57 - Annexure - 17 - 13 -

**NATIONAL RESEARCH CENTRE ON MITHUN
ICAR, JHARNAPANI, MEDZIPHEMA,
NAGALAND - 797106**

Date : 28.07.2007.

F.No.NRCM(G)63/2003(Vol.I)/ 548

OFFICE ORDER

On the recommendation of the Committee vide letter no. Nil dtd 19.07.07, the Director, NRC on Mithun, Jhamapani is pleased to inform that the work/duty placement of the following staff has been reshuffled as shown below :

| S.No. | Name & Designation | Reshuffled | |
|-------|--|-----------------|-----------------------------------|
| | | From | To |
| 1 | Shri K. Mhasikolie Chüsi Jr. Clerk. | Admn. Section | Account Section |
| 2 | Shri K.D.Chaudhary TSM | Account Section | <u>Farm & Vehicie Section</u> |

This order comes into effect from 1st August, 2007 until further order.

Sd/-
(C.Rajkhowa)
Director

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
20070728
गुवाहाटी न्यायालय

- Copy for information & needful to :
1. Shri K. Mhasikolie Chüsi, Jr. Clerk, NRC on Mithun, Jhamapani.
 2. Shri K.D.Chaudhary, TSM, NRC on Mithun, Jhamapani.
 3. FAO I/C, NRC on Mithun, Jhamapani.
 4. Farm I/C, NRC on Mithun, Jhamapani.
 5. Store I/C, NRC on Mithun, Jhamapani.
 6. PA to Director, NRC on Mithun, Jhamapani.
 7. Personal File of the concerned.
 8. Guard File.

CERTIFIED TO BE TRUE
A. J. Deka
ADVOCATE

R. Rajkhowa
28/7/07
Asstt. Admn. Officer. /c

-14-
Annexure - 18

58

**NATIONAL RESEARCH CENTRE ON MITHUN
ICAR, JHARNAPANI, MEDZIPHEMA,
NAGALAND, 797 106**

F.No: NRCM (R) 3/88 Vol-IV/2004 / 7662

Dated:-29th October, 2007

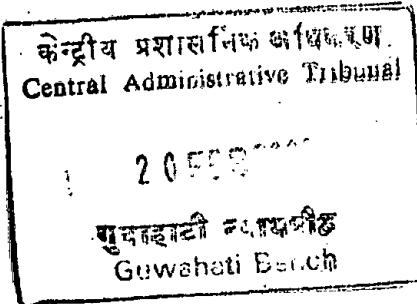
ORDER

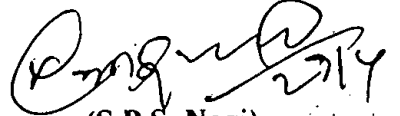
On the recommendations of D.P.C.-cum-Selection Committee, the Director, NRC on Mithun, is pleased to offer the post of Assistant in the pay scale of 5500-175- 9000/- to Shri Th. Dipal Meitei, Supdt-cum-Accountant of K.V.K under N.R.C. on Mithun on the following terms and conditions:-

1. Presently his place of posting will be at N.R.C on Mithun, Jhamapani. However he is liable to serve any where in India.
2. He will be on probation for a period of two years from the date of joining which can be extended on the discretion of the Competent Authority.
3. Fixation of pay etc. shall be regulated in accordance with the provision under FR.

If the offer for the post of Assistant in NRC on Mithun is acceptable to Shri Th. Dipal Meitei, Supdt. (KVK) he is advised to submit his acceptance, in writing, within two days from the date of receipt of this order and report for duty on or before 05th November, 2007, positively, failing which the order shall stand automatically cancelled.

Shri Th. Dipal Meitei,
Supdt:-cum-Accountant
KVK, NRCM on Mithun,
Jhamapani, Nagaland.




(S.P.S. Negi)
Asstt: Administrative Officer

Copy to:-

1. Incharge, Krishi Vigyan Kendra of NRC on Mithun, Porba, Dist: Phek, for kind information.
2. P/F of Shri Th. Dipal Meitei, Supdt:-cum-Accountant, KVK, NRCM on Mithun, Jhamapani, Nagaland.
3. Guard file.


(S.P.S. Negi)
Asstt: Administrative Officer

CERTIFIED TO BE TRUE
A. M. Dutta
ADVOCATE

~~15~~ - 15 -
Annexure - 19

59

ICAR
NRC on Mithun
Diary No. 6541
Date 29/10/07
File No.

Dated :29-10-2007

To,

The Director
NRC on Mithun, ICAR
Jharnapani, Nagaland

Sub : Acceptance letter for the post of Assistant at NRCM - reg.

Ref : Your letter No.NRCM(R)3/88 Vol-IV/2004/7662 dated 29th of Oct'07

Sir,

In reference to your above letter, I am hereby submitting my acceptance letter for the post of Assistant in your kind establishment 'NRC on Mithun'. I will be submitting my joining report w.e.f 1st of Nov'07. This is submitted for favour of your kind consideration and necessary action please.

Thanking you in anticipation.

Yours faithfully,

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
मानव संसाधन विभाग
ICAR

(Th. Dipal Meitei)
Supdt.-Cum-Accountant
NRCM-KVK

CERTIFIED
A.M. Duda
ADVOCATE

Produce a copy

Fee in Court on.....
12/2/10
Court Officer.

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

ORIGINAL APPLICATION NO.219 of 2007

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
165
16 FEB 2010
Guwahati Bench
गुवाहाटी न्यायालय

Filed By - the Respondents Nos. 1, 3, 4 & 5
Through - Madhurya Mohanta
Advocate
12/02/2010

IN THE MATTER OF:

O.A No.219 of 2007
K.D.Choudhury

..... Applicant

-Vs-

Union of India & Ors.

..... Respondents

-AND-

IN THE MATTER OF:

An additional written statement /affidavit filed on behalf of the Respondents Nos.1, 3, 4 and 5, in terms of the Order dated 19.01.2010 of this Hon'ble Tribunal.

AFFIDAVIT

I Dr. Chandan Rajkhowa, Son of Late K .C. Rajkhowa aged about 57 years, presently serving as the Director of National Research Centre on Mithun, ICAR, Jharnapani, District-Dimapur in the state of Nagaland, do hereby solemnly affirm and state as follows:-

1. That I have received a copy of Order dated 19.01.2010 passed by the learned Central Administrative Tribunal, Guwahati Bench in O.A. No 219 of 2007, and I have gone through the same and understood the contents thereof.
2. That the instant additional written statement/ affidavit is being filed for the limited purpose of placing on record the details of the selection process

Chandan Rajkhowa

Copy Received
Deepraj Rajkhowa
Advocate
12/02/10

initiated vide advertisement dated 06.12.2005 as well as other additional facts, as envisaged in the order dated 19.01.2010.

3. That the advertisement for filling up the vacant post of 'Office-Supdt-Cum-Account-General Category' in the pay scale of 5500-175-9000 was published in 'The Assam Tribune' on December 6, 2005 (Tuesday) along with other vacancies for ICAR under National Research Centre on Mithun, Jharnapani, Nagaland for KVK, Phek district, Nagaland.

A copy of the advertisement dated 06.12.2005 published in 'The Assam Tribune' is annexed herewith and marked as **ANNEXURE-C.**

4. That, on receipt of the applications, after a thorough examination by the Committee, taking into consideration the recruitment rules of ICAR as well as the eligibility criteria mentioned in the advertisement issued by NRC on Mithun, the appointment of one Shri Th Dipal Meitei was made to the post of Supdt-Cum-Accountant. Accordingly an appointment letter was issued on 31.07.2006. Be it stated herein that the said order dated 31.07.2006 clearly envisaged under Clause 7 that the incumbent would be liable to be transferred any where in India. The said Th.Dipal Meitei was accordingly posted at Krishi Vigyan Kendra, Porba Village of Phek District under the Director of NRC on Mithun , Jharnapani.

A copy of the Memorandum no. NRCM(G)134 (Part-I) 05/4592,4593 dated 31st July 2006 by which Offer of appointment to the post of Office Supdt-Cum-Accountant was made to Shri Th Dipal Meitei is annexed herewith and marked as **ANNEXURE-D.**

Chandau Raikhowa

5. That with reference to the Offer letter no. NRCM (G)134 (Part-I) 05/4592 dated 31st July 2006, to the post of Office Supdt-Cum-Accountant, Shri Th Dipal Meitei, submitted his joining report to the said post to the Director NRCM on 01.08.2006.

A copy of the Joining report dated 01.08.2006 is annexed herewith and marked as ANNEXURE-E.

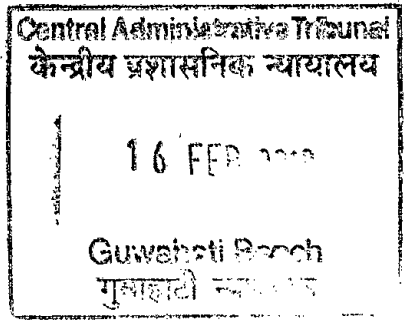
6. That, subsequently in the year 2007, a proposal to fill up one post of Assistant on permanent absorption at NRC on Mithun, Jharnapani from among the eligible employees was issued vide letter no. NRCM® 9/89 (Vol V) 04, dated 07.09.2007. As per the said proposal the requisite eligibility for the post was envisaged as follows:-

“Holding analogous position/post in ICAR system or Sr. Clerk rendering 5 years of regular service in the pay scale of Rs 4000-100-6000 at ICAR Institutes.”

In response to the said proposal two candidates were found to be eligible for the post of Assistant in the Institute namely the said Th Dipal Meitei and one Sri Ram Babu. Accordingly, a Committee was constituted consisting of five members nominated by the Competent Authority and the said Committee held its meeting on 26.10.2007. After a thorough examination of the two applications, Shri Th Dipal Meitei, Supdt-Cum-Accountant was found most suitable for the post of Assistant and accordingly vide Order dated 29.11.2007, the said Sri Th Dipal Meitei was offered appointment in the post of Assistant in the pay scale of Rs.5500-175-9000/-.

A copy of the proposal floated vide letter no. NRCM(R)9/89(Vol V) 04 dated 07.09.2007, minutes of the meeting of the Committee held on 26.10.2007 and copy of the Order dated 29.11.2007 are annexed herewith and

Chandan Paikhor



marked as ANNEXURE-F,G and H

respectively.

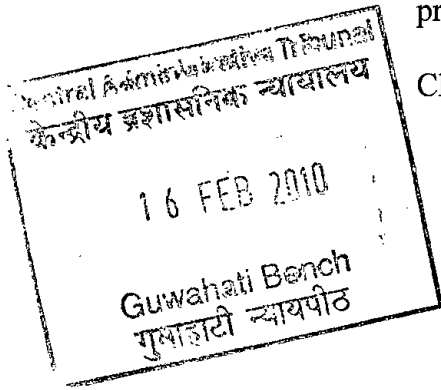
7 That the gamut of facts as have been narrated herein above would clearly reveal that the Applicant herein has approached this Hon'ble Tribunal at an extremely belated stage. The selection process initiated vide the said advertisement culminated in the offer of appointment to Th Dipal Metei on 31.07.2006 itself and as has been narrated herein above he joined on 01.08.2006 and was offered the post of Assistant on 29.11.2007. As such, in the humble submission of the Deponent, it was incumbent upon the applicant to have arrayed the said Th Dipal Metei as a party respondent in the instant case, having approached this Hon'ble Tribunal only on 16.08.2007. Considering the fact that rights had accrued to a third party in the meantime and further considering that it is a well settled principle of law that a 'a party whose interest are directly affected, is, a necessary party' and that no Order shall be passed by a Court behind the back of such a party, it is humbly submitted that the instant application is void ab initio for non joinder of necessary parties and is liable to be dismissed on that ground alone.

8 That notwithstanding what has been stated herein above, it is stated that the grant of temporary status to the casual labourers is regulated strictly in accordance with the 'Casual Labourers (Grant of Temporary Status and Regulation)' scheme dated the 10th September, 1993. It is mentionable that under Rule 4 (iv) of the said scheme the casual laborers who acquire temporary status will not however be brought on to the permanent establishment unless they are selected through regular selection process for group "D" posts. It is further stated that in accordance with the Rule 8 (i) Two out of every three vacancies in group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions

Chandran. Raikhowa

issued by the Department of Personnel & Training from amongst casual workers with temporary status. However, regular group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfill the minimum qualification prescribed for post, regularization will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

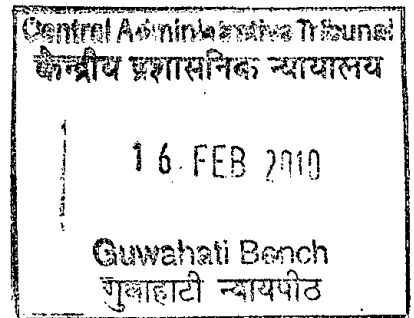
It is therefore evident that age relaxation can be given only in Group D posts. In this connection it is stated that the candidature of the applicant in the instant case Sri K.D.Choudhury, was rejected by the authority concerned on the ground of his being over age since there is no provision of age relaxation in the recruitment rules of the post of Sr. Clerk/LDC which is a Group C post.



A copy of the notification dated 10th September, 1993 is annexed herewith and marked as ANNEXURE-I.

9. That the statements and averments made herein above would clearly reveal that the Applicant is not entitled to any relief in equity. It is apparent that the applicant has approached this Hon'ble Tribunal at an extremely belated stage, since the selection process was initiated in the year 2005 and culminated in the issuing of appointment letter to Sri Th. Dipal Meitei, on 31.07.2006. Further since the applicant was working as a casual employee under the ICAR, he would have been entitled to age relaxation as envisaged in the advertisement, had he applied for a Group-D post. However, such age relaxation is not envisaged under the ICAR Technical Services Rules for Group- B or Group-C posts. As such it is humbly submitted the instant Original Application has no legs to stand on, being devoid of merit, is liable to be dismissed by the Hon'ble Tribunal.

Chandan Raikhowa

**VERIFICATION**

I, Dr. Chandan Rajkhowa, son of Late K.C.Rajkhowa aged about 55 years, presently working as Director of National Research Centre on Mithun, ICAR, Jharnapani, District- Dimapur in the state of Nagaland, do hereby verify that the statements made in paragraphs. 1, 2, 4(P+), 6(P+), 7(P+), 8(P+) & 9 of the Affidavit are true to my knowledge and those made in paragraphs 3, 4(P+), 5, 6(P+), 7(P+),are true to my information derived from records and rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact. I have been duly authorized to wear this affidavit on behalf of the Respondent Nos. 1, 3, 4 and 5.

And I sign this affidavit on this..12th...day of February 2010 at Guwahati.

Chandan Rajkhowa

Identified by me:

(R.S.Chowdhury)
Advocate

DEPONENT

Solemnly affirmed and declared before me by the Deponent, who is identified by R.S.Chowdhury, Advocate, Guwahati on this the day of February, 2010 at Guwahati .

ADVOCATE

Chandan Rajkhowa

37/15

-7--66-

ANNEXURE - C
A-E

MISCELLANEOUS 39



Indian Council of Agricultural Research

National Research Centre on Mithun
Jharnapani, P.O. Medziphema-797106, Nagaland

Advertisement No. 02/2005

Applications are invited for the following posts under National Research Centre on Mithun, Jharnapani, Nagaland for KVK, Phek district, Nagaland.

- | | | |
|-------------------------------|---|---|
| 1. (a) Name of the post | : | Training Associate (T-6) |
| (b) Scale of pay | : | 8000-275-13500 |
| (c) Number of post | : | 06 (six) |
| (d) Discipline | : | Agronomy, Horticulture, Soil Science (3 posts, one from each discipline) - General category. Vety. Science/Animal Science, Agri. Engineering (2 posts, one from each discipline) - reserved for OBC Plant Pathology (one post) - reserved for SC |
| (e) Educational Qualification | : | |
| (i) Essential | : | Master Degree in the Relevant subject from a recognized university. |
| (ii) Desirable | : | 2 years of experience in conducting training in the KVK. |
| 2. (a) Name of the post | : | Office-Supdt.-cum-Accountant-General Category |
| (b) Scale of pay | : | 5500-175-9000 |
| (c) Number of post | : | 01 (one) |
| (d) Educational Qualification | : | |
| (i) Essential | : | Master in Business Management/Post Graduate / Diploma in Business Management/MA/M.Com/CA. OR B.Com/B.A/Bachelor In Business Management with minimum 5 years experience of working as Junior Accountant or Sr. Clerk dealing with financial/accounts matter. |
| 3. (a) Name of the post | : | Farm Management (T-3) - General Category |
| (b) Scale of pay | : | 4500-125-7000 |
| (c) Number of post | : | 01 (one) |
| (d) Educational Qualification | : | |
| (i) Essential | : | B.Sc in Agriculture from a recognized University. |
| (ii) Desirable | : | At least 2 years experience in farm management. |
| 4. (a) Name of the post | : | Computer Programmer (T-3) - General category |
| (b) Scale of pay | : | 4500-125-7000 |
| (c) Number of post | : | 01 (one) |
| (d) Educational Qualification | : | |
| (i) Essential | : | Bachelor Degree in Computer Application / B.Sc in Computer Application/Post Graduate Diploma in Computer Application. |
| (ii) Desirable | : | At least 2 years experience in handling Agri-based data on computer |
| 5. (a) Name of the Post | : | Training Assistant (T-3) - Reserved for ST |
| (b) Scale of pay | : | 4500-125-7000 |
| (c) Number of post | : | 01 (one) |
| (d) Educational Qualification | : | |
| (i) Essential | : | B.Sc in Home Science from a recognized University. |
| (ii) Desirable | : | At least 2 years experience in conducting training. |

GENERAL INSTRUCTIONS

- The prescribed essential qualifications are minimum. Where the number of applications received in response to the advertisement is large, it may not be convenient or possible for the institute to call for interview for all the applicants. The Director, NRCM, Jharnapani reserves the right to fix the criteria for screening the applications. Incomplete applications will not be entertained.
- Age limit for T-6 grade post bearing scale of pay 8000-275-13500/- is 35 years maximum. For T-3 grade post bearing scale of pay Rs. 4500-125-7000/- is 30 years and for the post of office-Supdt-Cum-Accountant bearing scale of pay of Rs. 5500-175-9000/- is 20-27 years. The upper age limit is relaxable for SC/ST/OBC/Ex-Servicemen/Physically handicapped as per rule. Age limit will be applicable as on closing date.
- No upper age limit will be applicable for serving ICAR employees.
- Candidates applying for the posts will have to pay application fee of Rs. 20/- (Rupees twenty) only in form of crossed IPO drawn in favour of Director, NRCM, Jharnapani, Medziphema, Nagaland - 797 106. Candidates of reserved categories will be fully exempted from paying application fee.
- All posts carry usual allowances, selected candidates will be under "Defined Contributory Pension Scheme" as per central govt. rules mutatis-mutandis applicable in ICAR from time to time. The posts are non-government.
- Original certificates and marksheets should not be submitted along with the application but should be brought if and when called for selection process. Attested copies of certificates regarding age, educational qualifications, experiences and castes etc. should, however, be submitted along with the applications.

Central Administration Office
केन्द्रीय प्रशासिका न्यायालय
16
Guwahati Branch
গুৱাহাটী

"The Assam Tribune" December 6, 2005 (Tuesday)

Certified to be true copy
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ANNEXURE D

16 FEB 2006

31 July 2006

**INDIAN COUNCIL OF AGRICULTURAL RESEARCH
NATIONAL RESEARCH CENTRE ON MITHUN
JHARNAPANI, MEDZIPHEMA
NAGALAND - 797 106.**

No. NRCM (G) 134 (Part - I) 05/45/12, 45/13
+ P.B. 358/860
MEMORANDUM

On the recommendation of the Selection Committee, the Director, NRC on Mithun, Jharnapani, Nagaland is pleased to offer a temporary post of Office Supdt.-cum-Accountant in the pay scale of Rs.5500-175-9000/- per month with admissible allowances to Shri Th. Dipal Meitei on the following terms and conditions :-

1. At the time of joining the post, he/she should submit a declaration of marital status.
2. On appointment, he/she will be required to take an oath of allegiance to the Constitution of Indian or make solemn affirmation to the effect as in the form enclosed.
3. He/she has to produce documents in original for proof of his/her age.
4. He/she has to submit a certificate issued by the Asstt. Civil Surgeon of Govt. Hospital declaring him/ her medically fit to join the post. Expenditure if any will be reimbursed.
5. On appointment he/she will draw pay at the initial stage of the scale together with such allowances as are admissible to the employees of corresponding status/ grade under ICAR.
6. The post is non-governmental but he/she will be placed under the "DEFINED CONTRIBUTORY PENSION SCHEME" as per Central Government Rules mutatis-mutandis applicable in ICAR from time to time.
7. He/she will be posted for the present in the Krishi Vigyan Kendra, Porba village of Phek District under the Director of NRC on Mithun, Jharnapani. However, he/she will be liable to be transferred any where in India.
8. He/she will also be on probation for 2 (two) years from the date of his joining the post which may be extended at the discretion of the competent authority. Failure to complete the probationary period to the satisfaction of the competent authority will render him/her liable to be discharged from service
9. His/her appointment may be terminated without assigning any reasons by one month's notice on either side under Rule 5 of the CCS (T.S.) Rules, 1963 as applicable (Mutatis - Mutandis) to the employees of the Council. During the probation, however the appointing authority may terminate the service of Shri Th. Dipal Meitei without prior notice and without the payment of salary in lieu thereof.

Contd. Page 2

*Certified to be true copy
M. Mahanta
Acr*

-68-9-

16 FEB 2006
Guwahati Branch
গুৱাহাটী ন্যায়পীঠ

- 10. Other conditions of service will be governed by the relevant rules and orders which may be issued from time to time by the ICAR.
- 11. The appointment is provisional and is subject to the caste/tribe certificate (*if applicable*) being verified through the proper channels and if the verification reveals that the claim to belong to SC, ST as the cases may be, if found false, the service will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provision of the I.P.C. for production of false certificates.
- 12. The appointment is provisional and is subject to the community certificate (*if applicable*) being verified through the proper channels if the verification reveals that the claim of the candidate to belong to (OBC) Other Backward Classes or not to belong to creamy layer is false, his/her services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provision of the I.P.C. for production of false certificates
- 13. The appointment is on provisional basis till his/her Character and Antecedents verification report is received. In case the Character and Antecedent verification report is not found in order, his/her services shall be terminated forthwith. Character and Antecedent Verification form is enclosed which may be filled up and submitted to the undersigned at the time of joining.
- 14. In case the post is acceptable to Shri Th. Dipal Meitei on the terms and conditions mentioned above, he/she should intimate his/her acceptance and report for duty to the KVK I/C Porba under intimation to the Director, NRC on Mithun Jharnapani within 30 days from the date of receipt of this memorandum failing which the offer shall automatically stand cancelled.

B.P.
31/7/06
(B.PRAKASH)
Asst. Admn. Officer i/c

To
Shri Th. Dipal Meitei
NRC on Mithun (ICAR), Jharnapani
P.O. Medziphema - 797106, Nagaland

No.NRCM (G) 134(Part -I) 05/

Date : 31st July 2006

Copy for information to :-

- 1. KVK I/C ,Porba Village of Phék district.
- 2. The Finance & Accounts Officer, NRC on Mithun, Jharnapani
- 3. Store i/c NRC on Mithun, Jharnapani.
- 4. Guard file.

dc

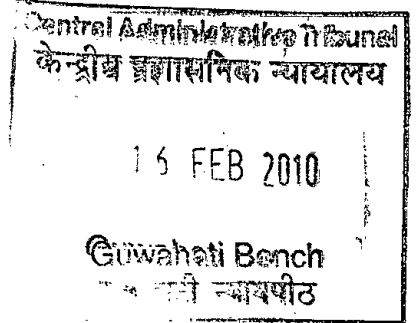
B.P.
31/7/06
(B.PRAKASH)
Asst. Admn. Officer i/c

(Typed Copy)

Dated - 01/08/2006.

To,

The Director,
NRC - M,
Jharnapani



Subject:- Joining Report - reg.

Sir,

In reference to your letter No. NRCM(G)134(Part-I)05/4592 dated 31/07/2006, I am hereby submitting my joining report w.e.f. today i.e. 01/08/2006 (FN) for the post of Office Supdt.-cum-Accountant. I am also enclosing herewith the medical fitness certificate in original.

This is submitted for favour of your necessary action please.

Thanking you.

Yours faithfully,

Enclose:- A/A

(Th. Dipal Meitei)

NRC-M

*Certified to be
true copy
M. Meitei
A/A*

- 11 - - 70 -

A - E

ISAR
 NRC on Mithun
 Diary No. 5584
 Date. 1-8-06
 File No.

(9)

Dated - 1-8-06

To,

The Director
 NRC-M
 Jhasnapani

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय
 16 FEB 2009
 Guwahati Branch
 गुवाहाटी 781 003

Sub: Joining report - reg,

Sir,

In reference to your letter NO. NRCM(4)134
 (Part-I) 05/4592 dated 31-7-06, I am hereby
 submitting my joining report w.e.f. today i.e.
 01-08-06 (FN) for the post of Office Supdt.-cum-
 Accountant. I am also enclosing herewith the medical
 fitness certificate in original.

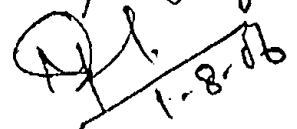
This is submitted for favour of your
 necessary action pls.

Thanking you,

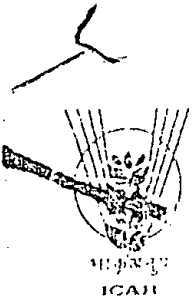
~~A/A~~


Encls: A/A

Yours faithfully,


 1-8-06

(Th. Dipal Heikhi)
 NRC-M



12 -
-71-
ANNEXURE-F
2007-08

राष्ट्रीय मिथुन अनुसंधान केंद्र
भारतीय कृषि अनुसंधान परिषद
National Research Centre on Mithun (I.C.A.R.)
Jharnapani, Medziphema, Nagaland - 797 106
Phone : (03862)-247327/247341
Fax : 03862-247341



No.NRCM(R)9/89(Vol V)04/

Date: 07.09.07

To The Directors/ Project Directors/ NRCs/ ZCUs of all ICAR Institutes.

Sub: Filling up of post of Assistant on permanent absorption at NRC on Mithun, Jharnapani.

Sir/ Madam,


It is proposed to fill up one post of Assistant at NRC on Mithun, Jharnapani, Nagaland on permanent absorption from among the eligible employees of ICAR Institutes as per the details given below:-

| Sl. No | Name of the post | No. of post | Scale of pay | Eligibility |
|--------|------------------|-------------|------------------|---|
| 1. | Assistant | 01 | Rs.5500-175-9000 | Holding analogous position/post in ICAR system or Sr.Clerk rendering 5 years of regular service in the pay scale of Rs. 4000-100-6000 at ICAR Institutes. |

It is requested that the vacancy may kindly be circulated among the eligible and desirous employees and necessary particulars of such candidates who can be immediately relieved from the post be forwarded through proper channel in the enclosed Proforma (overleaf) along with the photocopies of their CR dossiers for the last five years in case of Sr. Clerk and last one year in case of employees holding analogous position/post to this office not later than 5th Oct., 2007. A certificate to the effect that no vigilance/ disciplinary case is pending or being contemplated against the candidate(s) may kindly be furnished along with the particulars.

Incomplete application(s) or those received after the prescribed date and without CR dossiers/ vigilance clearance certificate shall not be considered.

Yours faithfully,


(S.P.S.Negi)
Asstt. Admn. Officer

सर्व शिक्षा अभियान
सरण पढ़ें सरण बढ़ें

Certified to be
true - copy
M. M. M. A.
A. S.

8/14

- 13 - 72 -

A-6

PROCEEDING OF A MEETING HELD ON 26.10.2007 AT 10.30 AM, REGARDING
DPC-CUM-SELECTION COMMITTEE FOR THE POST OF ASSISTANT AT N.R.C ON
MITHUN, JHARNAPANI, NAGALAND.

Reference to a circular made by this office vide letter No. NRCM (R)9/89(Vol V)04 dated 7.9.2007 on the subject cited above, the nominated committee by the Competent Authority hold a meeting and the following were present:-

1. Dr. K.K. Baruah , Pri. Scientist - as Chairman
2. Dr. K.C. Das, Sr. Scientist - as Member
3. Dr. Kezhavituo Vupru - as Member (SC/ST)
4. Mr. S.K. Jindal, Admn: Officer - as Member (expert)
5. Mr. S.P.S. Negi, Asstt: Admn: Officer - as Member Secretary

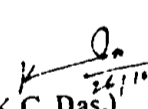
The applications received are as per the details given below:-


| S.No. | Name of the Candidate | Designation | Place of posting |
|-------|-----------------------|-----------------------|---------------------------------------|
| 1. | Shri Th. Dipal Meitei | Supdt.-cum-Accountant | N.R.C.on Mithun, Jharnapani, Nagaland |
| 2. | Shri D.Ram Babu | Sr. Clerk | N.R.C. on Sorghum, Hyderabad. |

The committee thoroughly examined the applications so received through proper channel from the concerned Institutes of the ICAR and taking into considerations the recruitment rules of ICAR, the eligibility mentioned in the advertisement issued by NRC. on Mithun and the grading of ACR's for the appointment/selection of the said post. Shri Th. Dipal Meitei, Supdt.-cum-Accountant, presently working under KVK of the N.R.C on Mithun in the similar (analogous) grade, having completed one year service in the regular capacity, stated to have very good knowledge in the filed of accounts as per the remarks reflected in his ACR and to the fact that he his also discharging the duties of A&FAO in the absence of regular Finance Officer at N.R.C. on Mithun, Jharnapani, apart from his regular duties of KVK, found most suitable for the post of Assistant.


The committee, therefore, recommends the selection of Shri Th. Dipal Meitei, Supdt.-cum-Accountant to the post of Assistant in the pay scale of Rs.5500-175-9000/-.

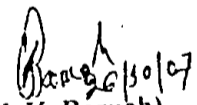
Submitted to the Director, N.R.C on Mithun , the Competent Authority, for approval/orders, please.



(K.C. Das,) 26/10/07
Member


(Kezhavituo Vupru) 26/10/07
Member


(S.K. Jindal,) 26/10/07
Member


(S.P.S. Negi,) 26/10/07
Member Secretary


(K. K. Baruah) 26/10/07
Chairman

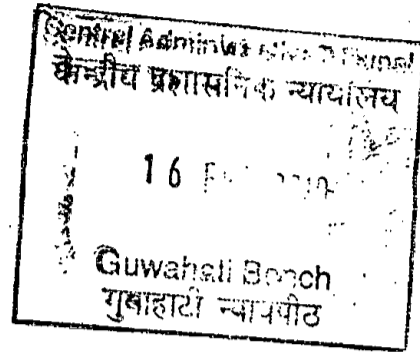
Approved


Certified to be true copy
M. M. M. Adh

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NATIONAL RESEARCH CENTRE ON MITHUN
ICAR, JHARNAPANI, MEDZIPHEMA,
NAGALAND, 797 106




F.No: NRCM (R) 3/88 Vol-IV/2004/7662-7663 Dated:-29th Nov., 2007

ORDER

On the recommendations of D.P.C.-cum-Selection Committee, the Director, NRC on Mithun, is pleased to offer the post of Assistant in the pay scale of 5500-175- 9000/- to Shri Th. Dipal Meitei, Supdt-cum-Accountant of K.V.K under N.R.C. on Mithun on the following terms and conditions:-

1. Presently his place of posting will be at N.R.C on Mithun, Jhamapani. However he is liable to serve any where in India
2. He will be on probation for a period of two years from the date of joining which can be extended on the discretion of the Competent Authority.
3. Fixation of pay etc. shall be regulated in accordance with the provision under FR.

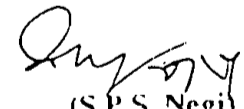
If the offer for the post of Assistant in NRC on Mithun is acceptable to Shri Th. Dipal Meitei, Supdt. (KVK) he is advised to submit his acceptance, in writing, within two days from the date of receipt of this order and report for duty on or before 05th November, 2007, positively, failing which the order shall stand automatically cancelled


(S.P.S. Negi)
Asstt: Administrative Officer

Shri Th. Dipal Meitei,
Supdt:-cum-Accountant
KVK, NRCM on Mithun,
Jhamapani, Nagaland.

Copy to:-

1. Incharge, Krishi Vigyan Kendra of NRC on Mithun, Porba, Dist: Phek, for kind information
2. P/F of Shri Th Dipal Meitei, Supdt:-cum-Accountant, KVK, NRCM on Mithun, Jhamapani, Nagaland
3. Guard file.


(S.P.S. Negi)
Asstt: Administrative Officer

Authenticated to be
true copy.
M. Meitei
Adv

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

16 FEB 2010

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN, NEW DELHI-1

Omshakti Bhand
नया दिल्ली

F.No. 24(6)/83-CDN

Dated the 23rd November, 1994.

To
All the Directors/Project Directors of ICAR Institutes/
Directorates/NRCS.

Subject: Grant of temporary status and regularisation of
Casual Workers - Adoption of scheme formulated by
Department of Personnel & Training - reg.

Sir,

The question of adoption of the scheme issued by the
Government of India, Ministry of Personnel, P.C. and pensions
Department of Personnel & Training vide their O.M.No.
51016/2/90-Estt.(C) dated the 10th September, 1993 on the subject
mentioned above have been under consideration in the Council
for some time. It has now been decided with the approval of the
competent authority to adopt this scheme in respect of the
casual workers engaged by the ICAR Institutes w.e.f. 1.9.93.
A copy of the scheme is enclosed herewith for information/
guidance and necessary action.

The grant of temporary status to the casual labours may
be regulated strictly in accordance with this scheme and it
may be ensured that the temporary status is granted only to
casual labourers who are eligible in accordance with these
guidelines. The additional financial liability on this account
is to be met from within the existing budgetary provision
of the respective institutes and no additional funds for the
purpose will be provided.

In case of any doubt regarding the eligibility of the
casual labours for grant of temporary status in accordance with
the scheme a reference may be made to the concerned SMD at
the headquarter for final orders.

Yours faithfully,

(Signature)
(K.K. BAJPAI)
DEPUTY SECRETARY

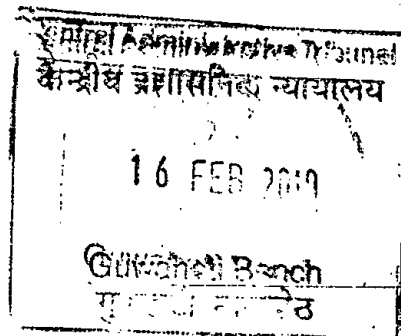
Copy to:-

- All D.E.G.'s, ICAR./Director(Finance)
- 1. Deputy Secretary(A) 3. Deputy Secretary (IA-P)
- 4. Under Secretary (D) 5. Under Secretary(N)
- 6. Under Secretary(J) 7. All I.A. Sections, ICAR.
- 8. Per.IV Section, ICAR 9. I.F. Section, ICAR
- 10. Budget Section.

Copy for information to P.Ss. to D.C./Secretary/IA(D-RE)

(Signature)
DEPUTY SECRETARY

*Classified to be
true-copy
M. M. J. Adh*



//COPY//
No. 51016/2/90-Estt(C)
Government of India
Ministry of Personnel, P.C. & Pensions
Department of Personnel & Training
.....

New Delhi, the 10th Sept., 1993.

OFFICE MEMORANDUM

Subject: Grant of temporary status and regularisation of Casual Workers - formulation of a scheme in pursuance of the C.T. Principal Bench, New Delhi, judgement dated 16th Feb., 1990 in the case of Shri Raj Kamal & Others vs. UOI.

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The guidelines in the matter of recruitment of persons on daily wage basis in Central Government offices were issued vide this Department's O.M.No.49014/2/86-Estt(C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the CAT, Principal Bench, New Delhi delivered on 16.2.90 in the writ petition filed by Shri Raj Kamal and others vs Union of India and it has been decided that while the existing guidelines contained in O.M. dated 7.6.88 may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the scheme as appended.

2. Ministry of Finance etc. are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7.6.88. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.

Sd/-
(Y.G. PARANDE)
DIRECTOR

Central Administrative
केन्द्रीय प्रशासनिक
16 FEB 1993
Guwahati Branch
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APPENDIX

Department of Personnel & Training, Casual Labourers
(Grant of Temporary Status and Regularisation) Scheme

1. This Scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993".
2. This scheme will come into force w.e.f. 1.9.1993.
3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.
4. Temporary status
 - i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this C.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).
 - ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.
 - iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.
 - iv) Such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts.
5. Temporary status would entitle the casual labourers to the following benefits:-
 - i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA.

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- ii) Benefits of increments at the same rate as applicable to a Group D employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for atleast 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
- iii) Leave entitlement will be on a pro-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.
- iv) Maternity leave to lady casual labourers as admissible to regular Group D employees will be allowed.
- ✓ v) 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after their regularisation.
- vi) After rendering three years' continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group D employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group D employees, provided they furnish two sureties from permanent Govt. servants of their Department.
- vii) Until they are regularised, they would be entitled to Ad-hoc bonus only at the rates as applicable to casual labourers.
- ✓ 6. No benefits other than those specified above will be admissible to casual labourers with temporary status. However, if any additional benefits are admissible to casual workers working in Industrial establishments in view of provisions of Industrial Dispute Act, they shall continue to be admissible to such casual labourers.
- ✓ 7. Despite conferment of temporary status, the services of a casual labourers may be despersed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

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8. Procedure for filling up of Group D posts

- i) Two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

9. On regularisation of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions.

10. In future, the guidelines as contained in this Department's O.M. dated 7.6.88 should be followed strictly in the matter of engagement of casual employees in Central Government Offices.

11. Department of Personnel & Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time.
