

12

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... *O.A.* Pg. 1..... to 11.....
2. Judgment/Order dtd. 11.6.2008..... Pg. x..... to *Separate order*  
*Dismissed Withdrawn.*
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A. *23/2007*..... Pg. 1..... to 52.....
5. ~~E.P/M.P.~~..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S. *2 NO 203*..... Pg. 1..... to 10.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit. *in opposition R.M-5 Page-1 to 9*.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....
- Withdrawn Application page - 1 to 3*

SECTION OFFICER (Judl.)

*Kahla*  
*21.09.17*

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No. 23 /2007
2. Miscellaneous Petition No. \_\_\_\_\_
3. Contempt Petition No. \_\_\_\_\_
4. Review Application No. \_\_\_\_\_

Applicant(S) B.P. Rao

VS. Union of India & Ors  
~~MR A.K. Bhattacharyya, Sr. Advocate~~  
~~MRS K. Bhattacharyya, B. Chakrabarti,~~  
~~P. Sarma, B. Choudhury, D. Goswami,~~  
~~B. Das, K. Singha & S. Dutta~~

Advocate for the Respondent(S) CASE

~~Govt. Adv. Assam~~

Govt. Adv. Meghalaya

| Notes of the Registry | Date | Order of the Tribunal |
|-----------------------|------|-----------------------|
|-----------------------|------|-----------------------|

5.2.2007 Present: The Hon'ble Mr.K.V.Sachidanandan  
Vice-Chairman.

This application is in form  
is filed in the Court of  
deposited vide P.D.  
No. 289 988 367  
Date 22.1.2007

[Signature]  
Dy. Registrar

The Applicant ~~is~~ that he had  
earlier came before this Tribunal in  
O.A. No.215/2005 and vide order  
dated 18.6.2006 this Court had  
directed as under:

Copy of the application  
has been submitted for  
Respondents No. 1 to 8  
with extra cost of  
Rs. 15/- deposited vide  
Receipt No 2168 dated  
1-2-07.

[Signature]  
1-2-07.

"in the interest of justice we  
direct the Respondent No.1 to  
consider the representation of the  
applicant that has been  
forwarded by the Government of  
Assam within a time frame of  
three months from the dated of  
receipt of this order and pass  
appropriate order and  
communicate the same to the  
Government of Assam."

O.A. 23/2007

- 2 -

Contd.  
5.2.2007

order dt. 5/2/07 sent  
to D/Section for  
issuing to Dr. Cort.  
Advocate, State of  
Meghalaya for R-4 & 5.

Cover  
8/2/07 - D/No - 165,  
Dt = 12/2/07

For R-23

G. A. Assam

Steps on Respondent no 6 taken

Bhadracharya  
Adv.



Notice & order sent to  
D/Section for issuing to  
Resp. no. 6 by regd. A/D  
post.

D/No - 170

Cover  
8/2/07 - Dt = 12/02/07

/bb/

19.3.07.

Notice & order sent to  
D/Section for issuing  
to R-8, ~~8~~ and 4 received  
by hand and ORs R-8, 4<sup>1m</sup>  
sent to regd. A/D post.

Cover  
8/2/07 - D/No - 259, 260

Dt = 7/3/07

① Service report submitted.

② No. WB has been filed.  
2/6/07

In furtherance of that order the  
Respondents vide order dated  
10.10.2006 rejected the prayer of the  
Applicant. Hence, this O.A.

Heard Mr. A. K. Bhattacharyya,  
learned Sr. counsel for the Applicant.  
Mr. M. U. Ahmed, learned Addl. C.G.S.C.  
appeared for Respondent No.1, Mr.  
Ratul Goswami, learned Sr. Govt.  
Advocate, State of Meghalaya appeared  
for Respondent Nos.4 & 5 and Mrs. M.  
Das, learned Govt. Advocate, State of  
Assam appeared for Respondent Nos.2  
& 3. All the counsel for the  
Respondents prayed for time for  
obtaining instruction and filing reply  
statement. Let it be done within six  
weeks.

Post on 19.03.2007. Applicant  
will take process for Respondent Nos. 6  
to 8.

Vice-Chairman

post the matter on 4.5.07.

Member

Vice-Chairman

| Office Note.   | Date                     | Order of Tribunal   |
|--|--------------------------|---|
| <p>29.3.07</p> <p>An affidavit in opposition filed by the Respondents.</p> <p><i>[Signature]</i></p> | <p>4.5.07.</p> <p>lm</p> | <p>not been<br/>Respondents have filed their written statement. Counsel for the applicant wanted to file rejoinder post the matter on 5.6.07. Respondents are at liberty to file written statement.</p> <p><i>[Signature]</i><br/>Vice-Chairman</p> |
| <p>7) Wls filed by R.No-5</p> <p>8) No Wls filed by R.No-1 to 4 &amp; R.No-6 to 8.</p>               |                          | <p><i>[Diagonal line]</i></p>   |
| <p>30.5.07.</p>  |                          |   |
| <p>No Wls filed by R.No-1-4.</p>   |                          |   |
| <p>1.6.07</p>  | <p>5.6.2007</p>          | <p>It is submitted that Mr.M.U.Ahmed learned Addl.C.G.S.C. could not be present due to personal inconvenience. Post at three weeks.</p>   |
| <p>Wls not yet filed by R.No-1-4</p>   |                          | <p>Post the case on 28.6.2007.</p>  |
| <p>27.6.07.</p>  |                          | <p><i>[Signature]</i><br/>Vice-Chairman</p>   |
|  | <p>/bb/</p>              |   |

28.6.2007

Four weeks time is granted to Mrs.M.Das, learned Addl.C.G.S.C. to file reply statement.

Wb not filed by  
R.No. 1-4.

Post the case on 30.7.2007.

27.7.07.

/bb/

Vice-Chairman

30.7.07.

Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 29.8.07.

Vice-Chairman

lm

30.7.07.

Counsel appearing for the Government of Meghalaya has filed their written statement. The other respondents has sought further four weeks time for filing their written statement. It is made clear that if the written statement is not filed by the respondents on the next date the appropriate process will be initiated against the concerned officer. Post the matter on 29.8.07.

Copy of the order be furnished to the counsel for the respondents.

Vice-Chairman

30.7.07  
Pl. furnish a copy of this order to the counsel for the respondents.

30.7.07  
(Mr. M. M. Ahmed)  
Addl. C.G.S.C.

Order dated 30.7.07  
Received on behalf  
of Mrs. M. Das,  
Addl. C.G.S.C., PAT-5

lm

Shumai Ch. Dewa

10.8.07

29.8.07  
No WTs except Respdt no 5 filed.  
bm

OA. 23/07

5-

30.8.2007

Some of the Respondents have filed reply statements. As requested, four weeks time is granted to the other Respondents to file reply statement who have not filed it.

Post on 3.10.2007.

Vice-Chairman

/bb/

03.10.2007

In this case, written statement has already been filed by the Respondent Nos.2 & 3. A written statement on behalf of Respondent Nos. 4 & 5 have also been filed.

None appears for the Respondent No.6 nor the Respondent No.6 is present in person. None appears for the Respondent No.7 as yet.

Registry to issue notice to Respondent No.1, 6 & 7 requiring them to file replies by the next date.

The Chief Secretary of Govt. of Assam and that of Govt. of Meghalaya should produce the records containing minutes of the Joint Cadre Authority of IPS officers of the States of Assam and Meghalaya by the next date.

Call this matter on 15.11.2007.

Send copies of this order to the Applicant and all the Respondents in the addresses given in the Original Application.

RECORDED

10.9.07

W/s Submitted  
by Respondent No.2 & 3.

Prs.

W/s filed by R.No-  
2 & 3, 5

my  
1.10.07

OA. 23/2007

03.10.2007

In this case, written statement has already been filed by the Respondent Nos. 2 & 3. A written statement on behalf of Respondent Nos. 4 & 5 have also been filed.

None appears for the Respondent No. 6 nor the Respondent No. 6 is present in person. None <sup>has</sup> appeared for the Respondent No. 7 as yet.

Registry to issue notice to Respondent No. 1, 6 & 7 requiring them to file replies by the next date.

The Chief Secretary of Govt. of Assam and that of Govt. of Meghalaya should produce the records containing minutes of the Joint Cadre Authority of IPS officers of the States of Assam and Meghalaya by the next date.

Call this matter on 15.11.2007.

Send copies of this order to the Applicant and <sup>also to</sup> all the Respondents in the addresses given in the Original Application.

(Khushiram)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

/bb/

16.11.07

No reply filed by  
R.M. 1, 6 & 7.  
Serious report awaited  
on.

Steps for issue  
notice's received  
on 3/10/07.

3/10/07

Received on behalf  
of Manjula Das.  
Add. CGSC  
Reeta Singh.  
Adv.

Notice & order sent to  
D/Section for issuing  
to R-1, 6, 7 by regd.  
A/D post.

16/10/07  
D/No - 1102 to 1104  
Dt = 30/10/07.

15.11.2007

Mr.D.Goswami, learned counsel for the Applicant, Mr.M.U.Ahmed, learned Addl. Standing Counsel for the Govt. of India and Mrs.M.Das, learned Advocate for the State of Assam are present. Mr.R.Goswami, learned Advocate for the State of Meghalaya is represented by Mr.A.Bhattacharya.

2. No written statement has been filed by the Respondent Nos. 1, 6 and 7 in this case; despite several opportunities. They are given liberty to file their Counter/Written Statement/Reply to this O.A. before 04.12.2007.

3. Mrs. M.Das, learned Advocate for the State of Assam, files copies of the Minutes of the Joint Cadre Committee meetings of different dates. She undertakes to file second set of these papers for the Bench by Friday/16.11.2007. She should also supply copies of these Minutes to the learned counsel for the Applicant and Advocates for the Govt. of India & Govt. of Meghalaya by 16.11.2007.

4. Call this matter on 04.12.2007 for final hearing.

5. Written submissions, if any, of the parties should be filed well before 04<sup>th</sup> December, 2007.

Send copies of this order to the Applicant and to all the Respondents by post.

Contd.....



23/2007


-8-

Contd.  
15.11.2007

Free copies of this order be also handed over to the learned counsels appearing for the parties (Mr.D.Goswami for the Applicant; Mr.M.U.Ahmed for the Union of India; Mrs.M.Das, for the State of Assam and Mr.A.Bhattacharya for the State of Meghalaya) in course of 16.11.2007.

Receipt order dt  
15/11/2007  
Arijit Bhattacharyee  
for Govt. of Meghalaya.

  
(Khushiram)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

dt. 15.11.07

/bb/

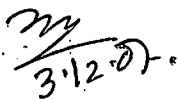
Pl. send order copies  
to the Applicant and  
to the Respondents by  
post.

Order dt. 15/11/07  
sent to D/Section  
for issuing to applicant,  
all the respondents and  
learned counsel for  
all side.

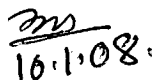
19/11/07. D/No-1458 to 1471  
D/- 20/11/07.

11.01.2008

Wks filed by  
R.No- 2 & 3.


  
3.12.07.


Vokalatnama filed  
by Mr. R. Goswami, Adv.  
G.A. Meghalaya.

  
16.1.08.

On the prayer of learned Counsel  
for the Applicant, this case stands  
adjourned to be taken up on 11.01.2008.  
Mr. R. Goswami, Advocate undertakes to  
file his 'Vokalatnama' for the State of  
Meghalaya by 14<sup>th</sup> December, 2007.

Call this matter on  
11.01.2008.

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

Mr.B.Chakraborty, learned counsel appearing  
for the Applicant is present. Mr.M.U.Ahmed, learned  
Addl. Standing counsel for the Union of India;  
Dr.Y.K.Phukan, learned Sr. Advocate and Mrs.M.Das,  
learned Advocate appearing for the State of Assam  
and Mr.R.Goswami, learned Sr. Advocate  
appearing for the State of Meghalaya are also  
present.

On the prayer of learned counsels for the  
parties, this matter stands adjourned to be taken up  
on 05.02.2008 for hearing.

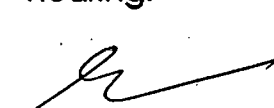
Contd.....


O.A. 23/2007

11.01.2007

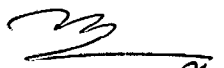
Call this matter on 05.02.2008 (along with O.A. No.153/2006 filed by Mr.R.N.Mathur) for hearing.

Wls filed on behalf  
of R.No-2,3&5.

  
(Khushiram)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

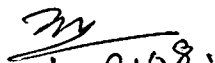
/bb/


  
4.2.08.

05.02.2008


Call this matter on 11.3.2008.

Rejoinder not  
filed.

  
10.3.08.

  
(Khushiram)  
Member(A)

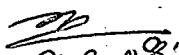
Lm

  
(M.R.Mohanty)  
Vice-Chairman

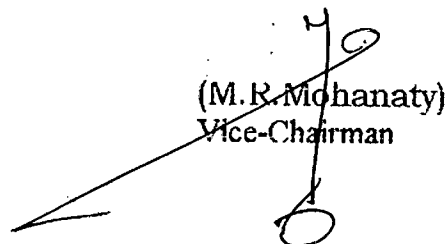
11.03.2008

Call this matter on 01.04.2008.

Rejoinder not filed.

  
31.3.08.

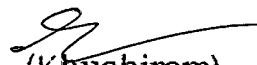
lm

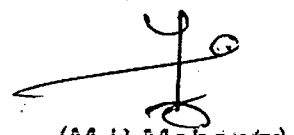
  
(M.R.Mohanty)  
Vice-Chairman

01.04.2008

On the prayer of Mr.H.K.Das, <sup>(made</sup> on behalf of Mr.A.K Bhattacharjee, learned Sr.counsel appearing for the Applicant) the case is adjourned to 6<sup>th</sup> May, 2008.


Call this matter on 6<sup>th</sup> May, 2008.

  
(Khushiram)  
Member(A)

  
(M.R.Mohanty)  
Vice-Chairman

lm

Rejoinder not  
filed.

  
05.05.08

O.A.M. 23/2007 - 4-

10

06.05.2008

On 01.05.2008, adjournment was actually sought by Mr H.K. Das, learned Counsel for the Applicant in O.A.No.153/2008. It was wrongly recorded that the prayer was made on behalf of Mr A.K. Bhattacharyya, learned Counsel appearing for the Applicant in this case.

8.5.08

W/s filed by  
Respondent Nos. 2 & 3.  
Copy served.

Dis.  
8/5/08

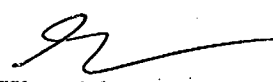
Heard the learned Counsel for the parties in part.

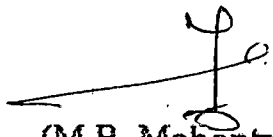
Call this matter on 21.05.2008 for further hearing.

On 15.11.2007 Mrs M. Das, learned Advocate for the State of Assam, undertook to file copies of the Minutes of the Joint Cadre Committee meeting by 16.11.2007. It appears that she has not filed those papers. She undertakes to file those papers by tomorrow, i.e. 07.05.2008.

Mr R. Goswami, learned Advocate for the State of Meghalaya undertakes to produce the Minutes of the proceedings by which Respondent No.6 was granted promotion as DGP, Meghalaya.

Call this matter on 21.05.2008 for further hearing.

  
(Khushiram)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

21.05.2008

On the prayer of Mr D. Goswami, learned Counsel appearing for the Applicant, further hearing of this part heard matter stands adjourned to be taken up on 11.06.2008.

  
(Khushiram)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

The case is ready  
for hearing.

10.6.08

nkm


11.06.2008 Mr. D. Goswami, learned counsel appearing for the Applicant is present. Mr. M. U.Ahmed, learned Addl. Standing Counsel representing the Government of India, Dr. Y. K.Phukan, learned Sr. Advocate (assisted by Mrs. M. Das) representing the State of Assam and Mr.R.Goswami, learned counsel representing the interest of State of Meghalaya, are also present.


Mr.D.Goswami, counsel for the applicant files a Memo to withdraw the Original Application, on the ground that the Applicant Mr.B.P.Rao has already been promoted to the rank of Director General of Police (Border) Assam and that the State Government is also favorably considering to grant the promotion of the Applicant from the retrospective date/14.03.2005.

Heard. This Original Application is hereby permitted to be withdrawn with liberty to the Applicant to represent this case before the Respondents for granting him promotion from retrospective date/14.03.2005.

This case is accordingly dismissed, being withdrawn.

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

  
(Khushiram  
Member(A)

  
(M.R.Mohanty)  
Vice-Chairman

Lau

19.6.08

Copy of the  
order send to  
The D/Sec. for  
issuing the order  
to the parties  
with copy to the  
L/Sec. for the  
parties.  
etc

File in Court on.....11/6/08.....

*Pras*  
Court Officer.

13

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH  
AT GUWAHATI

O.A No. 23/2007

Sri Birendra Prasad Rao

Applicant

-Versus-

Union of India and others.

Respondents

**Sub :-** Withdrawal of O.A No. 23/2007.

Hon'ble Lordships,

I respectfully state before your Lordships that the applicant, Shri Birendra Prasad Rao, by his letter dated 23.5.2008 has intimated Mr. A.K. Bhattacharyya, Senior Advocate that the Government of Assam vide Notification no. HMA.201/901/180-C, dated 22.5.2008 promoted him to the rank of Director General of Police and is also favourably considering to give effect to his promotion from 14.3.2005 i.e the date of promotion of the Respondent No. 5 Sri W.R. Marbaniang. In view of the above he has instructed us to withdraw the above noted Original Application No. 23/2007 filed by him before this Hon'ble Tribunal.

It is therefore submitted that your Lordships may be pleased to close the above noted Original Application No. 23/2007 on withdrawal.

Yours faithfully

*Devojit Goswami*  
11/6/2008

Devojit Goswami  
Advocate

*Mr. A. Assam*  
11/6/08

*M. M. Ahmed*  
Addl. Case  
11/6/08

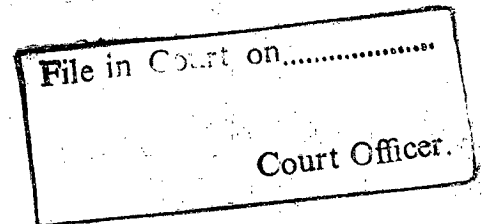
14

**OFFICE OF THE DIRECTOR GENERAL OF POLICE (BORDER), ASSAM,  
SRIMANTAPUR (BHANGAGRH), GUWAHATI-781032**

Letter No. BPR/CAT/2005/ I-A/ 104

Dated 23<sup>rd</sup> May 2008

From: Shri B.P.Rao, IPS  
Director General of Police (Border), Assam,  
Srimantapur (Bhangagarh), Guwahati-781032



To,  
  
Shri A.K.Bhattacharjee  
Senior Advocate,  
Manik Nagar, Zoo Road, Guwahati.

Sub: **Promotion.**

Ref: Case No. OA No.23 of 2007 in the CAT, Guwahati.

Sir,

1. With reference to the subject and Case No. referred to above, it is intimated that the Government of Assam promoted me to the rank of Director General of Police in the scale of pay of Rs.24050-650-26,000/- vide Government's Notification No. HMA.201/90/180-C dated 22.5.2008 (copy of the order is enclosed herewith).
2. The State Government is also favourably considering to give effect to my promotion from 14.3.2005 i.e. the date of promotion of Shri W.R.Marbaniang, IPS (RR-1975) of Assam-Meghalaya Cadre.
3. In view of above, it is advised that Case No. OA No.23 of 2007 in the CAT, Guwahati may kindly be withdrawn.

Yours faithfully,

Encl: as above

87 2.5  
(B.P.RAO, IPS)  
Director General of Police (Border)  
Assam, Guwahati.

*Devjit Goswami  
Advocate*

GOVERNMENT OF ASSAM  
HOME (A) DEPARTMENT

ORDERS BY THE GOVERNOR  
NOTIFICATION

File in Court on.....  
Court Officer.

Dated Dispur, the 22<sup>nd</sup> May, 2008.

NO. HMA 201/90/180 : Shri Sharda Prasad, IPS (RR-73) Addl. Director General of Police (V&AC), Assam, is promoted to officiate in the rank of Director General of Police, in the scale of pay Rs. 24,050-650-26,000/- and posted as Director General of Police (V&AC), an ex-cadre post by way of up gradation of the ex-cadre post of Addl. Director General of Police (V&AC), Assam to the rank of Director General of Police (V&AC), Assam, in the interest of public service, with immediate effect and until further orders.

NO. HMA 201/90/180-A : Shri Shankar Barua, IPS (RR-74) Chairman-cum- Managing Director, APHC, Ltd, Assam is promoted to officiate in the rank of Director General of Police, in the scale of pay Rs. 24,050-650-26,000/- and allowed to continue in the ex-cadre post of Chairman-cum- Managing Director, APHC, Ltd, Assam, in the interest of public service, with immediate effect and until further orders.

NO. HMA 201/90/180-B : Shri S.P.Ram, IPS, (RR-74) Addl. Director General of Police, (CID) Assam, is promoted to officiate in the rank of Director General of Police, in the scale of pay Rs. 24,050-650-26,000/- and posted as Director General of Police (CID), an ex-cadre post by way of up gradation of the ex-cadre post of Addl. Director General of Police (CID), Assam, to the rank of Director General of Police (CID), Assam in the interest of public service, with immediate effect and until further orders.

NO. HMA 201/90/180-C : Shri B.P.Rao, IPS, (RR-74) Addl. Director General of Police, (Border) Assam, is promoted to officiate in the rank of Director General of Police, in the scale of pay Rs. 24,050-650-26,000/- and posted as Director General of Police (Border), by way of up gradation of the cadre post of Addl. Director General of Police (Border), Assam, to the rank of Director General of Police (Border), Assam, in the interest of public service, with immediate effect and until further orders.

NO. HMA 201/90/180-D : Shri M.Mohan Raj, IPS, (RR-75), Addl. Director General of Police (OSD), Assam is promoted to officiate in the rank of Director General of Police, in the scale of pay Rs. 24,050-650-26,000/- and posted as Director General of Police (OSD) an ex-cadre post in the Assam Police Head Quarters by way of up gradation of the ex-cadre post of Addl. Director General of Police (OSD), Assam, to the rank of Director General of Police (OSD), Assam, in the interest of public service, with immediate effect and until further orders.

Sd/- S.C.Das,  
Principal Secretary to the Govt. of Assam,  
Home & Political Department.  
Dated Dispur, the 22<sup>nd</sup> May, 2008.

Memo. NO. HMA201/90/180-E  
Copy to :-

1. The P.P.S to Chief Minister, Assam, Dispur, Guwahati-6.
2. The P.S to Chief Minister, Assam, Dispur, Guwahati-6.
3. The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
4. The Under Secy. to the Govt. of India, Ministry of Home Affairs, New Delhi.
5. The Under Secy. to the Govt. of Meghalaya, Home (P) Department, Shillong.
6. The Director General & Inspector General of Police, Assam, Ulubari, Guwahati-7.
7. The P.S to the Parliamentary Secretary, Home Department, Assam, Dispur, Guwahati-6.
8. The P.S. to Chief Secretary, Assam, Dispur, Guwahati-6.
9. The P.S to Principal Secy. to Chief Minister, Assam, Dispur, Guwahati-6.
10. The P.S to Principal Secretary, Home & Political Deptt. Assam, Dispur, Guwahati-6.
11. The P.S to Commissioner & Secretary, Home & Political Deptt. Dispur, Guwahti.
12. The Addl. Director General of Police, Assam, -----
13. The Inspector General of Police/ Deputy Inspector General of Police-----
14. The Superintendent of Police/ Commandant -----
15. The Director, Assam Govt. Press, Bamunimaidam, Ghy-21 for publication of the above Notification.
16. Officer Concerned.....

SM-7

Devojit Goswami  
Advocate

By order etc.

22.5.08  
Joint Secretary to the Govt. of Assam,  
Home (A) Department.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

24 JAN 2007

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH::  
GUWAHATI

O. A. NO. 23 /2007.

Sri Birendra Prasad Rao.

..... Applicant.

- Versus -

Union of India and others.

..... Respondents

I N D E X

| <u>SL. NO.</u> | <u>PARTICULARS</u>         | <u>PAGE NO.</u> |
|----------------|----------------------------|-----------------|
| 1.             | List of Dates -----        | i & ii          |
| 2.             | Original Application ----- | 1 to 22         |
| 3.             | Verification -----         | 23              |
| 4.             | Annexure - I -----         | 24 - 28         |
| 5.             | Annexure - II -----        | 29              |
| 6.             | Annexure - III -----       | 30              |
| 7.             | Annexure - IV -----        | 31 - 32         |
| 8.             | Annexure - V -----         | 33 - 36         |
| 9.             | Annexure - VI -----        | 37 - 39         |
| 10.            | Annexure - VII -----       | 40 - 42         |
| 11.            | Annexure - VIII -----      | 43 - 47         |
| 12.            | Annexure - IX -----        | 48              |
| 13.            | Annexure - X -----         | 49 - 52         |

Filed by :

*Bipasha Das.*

Advocate



19

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

O. A. NO. 23 /2007.  
Sri Birendra Prasad Rao, IPS.  
..... Applicant.

- Versus -

Union of India and others.  
..... Respondents

LIST OF DATES

- : Applicant was inducted in the IPS in the 1974 batch the Assam segment of joint Assam-Meghalaya cadre.

Presently he is holding the post of Additional Director General of Police (Border), Assam and he is one of the seniormost IPS officer in the joint Assam-Meghalaya cadre eligible for promotion to the rank of DGP.

Respondent No. 6 was inducted in the IPS in the 1975 batch and he is admittedly junior to the applicant which is reflected in the joint cadre Gradation List.

Annexure- I, Page 24 .

- 14.3.05 : Sri W.R. Marbaniang, IPS Additional D.G.P i.e. Respondent No. 6 junior to the applicant in the joint cadre was promoted to the rank of DGP by the Respondent No. 5.

Annexure - II, page 29 .

- 4.4.05 & 11.7.05 : Being aggrieved by the promotion given to the Respondent No. 6 in violation of the procedure laid down, the applicant filed representations before the authorities i.e. Respondent No. 2 for his due promotion.

Annexure-III, Page 30 .

Annexure-IV, Page 31 .

Contd.....

19.4.06 : Applicant came to know that Respondent No. 2 took up the matter with the Respondent No. 1 and sought sanction to create 4 ex-cadre posts of DGP to accommodate the senior officers who have been superseded by Respondent No. 6.  
Para-7, Page 6 .

The applicant did not received any response to his representations and having no other alternative he filed O.A. No. 215/05 before this Hon'ble Tribunal.

In O.A. 215/05 the Respondent No. 1 in the written statement stated that the promotion of Respondent No. 6 is not in order and directed the Respondent No. 4 to revert him to the rank of Additional DGP not to take necessary action to file up the post of DGP accordingly. The State of Meghalaya and the State of Assam also filed a written statement.

Para- 9, Page 6-7 .

Annexure-V, Page 33 .

Annexure-VI, Page 37 .

Annexure-VII, Page 40 .

1.8.06 : Hon'ble Tribunal after hearing all parties disposed O.A 215/05 with a direction to Respondent No. 1 to consider the representation dated 4.4.05 and 11.7.05 within 3 months and pass appropriate order.

Annexure -VIII, Page 43 .

7.8.06 : Applicant submitted a copy of the order dated 1.8.06 before the Respondent No. 2 for forwarding the same before the Respondent No. 1.

Annexure-IX, Page 48 .

20.10.06 : Received the impugned letter dated 10.10.06 of Respondent No. 1 regarding the representation 7.8.06 of the applicant.

Annexure-X, Page 49 .

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI

BENCH: GUWAHATI

(An Application Under Section 19 of Administrative  
Tribunal Act, 1985)

O.A. 23 of 2007

Sri Birendra Prasad Rao, IPS,  
S/o- Late K. N. Rao,  
Additional Director General  
of Police, (Border), Assam  
R/o- Panbazar, Guwahati - 1,  
Dist.- Kamrup, Assam

... Applicant.

-VERSUS-

1. Union of India

Represented by the Secretary  
to the Government of India,  
Ministry of Home Affairs,  
~~North Block~~  
New Delhi.

2. State of Assam,

Represented by the Chief  
Secretary, Government of  
Assam,  
Dispur, Guwahati-6.

3. Commissioner and Secretary  
to the Govt. of Assam,  
Home and Political  
Department,  
Dispur, Guwahati- 6.

Contd.....

13  
Final Dec. Proven. Let. 13  
Filed by the Applicant  
through Bipin Chandra  
Advocate.

w/s  
w/s

4. State of Meghalaya  
Represented by the Chief  
Secretary to the Government of  
Meghalaya,  
Shillong.

5. Commissioner and Secretary  
to the Government of  
Meghalaya, Home (Police)  
Department, Shillong.

6. Sri W.R. Marbaniang  
Director General of Police,  
Meghalaya, Shillong.

7. Director General of Police, Assam,  
Ulubari, Guwahati.

8. Joint Cadre Authority of  
Indian Police Service, Assam and  
Meghalaya, Joint Cadre Authority  
represented by The Chief  
Secretary, Assam and the Chief  
Secretary, Meghalaya.

..... Respondents

1. PARTICULAR OF THE ORDERS AGAINST WHICH THE APPLICATION  
IS MADE

- (i) Order dated 14.3.05 under memo No. HPL. 38/99/Pt. IV/12-A issued by the Respondent No. 5 promoting Respondent No. 6, Additional Director General of Police (L & O), Meghalaya to the post of Director General of Police, Meghalaya in the scale of pay Rs. 24,050-650-26,000/-

Contd.....

(ii) Letter No. I-16013/32/2005-IPS .II dated 10.10.06 issued from the office of Respondent No. 1 rejecting the representation/appeal filed by the applicant against the action of the authorities in not promoting the applicant to the rank of Director General of Police w.e.f. the date of promotion of his junior i.e. Respondent No. 6 in the joint Assam- Meghalaya IPS cadre.

(iii) Action of the Respondent No. 1 in disposing of the representation/appeal filed by the applicant without application of mind to the facts of the case.

2. **JURISDICTION OF THE TRIBUNAL:**

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

3. **LIMITATION:**

The applicant further declares that the application is within limitation prescribed, under Section 21 of the Administrative Tribunal, Act 1985.

4. **FACT OF THE CASE:**

1. That the applicant is citizen of India and is resident of the aforesaid locality and he is entitled to the rights and privileges guaranteed under the Constitution of India.
2. That the applicant begs to state that he joined Indian Police Service in the year 1974 and he was assigned to the Assam segment of joint Assam-Meghalaya cadre.

Contd.....

Thereafter in consideration of his seniority and service records the applicant got mid-stream promotions and at present he is holding the post of Additional Director General of Police (Border), Assam. Since the date of his joining service, the applicant has been carrying out his duties sincerely and to the best of his abilities and at no point of time anything adverse to his service carrier was ever communicated to him. The applicant will retire from service on 30.6.09.

3. That the applicant begs to state that for the State of Assam and Meghalaya there is a joint cadre of IPS Officers which is prepared in accordance with the seniority of IPS cadre of both the States. The officers are promoted to the higher ranks from the cadre as per their seniority position which is processed and done through Joint Cadre Authority. The applicant was inducted in the IPS cadre in 1974 batch and the Respondent No. 6 was inducted to the cadre in the 1975 batch. As such the respondent no 6 is junior to the applicant and placed below him in the gradation list.

The relevant extract of the Joint Cadre Gradation list is annexed herewith and marked as ANNEXURE-I.

4. That as stated above, the applicant belongs to the 1974 IPS batch and he is one of the seniormost officers of the Assam-Meghalaya cadre eligible for promotion to the rank of Director General of Police. As such, he was shocked and surprised when he came to know that Respondent No. 6, an officer of 1975 batch of Assam-

Contd.....

Meghalaya cadre and presently serving in the Meghalaya segment, was promoted to the rank of DGP vide notification No. HPL. 38/99/PT. IV/2 dated 14.3.05 in the scale of Rs. 24,050/-650-26,000/ issued by the respondent no 5.

A copy of the notification dated 14.3.05 is annexed hereto and marked as ANNEXURE-II.

5. That the applicant states that the Respondent No. 6 is junior to the applicant in the cadre and as such the action of the authorities in giving promotion to Respondent No. 6 resulted illegal supersession of the applicant in service. The applicant further states that the promotion given to Respondent No.6 is in violation of the procedure laid down for giving such promotion in as much as while giving promotion to Respondent No. 6 the matter was not placed before the Joint Cadre Authority, which is a mandatory requirement.
6. That being aggrieved by the order dated 14.3.05 (Annexure - II), the applicant immediately submitted appeals/representations on 4.4.05 and thereafter on 11.7.05 before the authorities stating as to how he has been deprived from his due promotion to the rank of DGP and prayed that necessary action be taken for his promotion, but he did not receive any response from the authorities.

Copies of the representations/ appeals are annexed herewith and marked as ANNEXURE- III & IV respectively.

Contd.....

7. That, the applicant came to know that on receipt of the representations/appeals from the applicant, the Respondent No. 2 i.e. the Chief Secretary to the Government of Assam, by his letter No. HMA 167/94/Pt/111 dated 19.4.06, took-up the matter with the Respondent No. 1 stating that the Respondent No. 4 has promoted a junior officer i.e Respondent No. 6, an IPS officer of 1975 batch, of the joint Assam- Meghalaya cadre to the rank of Director General of Police, Meghalaya without consulting the Government of Assam. It was mentioned in the letter that the State Government be permitted to create 4 ex-cadre posts of DGP to accommodate the 4 officers including the applicant, senior to Respondent No. 6 who have been superseded. However, nothing was done thereafter.
8. That the applicant begs to state that inspite of submitting appeals/representations before the authorities giving in detail the instances/facts to show that whenever a junior officer in the cadre supersedes senior officers in the cadre, the senior officers are given the same benefit/promotion, the applicant didnot receive any response from the authorities. Having no other alternative the applicant filed an original application before this Hon'ble Tribunal which was registered and numbered as O.A. 215/05.
9. That in the O.A 215/05, the Central Government, the State of Assam and the State of Meghalaya had filed their written statements.

Contd.....

8.9



The Government of India in their written statement had stated that after receiving the request from the Government of Assam for approval of creation of 4 ex-cadre posts at DGP level consequent upon promotion of Respondent No. 6, the matter was considered. The Government of India, then wrote to Respondent No. 2 and Respondent No. 4 stating that it was not justifiable to create 4 ex-cadre posts at the apex level against the sanctioned posts. The Government further wrote to Respondent No. 4 to revert the Respondent No. 6 to the rank of Additional DGP and then take necessary action for filling up the post of DGP accordingly.

The State of Meghalaya in their written statement had stated that Respondent No. 6 was the seniormost police officer of the State and was eligible for promotion to the post of DGP and as such he was accordingly promoted to the post of DGP by notification dated 14.3.05 (Annexure- II) as per earlier conventions. More so, when nothing adverse had been noticed against him and as such it was stated that there could be no question of reverting him.

The State of Assam, in their written statement supported the case of the applicant and stated that they had referred the matter to Central Government for approval for creation of 4 ex-cadre posts in the rank of DGP.

The written statements filed by the respondents in O.A 215/05 are annexed herewith and marked as ANNEXURE V, VI & VII respectively.

Contd.....

10. That, on 1.8.06, the Hon'ble Tribunal, after hearing all parties, disposed of the original application with a direction to the Respondent No. 1 to consider the representations/appeals dated 4.4.05 and dated 11.7.05 of the applicant within a time frame of 3 months from the date of receipt of the order and pass appropriate order and communicate the same to the Government of Assam

A copy of the order dated 1.8.06  
is annexed herewith and marked as  
**ANNEXURE-VIII.**

11. That, thereafter the applicant, on 7.8.06 submitted a copy of the order dated 1.8.06 (Annexure- VIII) before the Respondent No. 2 for forwarding the same before the Respondent No. 1 for necessary action as per the order of this Hon'ble Tribunal.

Copy of the forwarding letter dated  
7.8.06 is annexed herewith and  
marked as **ANNEXURE-IX.**

12. That the applicant has now received a letter No. HMA. 544/2002/138 dated 20.10.06 from the Government of Assam forwarding the impugned letter No. I-16013/32/2005-IPS-II dated 10.10.06 of Respondent No. 1, whereby the Respondent No. 1 has rejected the representation dated 7.8.06 of the applicant without application of mind to the facts of the case.

The applicant further states that from the letter dated 10.10.06 it is apparent that the Respondent No. 1 has disposed of the representation dated 7.8.06 submitted by the applicant for forwarding the order

Contd.....

12.8

of the Hon'ble Tribunal, instead of disposing the representations dated 4.4.05 and 11.4.05 filed by the applicant, as directed by this Hon'ble Tribunal in O.A. No. 215/05

Copy of the letter dated 20.10.06  
alongwith the letter dated 10.10.06  
are annexed herewith and marked as  
**ANNEXURE-X.**

13. That, the applicant states that the Respondent No. 1 in its letter dated 10.10.06 has rejected the proposal of Government of Assam asking sanction for creation of 4 (four) ex-cadre posts in the rank of DGP, in order to accommodate the senior IPS Officers superseded by the Respondent No. 6 as per Rules and the applicant's claim for promotion in the rank of DGP has been rejected. It is mentioned in the letter dt: 10.10.06 that the government would have to accord sanction for creation of 5 to 6 ex-cadre posts at the apex level to accommodate the senior officers superseded by Respondent No. 6 for a period ranging from 3 to 6 years, as the present incumbents in the DGP grade in Meghalaya will retire on 2011, which shall not be justifiable. The Respondent No. 1 in para 4 of the letter, has admitted that earlier the Government of India had accorded sanction and sorted out the procedure for the creation of ex-cadre posts at the Apex Level under Assam Wing in similarly placed situation beyond 1:1 ratio to accommodate officers senior to officers promoted to the Apex Level posts by Government of Meghalaya. The letter further mentioned that the Government of Assam didnot furnish any functional

*Contd.....*

13.2

justification in the applicant's case for creation of ex-cadre posts of DGP.

In this regard, the applicant states that in the year 2003, 4 (four) IPS officers namely (i) P.V. Sumant(RR-67), (ii) Sri H.K. Deka(RR-68) , (iii) Sri L. David (RR-67) and (iv) D.N. Dutt (RR-71) were serving in the rank of Director General of Police with the sanction of the Government of India and it was done without their being functional justification from the Government of Assam. Therefore , the applicant states that when he has made out a clear case of supersession in the matter of promotion to the post of Director General of Police by the respondent no 6, the action of the Government of India in raising the question of functional justification to create ex-cadre posts as sought for by the Government of Assam is without any justification and the same is illegal and not maintainable in law.

14. That Rule 5 (5) (b) of the Indian Police Service Pay Rule 1954 provides as follows :

5. Regulation of Increments

5. (b) When a member of the Service, while holding a post outside the cadre including a post under the Central Government, has been granted proforma promotion to a post in the scale of pay above the time-scale of pay specified in rule 3 by the Government of the State on the cadre of which he is borne the period of the service covered by the

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proforma promotion shall, on his subsequent reversion to the cadre and appointment to a post in said scale, count towards initial fixation of pay and increments, subject to the following conditions namely -

- i) the member of the service concerned should have been approved by the State Government for appointment to the said scale during the relevant person;
  - ii) all his seniors (excluding those considered unfit) should have started drawing pay in the super time scale on or before the date from which the proforma promotion is sought to be granted to him;
  - iii) the junior next below the officer (or, if that officers has been passed over by reason of inefficiency unsuitability or because he is on leave or serving outside the ordinary line or forgoes promotion on this own volition to that grade, the officer next junior to him not so passed over) should also have started drawing pay in that scale from that date and his appointment three to both being fortuitous; and
  - iv) the benefit should be allowed on one for one basis.
- c) When a member of the Service holds an ex-cadre post in a scale of pay identical with the scale of .....

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152

15. That the applicant begs to state that as per Rule 5 (5) (b) (iii) of the IPS (Pay) Rules, 1954 a State Government can promote a member of the All India Service to a post in the supertime scale subject to conditions, amongst others that all his seniors in the cadre should be drawing pay in the supertime scale on or before the date from which he is sought to be granted the promotion and if he has superseded any senior officer in the cadre then the senior officer is also entitled for promotion to the post in supertime scale from that date. However the Rule was not followed by the authorities.
16. That the applicant begs to state that from the preceding paragraphs it would be apparent that the Respondent No. 4 and 5 have promoted Respondent No. 6 to the rank of DGP of Meghalaya by-passing the Joint Cadre Committee which is not permissible and thereby denying the legitimate claim of the applicant for promotion to the rank of DGP.

It may be relevant to mention that presently there are two posts of DGP in Assam segment of joint Assam - Meghalaya cadre including an ex-cadre post. The ex-cadre post is held by an incumbent namely R. N. Mathur and at present the cadre post of DGP is lying vacant. The applicant states that since other officers senior to Respondent No. 6 have not raised their objections to the promotion of Respondent No. 6, they have waived their claim in this regard and the applicant may be accommodated against the vacant post of DGP. As such, the applicant is approaching this Hon'ble Tribunal for due relief

*Contd.....*

A.S. —

**5. GROUND'S FOR RELIEF WITH LEGAL PROVISIONS**

- I. For that the applicant states that Central Government in consultation with State Government and U.P.S.C. in pursuance of sub rule 1 of Rule 9 IPS (Recruitment) Rules, 1954 has made a regulation namely the IPS (Appointment by Promotion) Regulation 1955 (hereinafter referred as Regulation) for the purpose of regulating the appointment and promotion of members of the service of IPS. The various promotions made in the direct recruits member of the IPS are regulated by the aforesaid regulation keeping in view the rules made in connection with the seniority to be fixed among the members of IPS of Assam-Meghalaya joint cadre. In the present case the authorities while giving promotion to Respondent No. 6 to the post of DGP, Meghalaya, has not only violated the provisions of Rules and Regulations but also the same has been done in direct infringement of Article 14 and 16 of Constitution of India and therefore the impugned promotion order dated 14.3.05 (Annexure- II) is liable to be quashed and set aside.
- II. For that the applicant states that the aforesaid promotion of Respondent No. 6 was not considered by the Joint Cadre Authority, as the Joint Cadre Authority had never conveyed a meeting of the authority to consider the promotion of Respondent No. 6 and other eligible and senior officers belonging to Assam-Meghalaya, joint cadre. Therefore the case of the applicant for promotion to the post of DGP, Meghalaya, was not at all considered, though he is admittedly much senior to the Respondent No. 6. Accordingly, the

*Contd.....*

A-2

applicant is deprived of his fundamental right as guaranteed in Article 14 and 16 of the Constitution of India and therefore the impugned promotion order is liable to be quashed and set aside.

III. For that, admittedly the Respondent No. 6 is junior to the applicant in service and a great prejudice has been caused to the applicant in allowing the Respondent No. 6 to supersede him while giving Respondent No. 6 promotion to the higher post of DGP and as such the applicant is also entitled for promotion to the post of DGP from the date Respondent No. 6 was given promotion.

IV. For that, the action of the authorities in issuing the impugned order dated 14.3.05 (Annexure- II) without following the due procedure is not maintainable in law, in view of the fact that the Respondent No. 6 is junior to the applicant in service and his promotion has caused supersession of the applicant in service and as such the impugned order is not maintainable in law and is liable to be set aside.

V. For, that while disposing of the claim of the applicant vide impugned letter dated 10.10.06 (Annexure- X ) pursuant to the order dated 1.8.06 issued by this Hon'ble Tribunal, the authorities committed illegality in failing to appreciate that since the applicant has been superseded by his junior he is entitled in law to get the similar benefit and therefore the letter/order is not maintainable in law and liable to be quashed and set aside.

*Contd.....*

11.9



- 93
- VI. For that, while disposing of the claim applicant, the authorities failed to appreciate the fact that in earlier occasions to remedy the grievances of supersession of senior officers by junior officers of IPS officers of joint Assam -Meghalaya cadre, number of ex-cadre posts were created at high ranks and in that view of the matter the applicant is also entitled for similar relief, which the authorities have failed to appreciate and as such the impugned letter dated 10.10.06 is bad in law and liable to be set aside.
- VII. For that, the authorities have failed to appreciate the fact that only the applicant is agitating the illegal supersession by the Respondent No. 6 and in that view of the matter it is understood that other senior officers have waived their claim for promotion, for which reason the applicant can be given promotion to the cadre post of DGP now lying vacant and there is no requirement for creating many ex-cadre posts and as such the impugned letter dated 10.10.06 (Annexure-XI ) is not maintainable in law.
- VIII. For that, from the impugned letter dated 10.10.06 (Annexure- X ) it would appear that the creation of the post to remedy the grievance of the applicant and other superseded officers is not an impossibility and in the event the authorities donot set aside the promotion of Respondent No. 6 to the post of DGP, the ex-cadre post to be created for the accommodation of the senior officer like applicant to the DGP rank and as such the impugned letter is not maintainable in law by rejecting the claim of the applicant.

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13.2

- IX. For that, in the year 2003, 4 (four) IPS officers namely (i) P.V. Sumant (RR-67), (ii) Sri H.K. Deka (RR-68), (iii) Sri L. David (RR-67) and (iv) D.N. Dutt (RR-71) were serving in the rank of Director General of Police with the sanction of the Government of India and it was done without their being functional justification from the Government of Assam. Therefore, the applicant states that when he has made out a clear case of supersession in the matter of promotion to the post of Director General of Police by the respondent no 6, the action of the Government of India in raising the question of functional justification to create more ex-cadre posts, as sought by the Government of Assam is without any justification and the same is illegal and not maintainable in law.
- X. For that, this Hon'ble Tribunal, by order dated 1.8.06 in O.A. 215/05, directed the Respondent No. 1 to consider the representations dated 4.4.05 and 11.4.05 filed by the applicant and forwarded by the Government of Assam but the Respondent No. 1 instead took into consideration the letter dated 7.8.06 forwarding the order dated 1.8.06 of this Hon'ble Tribunal and this action shows that the Respondent No. 1 in a very mechanical manner and without application of mind to the facts of the case, has rejected the claim of the applicant for his due promotion and this amounts to violation of Article 14 and 16 of the Constitution of India and as such the impugned orders are bad in law and liable to be quashed and set aside.
- XI. For that, from the provision of IPS (Pay) Rules, 1954, it appears that the Government of India is the authority to create ex-cadre posts more than the

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18.9

number of cadre post, which power has to be exercised by the Government of India in a reasonable manner when called for . In the instant case, the Government of India having admitted in its letter dated 10.10.06 (Annexure-XI), that Respondent no 6 has superseded the senior officers including the applicant and the Government of Meghalaya having declined to interfere with the promotion of Respondent no 6 to the rank of Director General of Police, ought to have exercised power in giving approval for creation of the ex-cadre posts and as such the reasons put forward for not giving such approval to the State of Assam are unreasonable and untenable and the same are not sustainable in law.

XII. For that, apparently the promotion of Respondent no 6 to the rank of Director General of Police is illegal and which has not been authenticated by the Government of India and therefore also issued direction to the State of Meghalaya to revert the Respondent no 6 and then to fill up the post in accordance with law and as such the action of Government of Meghalaya in not taking action to set right the anomalous position as per the direction of Government of India, is illegal and arbitrary and the same is not sustainable in law and the promotion of Respondent no 6 is liable to be set aside.

XIII. For that, the applicant has made a clear case to lay foundation for his claim for his promotion to the rank of Director General of Police and the views expressed by the Government of India to the contrary is not maintainable in law and the applicant is entitled for his promotion to the rank of Director General of Police.

Contd.....

P.2

- XIV. For that though the Respondent No. 1 in its letter dated 10.10.06 has stated that the Government of India had advised the Respondent No. 4 to revert Respondent No. 6 to the post of ADGP since his promotion to DGP was not in order, but the Respondent No. 4 has not acted on its advice and thus the refusal of Respondent No. 1 vide its letter dated 10.10.06 to approve the proposal of Respondent No. 2 for creation of 4 (four) ex-cadre posts is a subterfuge to deny the applicant from his legitimate claim for promotion.
- XV. For that the applicant states that as his case is not at all considered for the promotion to the post of DGP, Meghalaya, it had nakedly violated the equality clauses as guaranteed in Part-III (Fundamental Rights) of the Constitution of India.
- XVI. For that the applicant states that Respondent No. 1 / Union of India having realised and understood the illegality and irregularity in promoting the Respondent No. 6 to the post of DGP, Meghalaya, has clearly indicated the same in the aforesaid written statement (Annexure- VI) and impugned letter dated 10.10.06 (Annexure- X) and asked the Government of Meghalaya to revert the Respondent No. 6 from the post of DGP, Meghalaya. However, the Government of Meghalaya has not paid any attention to that aspect of the matter and therefore the impugned orders are liable to be quashed and set aside.
- XVII. For that the applicant states that the promotion of Respondent No. 6 having been made without the same being considered by Respondent No. 8 is liable to be set aside and quashed.

*Contd.....*

P.9

XVIII. For that the applicant states that the applicant being 1974 batch of IPS officer and the Respondent No. 6 being 1975 batch of IPS officer belonging to Respondent No. 8, the applicant is admittedly senior to Respondent No. 6. However, the applicant has been superseded by the Respondent No. 6 though he was admittedly junior to the applicant in the cadre. Accordingly, the impugned promotion of Respondent No. 6 is liable to be set aside and quashed on that ground alone.

XIX. For that the applicant states that infact the Respondent No. 6 was alone considered for promotion while filling the post of DGP, Meghalaya, but no other senior and eligible officers of the cadre were considered alongwith Respondent No. 6 as per Rules and Regulation. Accordingly the applicant was discriminated against Respondent No. 6 while promoting him to the post of DGP, Meghalaya.

XX. For that the applicant states that impugned promotion of Respondent No. 6 is liable to be set aside on the ground of naked violation of fundamental rights of the applicant as guaranteed under Article 14 and 16 of the Constitution of India.

XXI. For that, on earlier occasion whenever any junior officer was promoted the senior officers were given the same benefit/promotion but the authorities by not doing the same till date in the case of the applicant has discriminated the applicant and as such the same is bad in law and liable to be set aside.

16.9  
Contd.....

XXII. For that, in any view, of the matter the impugned action of the authorities is bad in law and liable to be set aside.

6. DETAILS OF REMEDIES EXHAUSTED

The applicant had submitted representation dated 4.4.05 and 11.7.05 praying for his promotion, but the Respondent No. 1 has rejected the claim of the applicant by taking into consideration the letter dated 7.8.06 forwarding the order dated 1.8.06 in O.A. No. 215/05 directing the Respondent No. 1 to consider the representations dated 4.4.05 and 11.4.05 filed by the applicant and forwarded by the Government of Assam.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT

The applicant further declares that earlier he filed O.A 215/05 before this Hon'ble Tribunal which was disposed of with a direction to the Respondent No. 1 to dispose of the representations filed by the applicant and he has approached again when his claim made in the representation is rejected. He had not previously filed any writ petition or suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. PRAYER

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to admit this application,

Contd.....

1.2

call for the entire records of the case, ask the respondents to show cause as to why the impugned order of promotion of Respondent No. 6 dated 14.3.05 (Annexure-II) and the impugned letter dated 10.10.06 (Annexure- X) shall not be quashed and set aside and as to why a direction shall not be issued to the authorities for giving promotion to the applicant to the rank of Director General of Police in the joint Assam-Meghalaya cadre from the date his junior i.e. Respondent No. 6 was so promoted and /or as to why a direction shall not be issued to the respondent authorities to create ex-cadre posts of Director General of Police in Assam Segment for giving promotion to the applicant and after perusing the causes shown, if any and hearing the parties, be pleased to quash and set aside the impugned orders dated 14.3.05 (Annexure-II) and impugned letter dated 10.10.06. (Annexure-X) and direct the authorities to give promotion the applicant to the rank of Director General of Police from the date Respondent No. 6 was so promoted, with all consequential benefit and

Contd.....

12.9 —

it is further prayed that while setting aside the impugned 14.3.05 (Annexure-II) and impugned letter dated 10.10.06. (Annexure-X) this Hon'ble Tribunal would kindly give the benefits of Rule 5 of the Rules from the date on which Respondent No. 6 was promoted to the post of DGP, Meghalaya, illegally and unauthorisedly and/or pass any order or orders as the Hon'ble Tribunal and deem fit and proper.

9. INTERIM ORDER. IF ANY PRAYED FOR :

Does Not Arise

10. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION FEE.

IPO NO. 286988367 dated: 24.1.07:

Issued by Guwahati Post Office.

11. LIST OF ENCLOSURE

As stated in the Index.

18.9



VERIFICATION

I, **SRI BIRENDRA PRASAD RAO, IPS**, son of Late K. N. Rao, Additional Director General of Police, (Border), Assam, resident of Panbazar, Guwahati - 1, in the district of Kamrup, Assam, and I am the applicant in this accompanying application and I do hereby verify that the contents of paragraphs 1, 2, 5, 6, 13, 14, 15 and 16.

are true to my personal knowledge and those in paragraphs 3, 4, 7, 8, 9, 10, 11 and 12 are believed to be true on legal advice and that I have not suppressed any material fact.

And I sign this verification on this 24<sup>th</sup> day of January, 2007 at Guwahati.

Date : 24.1.07.

Place : Guwahati.

*Prasad Rao*  
Signature of the applicant.



सत्यमेव जयते

भारतीय पुलिस सेवा  
INDIAN POLICE SERVICE

सिविल लिस्ट  
CIVIL LIST

2006

*Attended  
Bipasha Das*

गृह मंत्रालय  
भारत सरकार

MINISTRY OF HOME AFFAIRS  
GOVERNMENT OF INDIA

# असम-मेघालय ASSAM & MEGHALAYA

भारतीय पुलिस सेवा की अधिकृत संवर्ग संख्या (01/01/2006 की यथास्थिति)  
Authorised Cadre Strength of the Indian Police Service (As on 01/01/2006)

| संख्या                | देश सरकार               | असम                | मेघालय        | कुल            | संख्या            | देश सरकार                | असम             | मेघालय                    | कुल                                       | 01/01/2006 की यथास्थिति संख्या | 01/01/2006 की यथास्थिति संख्या |
|-----------------------|-------------------------|--------------------|---------------|----------------|-------------------|--------------------------|-----------------|---------------------------|---|--------------------------------|--------------------------------|
| 121                   | 111                     | 11                 |               |                |                   |                          |                 |                           |   |                                |                                |
| Senior Posts          | Total                   | Deputation Reserve | Leave Reserve | Junior Reserve | Temporary Reserve | Direct Recruitment Quota | Promotion Quota | Total Authorised Strength | No. of officers in posts as on 01/01/2006 | Direct Recruits                | Promotions                     |
| Under the State Govt. | Under the Central Govt. |                    |               |                |                   |                          |                 |                           |   |                                |                                |
| 84                    | 33                      | 117                | 21            | 15             |                   | 107                      | 40              | 153                       | 9   | 84                             | 30                             |
|                       |                         |                    |               |                |                   |                          |                 |                           |   |                                |                                |

| Sl. No. | Name of the IPS Officer (Source of Recruitment) Educational qualification, Home State, I.D. No. and Email              | Year of Allotment | Date of Birth | Date of appointment to IPS | Present Post held   | Date of appointment to the Present Post | Pay/ Special Pay | Police Medal/ If Any | Remarks |
|---------|--|-------------------|---------------|----------------------------|---|---|------------------|----------------------|---------|
| (1)     | (2)  | (3)               | (4)           | (5)                        | (6)   | (7)                                     | (8)              | (9)                  | (10)    |
| 1       | S/Sdrl<br>व्यास रतन मेहरा<br>Shyam Ratan Mohra<br>(RR) M.A.<br>Dohri<br>19701014<br>shyamratanmohra@mail.svpnpa.gov.in | 1970              | 04/03/1948    | 05/07/1970                 | Commissioner of Security (CA) in the Bureau of civil aviation security. | 01/09/2005                              | 24050            |                      | 2       |

34

असम-मेघालय

ASSAM & MEGHALAYA

| (1) | (2)   | (3)  | (4)        | (5)       | (6)  | (7)        | (8)   | (9)  | (10) |
|-----|---|------|------------|-----------|--|------------|-------|--|------|
|     | सं.सं.)<br>6/5/111  |      |            |           |  |            |       |  |      |
| 2   | दीपक नारयण दुल्ल<br>Deepak Narayan Dull<br>(RR) M.A.<br>Assam<br>19711010<br>dndull@mail.svpnpa.gov.in  | 1971 | 12/23/1946 | 7/11/1971 | DGP, Assam.  | 12/31/2005 | 24050 | PM - 1991<br>Governor's<br>OM - 1971<br>ASSP - 2002<br>PSDM - 1990   | 1    |
| 3   | धनंजय मुनारी श्रीवास्तव<br>Ghanashyam Munari Srivastava<br>(RR) M.A.<br>Uttar Pradesh<br>19721012<br>gmsrivastava@mail.svpnpa.gov.in                  | 1972 | 7/15/1949  | 7/16/1972 | DGP, Tripura<br>Agartala   | 9/2/2003   | 24050 | PMQ - 1984<br>KBM - 1972<br>PM - 1990<br>PPM - 2001<br>Comm<br>Medal - 1972<br>Medal - 1972<br>ASSP - 2002 | 7    |
| 4   | एल सैलो<br>L Sallo<br>(RR) M.A.<br>Mizoram<br>19721046<br>lsallo@mail.svpnpa.gov.in   | 1972 | 3/5/1947   | 7/17/1972 | DG&IG of<br>Police,<br>Mizoram,                                  | 6/20/2003  | 25350 | IPM - 1993<br>PPM - 2003   | 7    |
| 5   | रविन्द्र नाथ मथुर<br>Ravindra Nath Mathur<br>(RR) B.Sc.<br>Rajasthan<br>19731070<br>ravindranath@mail.svpnpa.gov.in                                   | 1973 | 4/10/1949  | 7/23/1973 | DGP(VAAG),<br>Assam  | 4/2/2004   | 22400 | ASSP - 2002<br>PM - 1991<br>SDM - 1991   | 3    |
| 6   | शारदा प्रसाद<br>Sharda Prasad<br>(RR) M.Sc., LLB, Dip. in International Transport & Aerial<br>Uttar Pradesh<br>19731021<br>sprasad@mail.svpnpa.gov.in | 1973 | 9/12/1950  | 7/15/1973 | Director,<br>NICES (MHA),<br>New Delhi.                          | 12/8/2002  | 22400 | PM - 1994<br>SDM - 2002  | 2    |
| 7   | डी.के. डेय<br>B K Dey<br>(RR) B.A.(H)<br>Meghalaya<br>19731049<br>bkdey@mail.svpnpa.gov.in  | 1973 | 3/17/1951  | 7/12/1973 | DG, Civil<br>Defence &<br>Home Guards,<br>Meghalaya,<br>Shillong | 8/1/2005   | 26000 | IPM - 1988<br>PPM - 2005   | 3    |

ASSAM & MEGHALAYA

| (1) | (2)  | (3)  | (4)       | (5)        | (6)                                 | (7)       | (8)   | (9)                                     | (10) |
|-----|--|------|-----------|------------|-------------------------------------|-----------|-------|---|------|
| 8   | সংকর বরুয়া<br>Sankar Barua<br>(RR) B.A.L.L.B.<br>Assam<br>19741010<br>sankarbarua@mail.svpnpa.gov.in              | 1974 | 12/3/1951 | 7/29/1974  | Chairman-Cum MDAPHC, Ltd, Assam.    | 8/17/2005 | 22400 | PM - 1990<br>SOM - 2000<br>PPMDS - 2003 | 3    |
| 9   | প্রদীপ রায়<br>B P Ray<br>(HR) M.Sc.<br>Uttar Pradesh<br>19741044<br>epram@mail.svpnpa.gov.in                      | 1974 | 3/15/1949 | 11/10/1974 | Addl DGP, (CI), Assam               | 8/17/2005 | 22400 | PM - 1996                               | 1    |
| 10  | কিরীট রায়<br>K C Reddy<br>(HR) M.Sc.<br>Assam<br>19741046<br>kereddy@mail.svpnpa.gov.in                           | 1974 | 12/5/1948 | 7/21/1974  | (ON PERMANENT DEPUTATION TO U.N.O.) |           |       | IPM - 1990                              | 2    |
| 11  | ব্রেন্দ্র প্রসাদ রায়<br>Brendra Prasad Rao<br>(RR) M.Sc.<br>Bihar<br>19741051<br>brendraprasad@mail.svpnpa.gov.in | 1974 | 6/10/1949 | 7/14/1974  | Addl. DGP, (U), Assam.              | 9/12/2005 | 22400 | PSDM - 1989<br>SDM - 1999<br>ANM - 2002 | 1    |
| 12  | মোহন রায়<br>M Mohan Raj<br>(RR) B.Sc.<br>Karnataka<br>19761013<br>mmohanraj@mail.svpnpa.gov.in                    | 1976 | 9/17/1946 | 7/21/1976  | Addl DGP, (IAP), Assam.             | 9/12/2005 | 22400 |   | 1    |
| 13  | বীর মারবানিঙ্গ<br>W R Marbaniang<br>(RR) B.A.<br>Meghalaya<br>19751045<br>wmarbaniang@mail.svpnpa.gov.in           | 1975 | 8/29/1951 | 7/30/1976  | DGP, Meghalaya, Shillong            | 3/14/2005 | 24050 | PMG - 1989<br>IPM - 1994<br>PPM - 2003  | 1    |
| 14  | কুলবীর ক্রিশান<br>Kulbir Krishan<br>(RR) B.Sc. (Hons)<br>Assam<br>19761002<br>kulbirkrishan@mail.svpnpa.gov.in     | 1976 | 1/12/1955 | 11/14/1976 |                                     |           |       | IPM - 1995                              | 2    |

215/05

असम-मेघालय

ASSAM & MEGHALAYA

| (1)   | (2)   | (3)  | (4)       | (5)        | (6)   | (7)        | (8)   | (9)  | (10) |
|-------|---|------|-----------|------------|---|------------|-------|--|------|
| राजेश | 5/5/81  |      |           |            |   |            |       |  |      |
| 15    | सिबाब्रतो काकति   | 1976 | 2/1/1951  | 11/14/1976 | Addl. DGP,<br>(Prisons),<br>Assam.                                | 10/10/2005 | 22400 | P.M. - 1996<br>P.P.M. - 2001<br>ASSP - 2002                | 3    |
|       | Sibabrato Kakati<br>(RR) M.Sc.<br>Meghalaya<br>10761062<br>sibabratakakati@mail.svpnpa.gov.in     |      |           |            |   |            |       |  |      |
| 10    | सुबोध गोस्वामी  | 1977 | 12/5/1954 | 11/11/1977 | IGP, CRPF,<br>Kolkata   | 2/12/2001  | 21900 | SDM - 1999<br>P.M. - 2001                                  | 2    |
|       | Subash Goswami<br>(RR) M.Sc.<br>Meghalaya<br>19771015<br>subashgoswami@mail.svpnpa.gov.in         |      |           |            |   |            |       |  |      |
| 17    | अनिल प्रधान   | 1977 | 7/3/1951  | 7/12/1977  | Addl. DGP<br>(CID),<br>Meghalaya,<br>Shillong                     | 12/14/2005 | 23450 | P.M. - 1997<br>P.P.M. - 2003                               | 3    |
|       | Anil Pradhan<br>(RR) M.Sc.<br>Meghalaya<br>10771021<br>anilpradhan@mail.svpnpa.gov.in             |      |           |            |   |            |       |  |      |
| 10    | प्रेम सिंह  | 1977 | 4/1/1955  | 12/2/1978  | Addl. DGP (R /<br>PR),<br>Meghalaya,<br>Shillong                  | 7/11/2005  | 22400 | P.M. - 1996  | 3    |
|       | Prem Singh<br>(RR) B.A.<br>Himachal Pradesh<br>10771004<br>premsingh@mail.svpnpa.gov.in           |      |           |            |   |            |       |  |      |
| 10    | जयन्त नारायण चौधुरी   | 1978 | 6/5/1955  | 7/12/1978  |   | 4/17/2003  | 22400 | P.M. - 1994<br>P.P.M. - 2003                               | 2    |
|       | Jayant Narayan Choudhury<br>(RR) M. A.<br>Assam<br>10781010<br>juchoudhury@mail.svpnpa.gov.in     |      |           |            |   |            |       |  |      |
| 20    | एन रामचंद्रन  | 1978 | 10/4/1952 | 11/18/1978 | Chairman<br>Cochin Port<br>Trust<br>Willongdom<br>Island, Cochin. | 10/17/2005 | 22400 | P.M. - 1994<br>IPMG - 1983<br>P.P.M. - 2003<br>ASSP - 2002 | 2    |
|       | N Ramachandran<br>(RR) B.Sc., M.A., LLB<br>Kerala<br>19781022<br>nramachandran@mail.svpnpa.gov.in |      |           |            |   |            |       |  |      |
| 21    | बी कोजो   | 1978 | 9/20/1954 | 11/14/1978 | Addl. DGP (L<br>& O)<br>Meghalaya,<br>Shillong                    | 12/14/2005 | 21900 |  | 3    |
|       | B Kozo<br>(RR) M.A.<br>Nagaland<br>19781042<br>bkozo@mail.svpnpa.gov.in                           |      |           |            |   |            |       |  |      |

-29-

-13-

ANNEXURE - II

GOVERNMENT OF MEGHALAYA  
HOME (POLICE) DEPARTMENT

ORDER BY THE GOVERNOR

NOTIFICATION

Dated Shillong, the 14<sup>th</sup> March, 2005.

No.HPL.38/99/PT.IV/2 - Shri W.R. Marbaniang, IPS (RR-75), Addl. Director General of Police (L&O), Meghalaya is hereby promoted to the post of Director General of Police, Meghalaya, in the scale of pay Rs. 24050-650-26000/- with effect from the date of taking over charge until further orders.

(R. V. Suchiang)  
Commissioner & Secretary to the Government of Meghalaya  
Home (Police) Department.

Memo No.HPL.38/99/PT.IV/2-A

Copy forwarded to:-

Dated Shillong, the 14<sup>th</sup> March, 2005.

1. The Commissioner & Secretary to the Governor of Meghalaya, Shillong.
2. The Private Secretary to Chief Minister, Meghalaya, Shillong.
3. The Private Secretary to Deputy Chief Minister, Meghalaya, Shillong.
4. The Private Secretary to Minister Home (Police), Meghalaya, Shillong.
5. The Private Secretary to Chief Secretary, Meghalaya, Shillong.
6. The Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi - 110001.
7. The Secretary, Joint Cadre Authority, Assam-Meghalaya and Principal Secretary to the Government of Meghalaya, Personnel & AR(A) Department, Shillong.
8. The Secretary to the Government of Assam, Home (A) Department, Dispur, Guwahati - 781006.
9. The Director General & Inspector General of Police, Meghalaya, Shillong.
10. The Accountant General (A&E), Meghalaya, Shillong.
11. The Director of Printing & Stationery, Meghalaya, Shillong for favour of publication in the Gazette.
12. Shri W.R. Marbaniang, IPS (RR-75), Director General of Police, Meghalaya, Shillong.
13. Personal files/Guard file.

By order etc.,

Deputy Secretary to the Govt. of Meghalaya,  
Home (Police) Department.

No. C. O. 6/2005/12

DATED SHILLONG, THE 31<sup>ST</sup> MARCH 2005

Directed by the DGP, Meghalaya, forwarded to :-  
Shri MOUNI KUT, IPS, ADDL. DGP (BORDER),  
Guwahati, (Assam).

Confidential Assistant  
to the DGP, Meghalaya.

-30-

-14-

ANNEXURE - III

Shri B. P. Rao, IPS

Addl. Director General of Police  
(Home Guards & Civil Defence)  
Assam, Beltola, Guwahati-28



22 : 2301004(O)

Ref. D.O.NO. (CD&HG) 1/PF/2004/141

Date. 04-4-2005

Dear Shri Kabilan,

My junior Shri W.R. Marbaniang, IPS (RR-75) of our cadre has been promoted to the rank of Director General of Police in the pay scale of Rs. 24,050-650-26,000/- by Govt. of Meghalaya vide Notification No. HPL.38/99/PT-IV/2 A dtd. 14th March, 2005. Hence, under the rule, I am entitled to be promoted to the said rank with effect from the date of promotion of Shri Marbaniang.

In view of above, I would request you kindly to do the needful at an early date for my promotion to the rank of D.G.P. with effect from the date of promotion of Shri Marbaniang.

With kind regards

Yours sincerely,  
4.4  
( B.P. RAO )

To,

Shri S. Kabilan, IAS,  
Chief Secretary to the  
Govt. of Assam, Dispur,  
Guwahati-6.

Attested  
Bipasha Das



GOVERNMENT OF ASSAM  
OFFICE OF THE DIRECTOR GENERAL OF CIVIL DEFENCE AND  
COMMANDANT GENERAL OF HOME GUARDS, ASSAM, BELTOLA,  
GUWAHATI - 781028.

Letter No.BPR/(CD&HG) 2/PF/2004/191, Dated Beltola, the 11<sup>th</sup> July/2005.

**From :** Shri B.P. RAO, IPS,  
Addl. Director General of Police (CD&HG),  
Assam, Beltola, Guwahati- 781028.

**To :** Shri P.C. SARMA, IAS,  
Addl. Chief Secretary (1) to the Govt. of Assam,  
Home, Political etc. Departments, Dispur,  
Guwahati-6.

**Subject :-** PROMOTION.

**Ref :-** My representation to the Govt. of Assam for promotion to the rank  
of DGP submitted vide my D.O. letter No.(CD&HG) 1/PF/2004/  
141 addressed to the Chief Secretary.

Sir,

With reference to the subject quoted above, I would like to submit as  
hereunder -

- 1) Shri W.R. Marbaniag, IPS, an officer of 1975 batch (RR) of A-M cadre presently serving under the Govt. of Meghalaya was promoted to the rank of D.G.P. vide Notification No.HPL.38/99/PT.IV/2 Dated 14<sup>th</sup> March, 2005 (Photocopy of the order enclosed) in the scale of Rs. 24050-650-26000/-.
- 2) Shri Marbaniang is junior to me as I belong to 1974 (RR) batch.
- 3) Under the provision of Rule 5, note III, 2(3) of IPS (Pay) Rules 1954, I am entitled to be promoted to the rank of D.G.P. in the pay scale of Rs. 24050-650-26000/- w.e.f. the date of promotion of my junior Shri Marbaniang.
- 4) Under the said Rule Shri D.N. Dutt, IPS (RR-1971) was promoted to the rank of D.G.P. in the pay scale of Rs. 24050-650-26000/- by Govt. of Assam vide Notification No.MHA.167/94/Pt.II/54-A dated 1<sup>st</sup> January, 2003 by creating an additional ex-cadre post of D.G.P. consequent upon promotion of his junior Shri L. SAILO, IPS (RR-1972) by GOVT. OF MEGHALAYA vide Notification No.HPL.245/86/91 dated 17<sup>th</sup> May, 2002 in the said scale.

Contd/-2.

*Attested  
Bipasha Das*

-32-

-16-

-02-

- 5) Shri S.R.MEHRA,IPS (RR-1970), Shri G.M.SRIVASTAVA,IPS (RR-1972) and Shri S.P. RAM,IPS (RR-1974) who have since been on central deputation from ASSAM POLICE were given proforma promotion to the rank of D.G.P./Addl.D.G.P. under the provision of this RULE by GOVT. OF ASSAM (Copies of the orders enclosed).
- 6) Earlier when GOVT. OF MEGHALAYA promoted Shri B.K. DEY,IPS (RR-1973) vide Notification No.HPL.52/90/PT/213 dated 25<sup>th</sup> October,1999 to the rank of Addl.D.G.P. in the pay scale of Rs. 22400-525-24500/- his senior Shri D.N. Dutt,IPS (RR-1971), Shri G.M. Srivastava,IPS (RR-1972) and Shri R.N.Mathur,IPS (RR-1973) then serving as I.G.P. were promoted to the rank of Addl.D.G.P. by GOVT. OF ASSAM under the provision of this RULE by creating three additional ex-cadre posts of Addl.D.G.P. in the said scale (Photocopy of the orders enclosed).
- 7) Having come to know about the promotion of Shri Marbaniag to the rank of D.G.P., I submitted a representation to the GOVT. OF ASSAM vide my D.O. letter No.(CD&HG)1/PF/2004/141 dated 4<sup>th</sup> April/2005 addressed to the CHIEF SECRETARY imploring therein for needful for my promotion to the rank of D.G.P. w.e.f. the date of promotion of my junior SHRI MARBANIAG as provided for under this RULE but regrettably even after a lapse more than three months, the Govt.'s response in this regard is still awaited.

In view of above, it is requested that Govt. may kindly do the needful for my promotion to the rank of D.G.P. in the pay scale of Rs. 24050-650-26000/- without further delay for the sake of equity, justice and fair play as provided for under RULE 5, note III,2(3) of IPS (PAY) RULES 1954.

Yours faithfully,

( B. P. RAO )

Addl. Director General of Police,  
(CD&HG), Assam, Guwahati-28.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 215 OF 2005

SHRI B.P. RAO

:

APPLICANT

Vs

UNION OF INDIA & OTHERS

:

RESPONDENTS

SHORT REPLY ON BEHALF OF UNION OF INDIA, i.e.  
RESPONDENT NO. 1

MAY IT PLEASE THIS HONOURABLE TRIBUNAL :

Without prejudice to the submissions made in the following paragraphs and to one another, the Respondent says that promotion is not a matter of right and it is also not a condition of service but an incidence of service, to be earned by virtue of continued good and efficient service. Consequently, promotion is considered by the competent authority on merits of each case and the same cannot be ordered to be allowed as a matter of course.

2. The relief sought for by the applicant is to admit this application, call for the entire records of the case, show cause to the respondents as to why the applicant shall not be promoted to the rank and scale of DGP from the date his junior in the Assam-Meghalaya cadre was promoted to the said post and after perusing the causes shown, if any and hearing the parties be pleased to allow the application and direct the respondents to promote him to the rank and scale of DGP from the date his junior in the Assam-Meghalaya cadre was promoted.

3. It is submitted that this respondent being the Cadre Controlling Authority for the IPS, has issued promotion guidelines in respect of IPS officers of all the State Cadres to establish a uniform procedure for promotion of IPS officers in different grades throughout the country, vide letter dated 15.1.1999.

.... 2/-

*Attested  
Signature*

4. As mentioned by the applicant in para 4.7 of the O.A. this respondent submits that after receiving the request from the Govt. of Assam for approval of creation of 4 ex-cadre posts at DGP level consequent upon promotion of Shri W.R. Marbaniang, IPS (AM:75), the matter was considered in consultation with the Departmental of Personnel & Training who frame the policy in this regard. Finally, this respondent, vide d.o. letter dated 21<sup>st</sup> December, 2005 (Annexure-A-I) has written to Government of Meghalaya and Assam that it was not justifiable to create 4 ex-cadre posts at the apex level against the sanctioned strength of one cadre post so as to accommodate the IPS officers senior to Shri Marbaniang. It has also been clarified that the AIS officers in both the segments of joint cadre may be considered together for promotion as per their combined seniority by the Joint Cadre Authority comprising of the Chief Secretaries of both the segments and other representatives. It has also been clarified that such promotions can be allowed by the JCA on the basis of total vacancies existing in the particular grades on both the sides. After the officers concerned in the order of seniority are so found fit for promotion, they could be posted to either side and adjustments in their postings could be made, wherever necessary. The Govt. of Meghalaya has also been requested to revert Shri W. R. Marbaniang, IPS to the grade of ADGP and then take further necessary action for filling up the post of DGP accordingly.

5. The Respondent further submits that all the averments contained in the O.A. have been gone through and it has been found that the reliefs sought for pertain to the applicant's promotion in the rank of Director General of Police in his State Cadre. The subject matter of promotion of IPS officers in different grades primarily falls within the purview of the State Governments concerned. This respondent has also since written to both the State Governments of Assam and Meghalaya, explaining the rule position and advising them to follow the relevant rules and instructions. Further, the facts pertaining to the case of the applicant are available with the State respondent. This Respondent, therefore, requests that the reply of the State respondent filed in the present matter may kindly be referred to for forming a view.

DEPONENT

(यश पट्टिगर्ग)  
Y. P. DHINGRA)  
अवर सचिव  
Under Secretary  
गृह मंत्रालय  
Ministry of Home Affairs  
नई दिल्ली.  
New Delhi. .... 3/-

VERIFICATION

I Y.P. Dhingra, S/o late Shri Thakur Datt, aged 52 years working as Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi, do hereby solemnly affirm and declare that what is stated hereinabove is true to my knowledge and that I have not suppressed any material facts. I am duly authorized to file this reply on behalf of the Respondent No. 1.

This verification is signed by me at New Delhi on this <sup>21<sup>st</sup></sup> day of January, 2006.

Written Statement drawn by :

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

To

The Hon'ble Registrar  
Central Administrative Tribunal,  
Guwahati Bench, Guwahati.

DEPONENT  
for RESPONDENT NO. 1

(यश धींगरा)  
(Y. P. DHINGRA)  
अवर सचिव  
Under Secretary  
गृह मंत्रालय  
Ministry of Home Affairs  
नई दिल्ली,  
New Delhi.

4.

Annexure A-1



V.N. Gaur,  
संयुक्त सचिव  
JOINT SECRETARY (Police)  
Telefax No. 23094927

ग्रीड पोस्ट द्वारा  
SPEED POST

D.O. NO. I-11012/6/2005-IPS.I  
भारत सरकार  
GOVERNMENT OF INDIA  
गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
North Block, New Delhi

Dated, the 21<sup>st</sup> December. 2005

Dear Shri Bazeley,

The States of Assam and Meghalaya form a joint cadre of the All India Services. It is learned that the State Government of Meghalaya has promoted Shri W.R. Marbaniang, IPS (AM:75) as DGP of Meghalaya. Hence the State Government of Assam has requested this Ministry for its approval for creation of 4 ex-cadre posts at the apex level for 4 officers who are senior to Shri W.R. Marbaniang. However, it is not justifiable to create 4 ex-cadre posts at the apex level against the sanctioned strength of one cadre post.

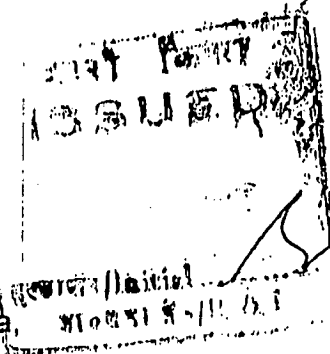
2. The proper course of action in these circumstances is that the AIS officers in both the segments of joint cadre, may be considered together for promotion as per their combined seniority by the Joint Cadre Authority comprising of the Chief Secretaries of both the segments and other representatives. Such promotions can be allowed by the JCA on the basis of total vacancies existing in the particular grades on both the sides. After the officers concerned in the order of seniority, are so found fit for promotion, they could be posted to either side and adjustments in their postings could be made, wherever necessary. As both Assam and Maghalaya form a joint cadre of All India Services, posting of officers from one segment to another should not pose any difficulty.

3. In view of the above position, it is considered imperative to strengthen the institution of the Joint Cadre Authority and place all cases of promotion before it for its consideration. The Government of Meghalaya may like to revert Shri W.R. Marbaniang to the grade of ADGP and then take further necessary action for filling up the post of DGPs as outlined.

With regards,

Yours sincerely,

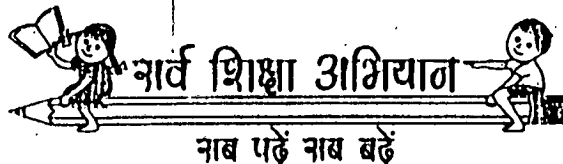
Shri P.J. Bazeley,  
Chief Secretary,  
Government of Meghalaya,  
Shillong.



(V.N. GAUR)

Copy to the Chief Secretary, Government of Assam, Guwahati.

(V.N. GAUR)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. NO. 215/2005

In the matter of:

O.A. NO. 215/2005

Sri B.P. Rao IPS

...Applicant

-Versus-

Union of India and ors.

...Respondents

-AND-

In the matter of:

Written statement on behalf of the Respondent No.1

(The Chief Secretary to the Govt. of Assam, Dispur

Guwahati-6) and Respondent No.2 (Commissioner and

Secretary to the Govt. of Assam, Home and Political)

[Written statement on behalf of the respondent Nos 1 and 2 to the application filed by the applicant.]

I, Sri Povulab Bervu son of Dr. Nalin Bame

Aged about 41 years, presently working as Deputy Secretary to the Govt. of Assam, Home Department, Dispur, Guwahati-6, do hereby solemnly affirm and state as follows:-

1. That I am the Deputy Secretary to the Govt. of Assam, Home (A) Department, Dispur, Guwahati-6. Copies of the aforesaid application have been served upon the Respondent Nos.1 and 2. I have gone through the same and have understood the contents thereof. I am conversant with the facts and circumstances of the case. I have been authorized to file this written statement on behalf of the respondent Nos.1 and 2. I do not admit any of the averments which do not specifically admitted hereinafter and the same are to be deemed as denied.

2. That with regard to the statements made in paragraphs 4.1, 4.2 and 4.3 of the application the answering respondent has nothing to make comment on it.

Attested  
Bipasha Barua

3. That with regard to the statements made in paragraphs 4.4 and 4.5 of the application, the answering respondent begs to state that the Govt. of Assam, has effected the promotion of IPS officers in accordance with the provisions of IPS (PAY) Rules 1954. However, so far the promotion of Shri W.R. Marbaniang, IPS of 1975 batch is concerned the case of 4 officers working in Assam belonging to 1973 and 74 batch were not considered.

4. That with regard to the statements made in paragraphs 4.6 and 4.7 of the application, it is stated that on receipt of representation dated 11.07.05 made by the applicant the same has been referred to Govt. of India for approval for the creation of 4 posts in the rank of Director General of Police to accommodate the aggrieved officers.

"Further it is stated that on receipt of approval from Government of India the State Government will consider taking immediate steps for effecting the promotions of officer."

5. That with regard to the statements made in paragraphs 4.8, 4.9 and 4.10 of the application, the answering respondent begs to state that the Govt. of India has already been moved for approval to the creation of 4 ex-cadres posts. However as per provision of Rule 9(7) of IPS (PAY) Rules 1954 the Govt. of Assam has power to create only one ex-cadre post at the level of DGP. Hence for effecting the promotions the matter is referred to the Govt. of India..


Handwritten signature/initials on the left margin.



VERIFICATION

I, Shri. Bornal Barua son of Dr. Pralim Barua  
aged about 49 years, Deputy Secretary to the Govt. of Assam, Home department, Dispur, Guwahati-6, do hereby state that the statements made in paragraphs 1,2,3,5 are true to my knowledge, those made in paragraph 4 are being matter of records of the case derived there from which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

I have not suppressed any material facts and I have signed this verification on this the day of November, 2005 at Guwahati.

  
Signature Bornal Barua  
Deputy Secretary to the Govt. of Assam  
Home Department, Dispur, Guwahati-6

Servu Copy

5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI Bench  
GUWAHATI.

In the matter of :

OA No. 215 of 2005

Sri B.V. Rao.

.... Applicant

-Versus-

Union of India & Ors.

.... Respondents.

Written Statement on behalf of the Respondent No. 1.

1) That the instant Original Application is not maintainable against the instant Respondent in as much as the Applicant has neither challenge the notification dated 14.3.2005 issued by the Commissioner and Secretary to the Government of Meghalaya, ex Home (Police) Department, Shillong, whereby Sri W.R. Marbaniang, IPS, was promoted to the post of Director General of Police, Meghalaya, nor any relief sought for against the instant Respondent.

2. That it would be further evident from the instant Original Application of the applicant that the Applicant was fully aware that he did not intend to challenge the Promotion Order of Sri W.R. Marbaniang dated 14.3.2005 and he has deliberately not impleaded Sri W.R. Marbaniang as a Party Respondent and in that view of the matter, the question of interfering the Promotion Order of Sri W.R. Marbaniang in the instant case, does not arise.

Contd.....

2.

3. That with regard to the statements made in paragraph 5 of the Original Application, I state that Sri W. R. Marbaniang belongs to the 1975 batch of Indian Police Service. He has all along been serving in Meghalaya Segment of the Joint Assam and Meghalaya Cadre with distinction. He being the Senior most Police Officer and having 30 years of continuous service, was eligible for promotion to the Post of Director General of Police and as such he was accordingly promoted as Director General of Police by notification No. HPL.38/99/Pt-VI/2 dated 14.3.2003 as per earlier conventions, which has not been declared illegal, arbitrary or even discriminatory by any authority, including the Central Government.

4. That in this connection I state that Sri W. R. Marbaniang has been holding the post of Director General of Police since March, 2003, the question of reverting Sri W. R. Marbaniang as this belated stage does not arise at all, more so, as nothing adverse has been noticed against his manner of functioning as the Director General of Police of Meghalaya.

5. That it would be further evident from paragraph 8 of the Original Application that the Applicant has already indicated the manner in which promotion has been effected earlier, in the State of Assam when-ever a junior Officer has been granted promotion in the State of Meghalaya. In view of the precedents which have been indicated by the Applicant in the matter of promotions, the State of Assam can certainly consider the case of the Applicant, subject of course to the limitations that the State of Assam may have with regard to the number of ex-cadre posts which can be created at present. It is

2.

also pertinent to point out that none of the Officers who were granted promotions above their <sup>Seniors</sup> juniors in the Joint Cadre, were ~~never~~ reverted.

6. That I submit that if this Hon'ble Tribunal passes any adverse Order against Sri W. R. Marbaniang without he having been impleaded, it would cause irreparable injury to the said Sri W. R. Marbaniang, who was otherwise eligible to be promoted to the post of Director General of Police.

7. That I submit that the instant application is liable to be dismissed as against the instant Respondent as being not entertainable.

### V e r i f i c a t i o n

I, Dellinia Syiem, D/o late H. Songrum, aged about 50 years, a permanent resident of Shillong, by Occupation, Officer on Special Duty to the Government of Meghalaya, Home (Police) Department, do hereby verify that the statements made in paragraphs 2, 3, 4 + 5 are true to my knowledge and belief.

And I sign this Verification on this the                      day of April, 2006 at Guwahati.

Signature.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 215 of 2005

Date of Order: This the 1<sup>st</sup> day of August 2006

The Hon'ble Sri K.V. Sachidanandan, Vice-Chairman

The Hon'ble Shri G. Ray, Administrative Member

Shri B.P. Rao, IPS,  
S/o Late K.N. Rao,  
Addl. D.G.P. (CD & HG),  
R/o Panbazar, Guwahati-1,  
District- Kamrup, Assam.

.....Applicant

By Advocate Mr G.K. Bhattacharyya, Mr B. Choudhury  
And Mr D. Goswami

- versus -



Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Home Affairs,  
New Delhi.

State of Assam, represented by the  
Chief Secretary,  
Government of Assam,  
Dispur, Guwahati-6.

3. Commissioner & Secretary to the  
Government of Assam,  
Home and Political Department,  
Dispur, Guwahati-6.

4. State of Meghalaya, represented by the  
Chief Secretary to the Government of Meghalaya,  
Shillong.

.....Respondents

By Advocates Mr G. Baishya, Sr C.G.S.C., Ms M. Das,  
Government Advocate, Assam and Ms B. Dutta, Government  
Advocate, Meghalaya.

.....

Attested  
Bipasha Das

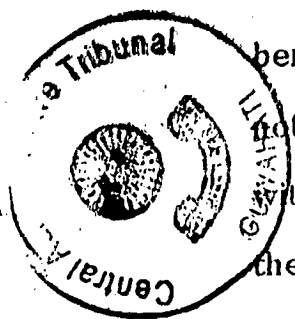
ORDER (ORAL)

K.V. SACHIDANANDAN (V.C.)

The applicant joined the Indian Police Service (IPS for short) in the year 1974 and was assigned to the Assam segment of Assam-Meghalaya Cadre. The applicant claims that he is one of the senior most IPS officers in the said cadre. As per Rule 5(5)(b)(iii) of the IPS (Pay) Rules, 1954, State Government can promote a member of the All India Service to a post in the supertime scale provided all his seniors in the cadre are already promoted or drawing the scale on or before the date of promotion of that person. The contention of the applicant is that his junior in the cadre has been promoted as DGP by the Government of Meghalaya. The applicant has filed representations on 04.04.2005 and 11.07.2005. On earlier occasions, whenever an officer superseded the seniors, the seniors were given the benefit/promotion as per the IPS (Pay) Rules, 1954. In this case nothing transpired and receiving no response from the Government with regard to his promotion the applicant has filed this O.A. seeking the following reliefs:

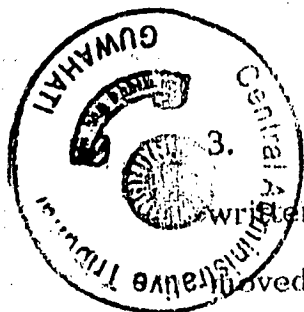
"It is, therefore, prayed that Your Lordships would be pleased to admit this application, call for the entire records of the case, ask the respondents to show cause as to why the applicant shall not be promoted to the rank and scale of D.G.P. from the date his junior in the Assam-Meghalaya cadre was promoted to the said post and after perusing the causes shown, if any and hearing the parties be pleased to allow the application and direct the Respondents to promote the applicant to the rank and scale of D.G.P. from the date his junior in the Assam-Meghalaya cadre was promoted and/or pass such order/orders as Your Lordships may deem fit and proper."

2. The respondent No.1 have filed a written statement contending that promotions are considered by the competent authority on merits of each case and the same cannot be ordered to



be allowed as a matter of course. In para 4 of the written statement the respondent No.1 has stated as follows:

"As mentioned by the applicant in para 7 of the O.A. this respondent submits that after receiving the request from the Govt. of Assam for approval of creation of 4 ex-cadre posts at DGP level consequent upon promotion of Shri W.R. Marbaniang, IPS (AM:75), the matter was considered in consultation with the Department of Personnel & Training who frame the policy in this regard. Finally, this respondent, vide d.o. letter dated 21<sup>st</sup> December, 2005 (Annexure A-I) has written to Government of Meghalaya and Assam that it was not justifiable to create 4 ex-cadre posts at the apex level against the sanctioned strength of one cadre post so as to accommodate the IPS officers senior to Shri Marbaniang. It has also been clarified that the AIS officers in both the segments of joint cadre may be considered together for promotion as per their combined seniority by the Joint Cadre Authority comprising of the Chief Secretaries of both the segments and other representatives. It has also been clarified that such promotions can be allowed by the JCA on the basis of total vacancies existing in the particular grades on both the sides. After the officers concerned in the order of seniority are so found fit for promotion, they could be posted to either side and adjustments in their postings could be made, wherever necessary. The Govt. of Meghalaya has also been requested to revert Shri W.R. Marbaniang, IPS to the grade of ADGP and then take further necessary action for filling up the post of DGP accordingly."



The respondent Nos.2 and 3 have also filed detailed written statement contending that the State Government has already approved the Government of India for approving the creation of four ex-cadre posts. However, as per provision of Rule 9(7) of IPS (Pay) Rules, 1954 the Government of Assam has power to create only one ex-cadre post at the level of DGP. Therefore, for effecting the promotions the matter has been referred to the Government of India, which is under process. The respondent No.4- State of Meghalaya has also filed a written statement contending that the State of Assam can consider the case of the applicant subject to the limitations the State of Assam may have with regard to the number of ex-cadre posts which can be created at present. None of the officers who were granted promotions above their seniors in the Joint Cadre, were reverted.

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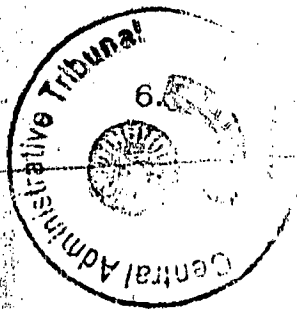
4. Heard Mr G.K. Bhattacharyya, learned counsel for the applicant, Mr G. Baishya, learned Sr. C.G.S.C. for the Union of India and Ms M. Das, learned counsel representing the State of Assam. The learned counsel for the applicant submitted that there were earlier occasions when such contingency came and the Government sanctioned more than one ex-cadre post and such occasions had been accommodated. To pin-point the contention the learned counsel has referred to Annexure-IX dated 01.06.2000 in which three of the officers in the IPS had already been promoted simultaneously as ADGP. Therefore, it is evident that the creation of ex-cadre posts depend upon exigencies warranting the situation and the Government can sanction such posts. The learned counsel for the applicant also argued that the present situation where the applicant has been deprived of his legitimate right to the Super Time Scale of pay and that of promotion is a situation where the Central Government can evaluate and pass appropriate orders sanctioning sufficient strength not restricting to one ex-cadre post. However, when the matter came up for hearing the learned counsel for the applicant submitted that the applicant has already submitted his representation and the Government of Assam has submitted that the representation had already been forwarded with recommendations for sanctioning the post. The learned counsel for respondent No.1 submitted that he has no objection if a direction is given to the respondent No.1 to consider the grievance of the applicant and taking a decision by the respondent No.1 with all attending provisions of law, precedents and rules in considering and granting the relief if that be permitted by the said provisions.

5. In view of the above, in the interest of justice we direct the respondent No.1 to consider the representation of the applicant

✓



that has been forwarded by the Government of Assam within a time frame of three months from the date of receipt of this order and pass appropriate order and communicate the same to the Government of Assam.



The O.A. is accordingly disposed of. No order as to costs.

Sd/ VICE CHAIRMAN  
Sd/ MEMBER (A)

TRUE COPY  
২০০৬

*[Signature]*  
4-8-06  
Section Officer (J)  
C.A.T. GUWAHATI BANCH  
Guwahati-781005

*[Signature]*  
4/8/06



ADDITIONAL DIRECTOR GENERAL OF POLICE  
BORDER ORGANISATION: ASSAM: BAGHARU  
(PANJABARI): GUWAHATI: 781037

Tel. 0361 2334948  
Fax 0361 2334941

**B.P.RAO, IPS**

D.O.No.ADGP (B)/BPR/PF-8/2006/ 103

Dated 7<sup>th</sup> August, 2006

Dear Shri Kabilan,

In enclosing herewith a certified copy of CAT's Order dated 1<sup>st</sup> August 2006, which speaks for itself, I would like to submit that—

- (1) In the recent past to address an exigency in Assam Police, 4 (four) IPS officers were holding the post of DGP in the pay scale of that post namely—(a) Shri P.V.Sumant, (b) Shri H.K.Deka, (c) Shri L.David and (d) Shri D.N.Dutt against one cadre post of DGP. It has been a practice in the State to create more than one ex-cadre posts at the apex level whenever exigency so warranted to accommodate officers.
- (2) When Shri B. Singh, IFS was promoted as Principal Chief Conservator of Forests, Meghalaya, Govt of Assam promoted his seniors Shri R.N.Hazarika, IFS, Shri N.C.Chakraborty, IFS and Shri A.H. Choudhury IFS to the rank and in the pay scale of Principal Chief Conservator of Forests w.e.f. the date their junior Shri B.Singh, IFS was promoted as Principal Chief Conservator of Forests, Meghalaya (photocopies of Govt. Orders enclosed for ready reference.)
- (3) Nearer National Capital New Delhi, in Haryana, 4 (four) IPS officers have been holding the rank of DGP in that scale against one cadre post of DGP.

In view of above and for the sake of justice and equality and in the light of CAT's Order dated 1<sup>st</sup> August, 2006, could you be kind enough to request the Govt. of India to accord approval at the earliest to promote me to the rank and in the pay scale of DGP w.e.f. the date of my junior Shri W.R.Marbaniang, IPS was promoted as DGP, Meghalaya.

With kind regards.

Yours sincerely

Encls: 3 sheets.

Attended  
Bipasha Das

12-8  
(B.P. RAO)

Shri S.Kabilan, IAS  
Chief Secretary, Govt. of Assam,  
Dispur, Guwahati-6.

-49-

ANNEXURE - X

GOVERNMENT OF ASSAM  
HOME (A) DEPARTMENT

\*\*\*

No.HMA.544/2002/138

Dtd.Dispur, the 20th Oct/06

From : MRS. M.B.Sen, ACS,  
Deputy Secy.to the Govt.of Assam.

To : Sri B.P.Rao, IPS,  
Addl.Director General of Police (Border) Assam.  
Ulubari, Guwahati-7.

Sub : OA No.215/2005, filed by Shri B.P.Rao, IPS  
-Vs- Union of India & Ors in the CAT, Guwahati  
Bench.

Ref : Your Memo No.ADGP (B)/BPR/DF-8/2006/109  
dtd.14.8.06.

Sir,

In inviting a reference to your letter on the  
subject cited above, I am directed to forward herewith a  
copy of Ministry of Home Affairs, New Delhi's letter No.I-  
16013/32/2005-IPS-II dt.10.10.06 for favour of your kind  
information.

Enclosed: As Stated above.

Yours faithfully,

*[Signature]*  
Deputy Secy.to the Govt.of Assam,  
Home (A) Department.

Memo No.HMA.544/2002/138-A  
Copy to :-

Dtd.Dispur, the 20th Oct/06

1. The Under Secretary to the Govt.of India, Ministry  
of Home Affairs, New Delhi.
2. The Secretary to the Govt.of Meghalaya, Home(Police)  
Deptt., Shillong with a copy of aforesaid letter  
for information.
3. The Section Officer (Judicial) Central Administra-  
tive Tribunal, Guwahati Bench, Guwahati-5 with a  
copy of the GOI's aforesaid letter for information.

*Attended  
Bipasha Das*

By border etc.,

Deputy Secretary to the Govt.of Assam  
Home (A) Department.

13 OCT 2006 No. I-16013/32/2005-IPS.II  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

स्पीड पोस्ट द्वारा  
BY SPEED POST

New Delhi, the

*Adell. C. S. Home*

The Chief Secretary,  
Government of Assam,  
Home (A) Department,  
Guwahati.

|                          |          |
|--------------------------|----------|
| CHIEF SECRETARY'S OFFICE |          |
| DY. NO.                  | 3827     |
| DATE                     | 16/10/06 |

10 OCT 2006

*16/10/06*

(Kind Attn. Shri P. Barua, ACS, Deputy Secretary)

Sub: - OA No.215/2005, filed by Shri B.P. Rao, IPS-Vs- UOI & others in the CAT, Guwahati Bench

Sir,

I am directed to refer to the Order dated 1.8.2006 (copy enclosed) of Hon'ble CAT, Guwahati Bench in OA No.215 of 2005 filed by Shri B.P. Rao, IPS and to say that this Ministry received a representation (copy enclosed) dated 7.8.2006 from Shri B.P. Rao, IPS in this regard. The representation of Shri Rao has been examined in this Ministry in consultation with Department of Personnel & Training and the following comments are offered.

2. If the petitioner's plea that the officers senior to Shri Marbaniang are entitled for promotion, is accepted, at least 5 to 6 more ex-cadre posts may have to be created in Assam, which would not be an ideal situation, keeping in view the number of Senior Duty Posts available for the State of Assam i.e. 63 and the fact that the State Government has been sanctioned with one cadre post of DGP only..

3. In this particular case, not only the number of posts is the cause of concern but also the length of the tenure for which these posts would have to be created. The year of superannuation of both the officers, at present working in the DGP grade in Meghalaya is 2011. Thus the present situation, which has arisen because of the promotion of Shri Marbaniang will continue till then. The period for which, these posts need to be created ranges from 3 years to 6 years.

Contd...p/2

*M.R.B.*  
*78/10/06*

*C-1,100*  
*16/10/06*

*Mrs. Barua*  
*DB sent*  
*pp. present*  
*11/10/06*  
*11/10/06*

O/O  
Home, Political & Border  
Deptt, Assam, Dispur  
Distur, Guwahati  
By, No. 113  
Date 13/10/06

4. It is worth mentioning here that in the cases of the officers who have been quoted by the applicant in para 1.1 of his representation, the sanction was given by the Government of India for two posts only and that too, for a shorter period of time. The instant case differs from the cases quoted by the applicant in nature and in facts.

5. The contention of the applicant is that he is entitled to be promoted to the rank of DGP on the ground that his junior has been promoted in the other segment of the joint cadre. This is not justifiable because the promotion of his junior itself is not in order and the Government of India has already written to the Government of Meghalaya to revert Shri Marbaniang to the lower grade.

6. The stand of the Government of India is that there is mobility of officers between both the segments of Joint Assam - Meghalaya Cadre and is to be effected through the mechanism of JCA. However, the contention of the applicant is not tenable in both the cases where it is considered that there is mobility between the two segments or otherwise as mentioned below.

7. If it is conceded that there is mobility between the two segments, the appointment of Shri Marbaniang to the grade of DGP is not in order. Therefore, granting further benefit on the basis of his promotion will be grossly against the spirit of the mobility of the Joint Cadre.

8. On the other hand, if it is conceded that there is no mobility between the two segments and they may work independently, then there is no comparison between the officers of Assam and Meghalaya, a contention upon which the case of the applicant depends.

9. The posts at Apex level are created not merely to accommodate officers, but strictly based on functional justifications. The State Government has not furnished any functional justification in this case.

10. As far as para 1.2 of the representation is concerned, the matter pertains to IFS and this Ministry has no comments in this regard.

11. Regarding para 1.3 of the representation, it may be said that the facts quoted are not correct. At present, there are two cadre posts sanctioned for the State of Haryana in the grade of DGP and in view of the provisions of Rule 9(7) of IPS (Pay) Rules, 1954, they can operate with two more ex-cadre posts.

Contd. p/3

12. Keeping in view the above, it has not been possible to accede to the request of Shri B.P. Rao, IPS. The decision of the Government of India may be conveyed to him accordingly.

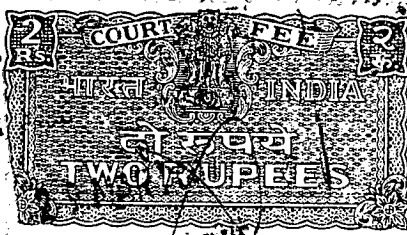
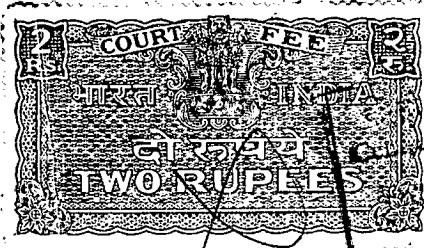
Yours faithfully,

(O.S. ASHOK)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

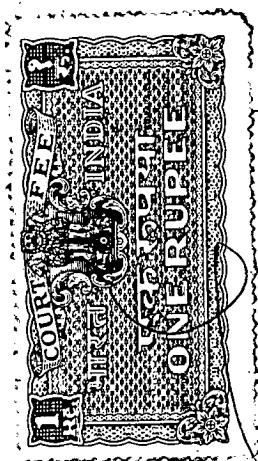
TELE.NO. 2309 2527

cannot be ordered to



गुवाहाटी बेंच  
Guwahati Bench

2  
Sr. Government Advocate  
Meghalaya  
22/03/07



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. NO.23/2007

Birendra Prasad Rao

..... Applicant

-Vs.-

Union of India and Ors.

..... Respondents

AND -

IN THE MATTER OF :

An affidavit in opposition filed by the  
Respondent No.5 -

I, Shri G. Smiling Marbaniang, Son of Late G.L. Ryingdong, aged about 57 years, resident of Shillong, Meghalaya do hereby solemnly affirm and state as follows :

1. That I am holding the post of Under Secretary to the Government of Meghalaya, in the department of Home (Police). I have received a copy of the abovenoted application numbered as O.A. No.23/2007. I have gone through the said application and have understood the meaning thereof. I do not admit any averment which are contrary to and inconsistent with the record of the case. I am well conversant with the facts and circumstances of the case and I am competent to swear this affidavit.

2. That with regard to the statements made in paragraphs 1, 2 and 3 of the application filed by the applicant before this Hon'ble Tribunal, the deponent hereby deny all those statements which are contrary to and inconsistent with the record of this particular case.

3. That with regard to the statement made in paragraph 4.4 and 4.5 of the application, the deponent begs to state that Mr. W.R. Marbaniang belongs to the 1975 Batch of I.P.S. He has all along been serving in the Meghalaya Wing of the Cadre with distinction. Mr. Marbaniang, being the senior most and having put in 30 years of service, is eligible for promotion to the level of the Director General of Police, as per existing guidelines. Further taking into consideration the problems of militancy, etc. affecting the State of Meghalaya, it was felt necessary to appoint Sri Marbaniang as the Director General of Police of Meghalaya, who is familiar with the ground, situation so as to provide effective leadership to the Meghalaya Police Force. Sri W.R. Marbaniang fulfills all the requirements in such promotion. Further the grade of D.G.P. is a selection post and is filled up on the basis of merit. It is upto the discretion of the State Government to appoint a suitable officer who has fulfilled the eligibility criteria as per the Government of India Guidelines. The matter of promotion of Sri Marbaniang was also placed before the J.C.A. However, the decision is awaiting<sup>ed</sup>.

4. That with regard to the statements made in paragraph No.5 of the application the deponent begs to state that Sri W.R. Marbaniang being eligible for promotion was promoted to the level of D.G.P. vide notification No.HPL.38/99/Pt.IV/2 dated 14.3.2005. Sri Marbaniang is now drawing the D.G.P.'s scale of pay. The deponent begs to state that the direction of the Government of India to revert him to the lower grade is violative of the principles as laid down in the Constitution of India.

5. That the circumstances as narrated above may kindly be considered by the Hon'ble Tribunal and further may be pleased to dismiss the application filed by the applicant challenging the promotion of Sri Marbaniang to the post of D.G.P. in Meghalaya.



6. That the statements made in paragraphs No.1, 5 and 6 of this affidavit are true to my knowledge and paragraphs No.2 to 4 are being matters of record and the knowledge derived therefrom are believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I put my signature hereon this affidavit on this 29<sup>th</sup> day of March, 2007 at Guwahati.

*G. S. Marbaniya*  
DEPONENT.

NOTICE

From Mr. Ratul Goswami,  
Sr. Govt. Advocate, Meghalaya,  
Guwahati.

To Mr.  
Advocate,  
Guwahati.

Sub:- O.A. No. 23/07  
Birendra Prasad Rao  
-Vs- ....Applicant  
Union of India & Ors.  
...Respondent.

Sir,

Please find herewith an affidavit in opposition filed by the Respondent No.5 in the above-noted O.A.No. 23/07, is going to be filed. A copy of the same is enclosed herewith for your perusal. Kindly acknowledge receipt of the same.

Yours faithfully,

Received copy

*Gitanur Choudhury*  
Advocate. 4.5.07

*Ratul Goswami*  
Sr. Government Advocate  
Sr. Govt. Advocate, Meghalaya,  
Guwahati.

**MEMORANDUM OF APPEARANCE**

Date : 30/7/07

To,

**The Registrar**

Central Administrative Tribunal  
Bhangagarh, Rajgarh Road,  
Guwahati.

**IN THE MATTER OF :**

O.A. No. 23 of 2007

Sr B. P. Rao

----- Applicant

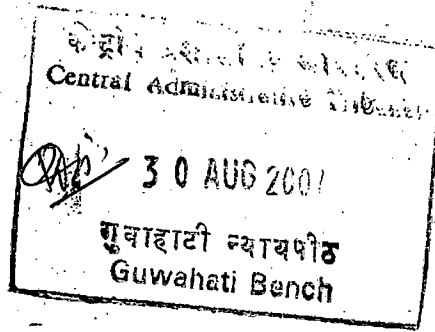
- Vs -

**Union of India & Others**

----- Respondents

I, M. U. Ahmed, Addl. Central Govt. Standing Counsel, Central Administrative Tribunal, Guwahati, hereby enter appearance on behalf of the Union of India & Respondents Nos. 4 in the above case. My name may kindly be noted as Counsel and shown as Counsel for the Respondent/s.

  
(Motin Ud-Din Ahmed)  
Addl. C.G.S.C.



Filed by : -  
The State of Assam Exe  
through  
Mazjinda Doss  
S. A. Assam  
S. A. Assam  
30/8/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

IN THE MATTER OF :-

O.A. NO. 23/07

Shri B.P. Rao.....Applicant

-Vs-

Union of India & others..... Respondents.

In the matter of :-

Written statement on behalf of  
Respondent No. 2 (State of Assam  
represented by Chief Secretary, to the  
Govt. of Assam, Dispur, Guwahati-6) &  
Respondent No. 3 (Commissioner &  
Secretary to the Govt. of Assam, Home  
& Political Department, Dispur,  
Guwahati-6).

(WRITTEN STATEMENT ON BEHALF OF RESPONDENTS NO. 2 & 3 ).

I , Shri Anjan Chakravarty, son of. Late Nagendra Nath  
Chakravarty presently working as Deputy Secretary to the Government of  
Assam, Dispur, Guwahati -6 , do hereby solemnly affirm & state as  
follows :-

1. That I am the Deputy Secretary to the Govt. of Assam, Home (A)  
Department, Dispur, Guwahati-6 and having been authorized by the  
respondent No. 2 & 3 and am competent to file this Written Statement on  
behalf of them . I am acquainted with the facts & circumstances of the case

Anjan Chakravarty

on the basis of records maintained in the department of Home. I have gone through the application and have understood the contents thereof.

2. Save and except whatever is specifically admitted in this reply, rest of the averments will be deemed to have been denied.
3. That the applicant Sri B.P.Rao is in fact senior to the Respondent No.6 i.e. Sri W.R. Marbaniang. The applicant was inducted in the IPS cadre in 1974 batch and the Respondent No. 6 was inducted in the cadre in 1975 batch.
4. The Government of Meghalaya vide order dated 14-3-05 promoted the Respondent No.6. The promotion of Sri W.R.Marbaniang, IPS, was made without following the Joint Cadre Rules.
5. Thereafter the matter was placed post facto in the Joint Cadre Authority meeting held on 31-5-05 and the decision was taken to move the Government of India to allow the State Government to create 4 ex-cadre posts in the rank of DGP in view of superceding 4 officers by the Respondent No.6 in Meghalaya Wing.
6. The Government of Assam has taken honest effort for promoting the applicants vide letter dated 30-9-05 for creation of the post at the Director General level but the Government of India vide letter dated 21-12-05 under no I-11012/6/2005-IPS-I advised the Government of Meghalaya to revert Sri W.R.Marbaniang, IPS to the rank of ADGP.
7. That earlier the applicant filed an Original Application being O.A. No. 215/05 before the Central Administrative Tribunal, Guwahati Bench, and the Hon'ble Tribunal after hearing was pleased to dispose of the case vide order dated 10-08-06 directing the respondent No.1 to consider the representation of the applicant which was forwarded by the Government of Assam within 3 months time from the date of receipt of the order and to pass an appropriate order. The Central Administrative Tribunal further, ordered the Government of India to communicate its decision to the Government of Assam.
8. That in compliance with the said order dated 01-08-06 passed by the Central Administrative Tribunal Guwahati Bench, the Government of Assam after examining the matter communicated its decision to the Government of India vide letter dated 10-10-06 and accordingly the applicant was informed vide letter dated 20-10-06. The decision of the

Anjan Chakravarty

Government of India was that it has not been possible to accept the request of the Government of Assam.

9. Reply to the facts of the Case :-

- 9.1. That with regard to the statements made in paragraph 4.1 of the application, the humble answering respondent has nothing to make comment on it.
- 9.2. That with regard to the statements made in paragraph 4.2 of the application, the humble answering respondent has nothing to make comment on it as they are being matters of records.
- 9.3. That with regard to the statements made in paragraph 4.3 of the application, the humble answering respondent begs to state that it is true the respondent No. 6, Sri W.R. Marbaning is junior to the applicant, and that the Government of Meghalaya has not followed the Joint Cadre Rules, while giving the promotion of respondent No.6 in the rank of DGP (Director General of Police.) .
- 9.4. That with regard to the statements made in paragraph 4.4 of the application, the humble answering respondent has nothing to make comment on it.
- 9.5. That with regard to the statements made in paragraph 4.5 of the application, the humble answering respondent begs to state that it is not correct that the matter regarding the promotion was not placed before the Joint Cadre Authority. However, the matter was placed, post facto in the Joint Cadre Authority meeting held on 31-5-05 and in the said meeting a decision was taken to move the Government of India (Respondent No.1) to allow the State of Assam to create 4 ex-cadre posts in the rank of DGP to accommodate the officers senior to Sri W.R. Marbaninag. Accordingly a letter dated 19-4-05 was issued by the Government of Assam to the Government of India with a request to permit, to create 4 ex-cadre posts of DGP in the State of Assam.
- 9.6. That with regard to the statements made in paragraph 4.6 of the application, the humble answering respondent has nothing to make comment on it.
- 9.7. That with regard to the statements made in paragraph 4.7 of the application the humble answering respondent begs to state that, as stated above, the Govt., of Assam has taken a decision to move the Government

Anjan Chakravarty

of India to allow the State Government to create ex-cadre posts in the rank of DGP to accommodate the Senior Officers in the cadre. However, the Govt. of India vide letter dated 21-12-05 under D.D. No. 1-11012/6/2005-IPS had directed the Government of Meghalaya to revert the respondent No.6, Sri W.R. Marbaninag to the rank of ADGP.

A copy of the said letter dtd. 21-12-05 is annexed herewith and marked as Annexure- "A".

- 9.8. That with regard to the statements made in paragraph 4.8 & 4.9 of the application, the humble answering respondent begs to state that to promote the Senior Officers to the rank of DGP, the Government of Assam had made honest effort and accordingly requested the Government of India to create 4 ex-cadre posts in the rank of DGP. However, the Government of India vide letter dated 21-12-05 addressed to the Chief Secretary, Meghalaya with a copy to the Government of Assam had advised the Government of Meghalaya to revert Sri W.R. Marbaniang to the rank of ADGP.

In the Original Application No. 215/05, the State Government filed their Written Statement stating that the matter was referred to Ministry of Home Affairs, Government of India for permission to create 4 ex-cadre posts in the rank of DGP.

- 9.9. That with regard to the statements made in paragraph 4.10 of the application the humble answering respondent has nothing to make comment on it as they are being matters of records.
- 9.10. That with regard to the statements made in paragraph 4.11 of the application the humble answering respondent begs to state that the application dated 7-8-06 alongwith the enclosures, including the copy of the order dated 1-8-06 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, had been duly forwarded by the Government of Assam to the Government of India
- 9.11. That with regard to the statements made in paragraph 4.12 of the application the humble answering respondent begs to state that, in compliance to the order dtd. 1-8-06 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, the Government of India disposed of the matter and accordingly the instruction was forwarded to the State of Assam vide letter dated 10-10-06 to communicate the

Anjan Chatterjee

decision of the Government of India to the applicant. Thereafter, the Government of Assam communicated the said decision dated 10-10-06 of the Government of India to the applicant vide letter dated 20-10-06 under No. HMA 544/2002/139.

9.12. That with regard to the statements made in paragraph 4.13 of the application, the humble answering respondent has nothing to make comment on it.

9.13. That with regard to the statements made in paragraph 4.14 & 4.15 of the application the humble answering respondent has nothing to make comment on it as they are the provisions of the rules.

9.14. That with regard to the statements made in paragraph 4.16 of the application the humble answering respondent begs to state that vide letter dated 13-10-06 the Government of India, Ministry of Home Affairs sent a letter to the Government of Meghalaya with a copy to the Government of Assam drawing the attention to the fact that the Government of Meghalaya has not accepted the request of Government of India hence it was requested to look into the matter personally and to ensure that Sri W.R. Marbaniang is reverted to the rank of ADGP. The Government of India further advised to promote an officer out of the eligible officers of the Joint Cadre of Assam & Meghalaya as per the prescribed norms.

Further it is stated that at present there is no vacant post of DGP in the State of Assam.

Copy of the said letter dated 13-10-06 is annexed herewith and marked as Annexure-  
"B".

Anjan Chakravarty



# V E R I F I C A T I O N

I, Shri.. Anjan Chakravarty .....son of  
Late Nagendra Nath Chakravarty ..... presently working as Deputy Secretary  
to the Government of Assam, Dispur, Guwahati -6, do hereby verify that the  
statements made in paragraphs 4,5,6,7,8, 9.3, 9.5 (part), 9.11 (part) and 9.14  
(part) are true to my knowledge, those made in paragraphs 3, 9.5 (part), 9.7,  
9.8,9.10 and 9.11 (part) are being matters of records of the case derived  
therefrom which I believe to be true and the rest are my humble submission  
before this Hon'ble Tribunal.

And I sign this verification on this 30th day of August 2007.

Anjan Chakravarty

**DEPONENT**  
Deputy Secretary to the  
Government of Assam  
Home (A) Department  
Assam, Dispur

Received copy.  
Bikram Choudhury  
sd/-  
30.8.07.

GOUR,  
JOINT SECRETARY (Police)  
Telefax No. 23094927

सॉफ्ट कॉपी द्वारा  
SPEED POST

D.O. NO. I-11012/6/2005-IPS.I

भारत सरकार

GOVERNMENT OF INDIA

गृह मंत्रालय

MINISTRY OF HOME AFFAIRS  
North Block, New Delhi

Dated, the 21<sup>st</sup> December. 2005

Dear Shri Bazeley,

The States of Assam and Meghalaya form a joint cadre of the All India Services. It is learned that the State Government of Meghalaya has promoted Shri W.R. Marbaniang, IPS (AM:75) as DGP of Meghalaya. Hence the State Government of Assam has requested this Ministry for its approval for creation of 4 ex-cadre posts at the apex level for 4 officers who are senior to Shri W.R. Marbaniang. However, it is not justifiable to create 4 ex-cadre posts at the apex level against the sanctioned strength of one cadre post.

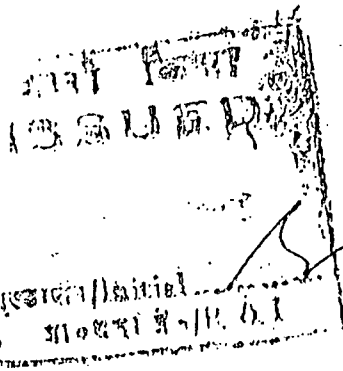
2. The proper course of action in these circumstances is that the AIS officers in both the segments of joint cadre, may be considered together for promotion as per their combined seniority by the Joint Cadre Authority comprising of the Chief Secretaries of both the segments and other representatives. Such promotions can be allowed by the JCA on the basis of total vacancies existing in the particular grades on both the sides. After the officers concerned in the order of seniority, are so found fit for promotion, they could be posted to either side and adjustments in their postings could be made, wherever necessary. As both Assam and Maghalaya form a joint cadre of All India Services, posting of officers from one segment to another should not pose any difficulty.

3. In view of the above position, it is considered imperative to strengthen the institution of the Joint Cadre Authority and place all cases of promotion before it for its consideration. The Government of Meghalaya may like to revert Shri W.R. Marbaniang to the grade of ADGP and then take further necessary action for filling up the post of DGPs as outlined.

With regards,

Yours sincerely,

Shri P.J. Bazeley,  
Chief Secretary,  
Government of Meghalaya,  
Shillong.

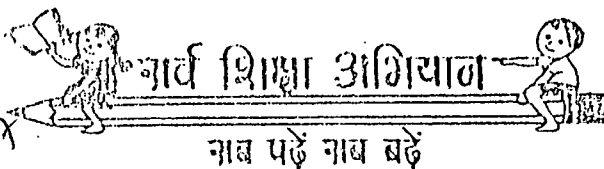


(V.N. GAUR)

Copy to the Chief Secretary, Government of Assam, Guwahati.

(V.N. GAUR)

certified to be true  
M. J. Bazeley  
30/12/05





Dr.G.S. Rajagopal,  
Special Secretary (IS)  
Tele.No.2309 2601

*Addl.C-S.Home*

D.O.No.I.16013/32/2005-IPS.II  
गृह मंत्रालय

भारत सरकार

नार्थ ब्लॉक, नई दिल्ली-110001

MINISTRY OF HOME AFFAIRS  
GOVERNMENT OF INDIA

NORTH BLOCK, NEW DELHI-110001

19 OCT 2006

4

New Delhi, the

This is regarding promotion of Shri W.R. Marbaniang to the post of DGP, Meghalaya. In this connection, I would draw your attention to the order dated 1.8.2006 (copy enclosed) of Hon'ble CAT, Gauwahati Bench in OA No.215/2005 filed by Shri B.P. Rao, IPS.

2. The Central Government received a representation (copy enclosed) from Shri B.P. Rao, IPS, which has been disposed off vide this Ministry's letter of even number dated 10.10.2006 (copy enclosed).

3. You would appreciate that the action of the Government of Meghalaya to promote and appoint Shri Marbaniang as DGP, Meghalaya without adhering to the mechanism of Joint Cadre Authority is in violation of the principles of Joint Cadre and has resulted in a peculiar situation before the Government of India and the Governments of Assam and Meghalaya. The officers who are senior to Shri W.R. Marbaniang and presently working in the Assam segment of the Joint Cadre of Assam and Meghalaya are demanding a benefit, which is not due to them, on the basis of this action of the Government of Meghalaya to promote and appoint Shri W.R. Marbaniang as DGP, Meghalaya.

I would further draw your attention to the advice given by this Ministry vide its letter No.I.11012/6/2005. IPS.I dated 21.12.2005 (copy enclosed). The Government of Meghalaya has not accepted the request of the Government of India. I would request you to look into this matter personally and to ensure that Shri W.R. Marbaniang is reverted to the grade of ADGP and further action is taken to promote an officer out of the eligible officers of the Joint Cadre of Assam and Meghalaya as per the prescribed norms and the advice given by the Government of India.

Yours sincerely,

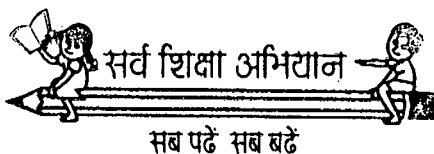
-Sd-

(G.S. Rajagopal)

Shri P.J. Bazeley,  
Chief Secretary,  
Government of Meghalaya,  
Shillong

Copy to the Chief Secretary, Government of Assam, Disput

(G.S. Rajagopal)



Central to be  
true  
M.A. Assam  
30/8/07

Court Officer.

FORM No. 1  
( See Rule 62 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

O.A./R.A./C.P./M.A./P.T. 23 / 07

Sh B.P. Rao

Applicant(S)

M.O. I<sup>-VS</sup> CM

Respondant(S)

M E M O OF APPEARANCE

I, Smt. Manjula Das having been authorised  
by the ~~Ministry of Law~~ Secretary to the Govt.  
of Assam, Home Dept (here furnish the particulars of authority)

by the Central/State Government/Government Servant/.....Authority/  
corporation/Society notified under Sec. 14 of the Administrative  
Tribunals Act, 1985, hereby appear for applicant No...../ Respondant  
No. 21327 and undertake to plead and act for them in all matters in  
the aforesaid case.

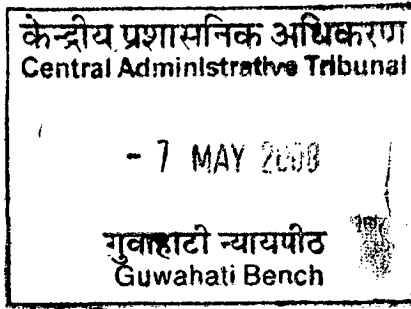
Place: Guwahati

Date:- 15/11/07

Manjula Das  
Addl. C.G.S.C

Signature and Designation of the  
Counsel.

Address of the Counsel for Service.



Filed by:-  
Manginder Das  
C.A. Assam,  
CAT  
7/5/08

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL:GUWAHATI:BENCH

O.A. NO.23/07

In the matter of:

O.A. No.-23/07

Sri B.P. Rao

... .. Appellant

-Vs-

Union of India & ors.

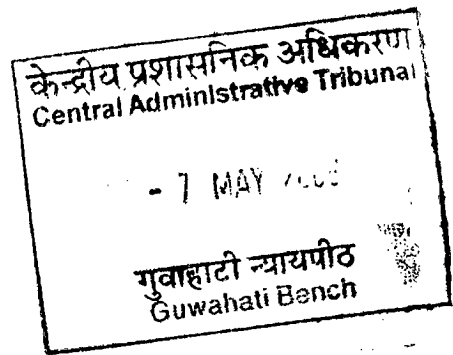
... .. Respondents

The Counsel for the Respondent No.2 & 3 beg to  
state as follows-

1. That the Counsel representing the State of  
Assam represented by the Commissioner &  
Secretary to the Govt. of Assam received Minutes of  
the Meeting of the Assam-Meghalaya Joint Cadre  
Authority in connection of the above case which are  
mentioned below-

- (a) Minutes of Screening Committee Meeting  
held on 31.5.05 at Dispur, Guwahati for  
selection of I.P.S. Officers under the  
Assam-Meghalaya Joint Cadre.
- (b) Minutes of Screening Committee Meeting  
held on 24.2.06

Received copy  
Dwijit Goswami  
Advocate  
7.5.08



2

(c) Minutes of Meeting of the Assam-Meghalaya Joint Cadre Authority for I.P.S. held on 18.4.07 at Dispur, Guwahati.

(d) Minutes of the Screening Committee Meeting held on 18.4.07 at Dispur, Guwahati for selection of the I.P.S. Officers under the Assam-Meghalaya Joint Cadre.

Copies of the aforesaid Minutes are annexed herewith as enclosure 1, 2, 3 & 4 respectively.

Central Administrative Tribunal

- 7 MAY

गुवाहाटी प्रांतिक  
उच्च न्यायालय

155

MINUTES OF THE SCREENING COMMITTEE MEETING HELD ON 31-05-2005 AT DISPUR, GUWAHATI FOR SELECTION OF IPS OFFICERS UNDER THE ASSAM-MEGHALAYA JOINT CADRE FOR PROMOTION TO SELECTION GRADE, SUPER TIME SCALE AND ABOVE SUPER TIME SCALE.

Present :-

1. Shri S. Kahlilan, IAS, Chief Secretary, Assam.
2. Shri P. J. Bazeley, IAS Chief Secretary, Meghalaya.
3. Shri P.V. Sumant, IPS, Director General of Police, Assam
4. Shri W. R. Marbaniang, IPS, Director General of Police, Meghalaya
5. Shri G. P. Walhang, IAS, Principal Secretary, Home (Police) Deptt., Meghalaya

Promotion to the Above Super Time Scale of the I.P.S (D.G.P's Rank) 24,050-650-26,000/-

The matter of deciding suitability or otherwise of the following IPS officers for their promotion to the Above Super Time Scale (D.G.P's Rank) was placed before the Screening Committee.

1. Shri Shankar Barua, ((RR-74))
2. Shri S. P. Ram, (RR-74)
3. Shri K. C. Reddy, (RR-74)
4. Shri Dhirendra Prasad Rao, (RR-74)
5. Shri M.M. Raj, IPS (PR-75)
6. Shri W.R. Marbaniang, IPS (RR-75)

Certified to be true  
Member Secy  
G.A. Assam  
7/5/08

- 7 MAY 1988

गुवाहाटी न्यायपीठ  
Guwahati Bench

(2)

156

The Screening Committee was informed that Shri W.R. Marbaniang, IPS (RR-75) has already been promoted to the Above Super-time Scale (DGP's Rank) by the Govt. of Meghalaya. Since there are 4 Officers under Assam Wing senior to Shri W.R. Marbaniang who have not yet been promoted to the said level for want of vacancies, the Govt. of Assam has referred the matter to the Ministry of Home Affairs, New Delhi seeking approval for creation of 4 posts at this level to accommodate the senior officers under the Assam Wing. The Screening Committee therefore decided to await the response of the Govt. of India on the request of the Govt. of Assam.

Shri W.R. Marbaniang, IPS a member of the Screening Committee was not present when this item was being discussed.

(S. Kabilan,)  
Chief Secretary, Assam

(P.V. Sumant,)  
Director General of Police,  
Assam

(G.P. Wahlang)  
Principal Secretary, Home, Meghalaya.

(P.J. Bazeley,)  
Chief Secretary, Meghalaya

(W.R. Marbaniang,)  
Director General of Police,  
Meghalaya



केन्द्रीय प्रशासनिक अधिकरण

Central Administrative Tribunal

1 MAY 2008

गुवाहाटी ब्याच  
Guwahati Bench(P-187) 2006  
2007

MINUTES OF THE SCREENING COMMITTEE MEETING HELD ON  
1-02-2006 AT DISPUR, GUWAHATI FOR SELECTION OF IPS OFFICERS  
UNDER THE ASSAM-MEGHALAYA JOINT CADRE FOR PROMOTION TO  
SELECTION GRADE, SUPER TIME SCALE AND ABOVE SUPER TIME  
SCALES.

Present :-

1. Shri S. Kabilan, IAS, Chief Secretary, Assam.
2. Shri P. J. Bazeley, IAS Chief Secretary, Meghalaya.

Promotion to the Above Super Time Scale of the I.P.S (D.G.P's Rank) 24,050-650-  
26,000/-

The matter of deciding suitability or otherwise of Shri W. R. Marbaniang, IPS for promotion to the Above Super Time Scale of the I. P. S. ( D.G.P 's Rank ) was placed before the Screening Committee.

The JCA was informed that the matter relating to reversion of Shri W.R.Marbaniang, IPS to the level of Additional Director General of Police is receiving the attention of the State Government of Meghalaya and the decision on the same would be placed before the next JCA.

Shri W. R. Marbaniang, IPS a member of the Screening Committee was not present when this item was being discussed.

(S.Kabilan)  
Chief Secretary, Assam

(P.J.Bazeley)  
Chief Secretary, Meghalaya

Certified to be true

G. A. Assam  
7/5/08

ANNEXURE  
10  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

- 7 MAY 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

MINUTES OF THE MEETING OF THE ASSAM-MEGHALAYA JOINT CADRE  
AUTHORITY FOR I.P.S. HELD ON 18-04-2007 AT DISPUR, GUWAHATI

Present :-

1. Shri P.C. Sarma, IAS,  
Chief Secretary, Assam.
2. Shri Ranjan Chatterjee, IAS,  
Chief Secretary, Meghalaya.

(A) The matter pertaining to the promotion of the following IPS Officers to the Senior Scale was placed before the JCA.

1. Shri Deepak Choudhury, IPS, (RR-2002)
2. Shri Mukesh Kumar Singh, IPS, (RR-2003)
3. Shri Akhilesh Kumar Singh, IPS, (RR-2003)

On the recommendation of the respective Screening Committee, the Joint Cadre Authority approved the above officers for promotion to the Senior Scale of the IPS.

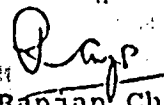
The JCA also advised the Govt. of Meghalaya to re-examine the matter pertaining to the promotion of Shri N.K. Subramanyam, IPS, (RR-1996) to the Senior Scale of IPS.

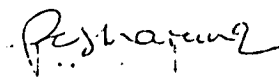
(B) REQUIREMENT OF IPS OFFICERS BY THE MEGHALAYA WING

The requirement of IPS Officers by the Meghalaya Wing was placed before the JCA. The Govt. of Assam appreciated the difficulties faced by the Govt. of Meghalaya but pointed out that there were shortage of field level officers. However, at the request of the Govt. of Meghalaya, the Govt. of Assam agreed to consider placing the services of one or two officers in the Senior Scale to the Govt. of Meghalaya, subject to availability.

(C) SELECTION OF IPS PROBATIONERS OF THE 2006 BATCH FOR POSTING IN EITHER WINGS.

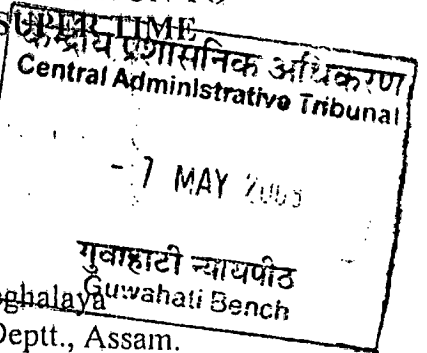
The JCA agreed to allot 2 (two) IPS Probationers of 2006 batch to the Meghalaya Wing of the Joint Cadre.

  
( Ranjan Chatterjee )  
Chief Secretary, Meghalaya

  
( P.C. Sarma )  
Chief Secretary, Assam

Certified to be true  
MS  
7/5/08

MINUTES OF THE SCREENING COMMITTEE MEETING HELD ON  
18-04-2007 AT DISPUR, GUWAHATI FOR SELECTION OF IPS OFFICERS  
UNDER THE ASSAM-MEGHALAYA JOINT CADRE FOR PROMOTION TO  
SELECTION GRADE, SUPER TIME SCALE AND ABOVE SUPER TIME  
SCALES.



Present :-

1. Shri P. C. Sarma, IAS, Chief Secretary, Assam.
2. Shri Ranjan Chatterjee, IAS Chief Secretary, Meghalaya.
3. Shri R. N. Mathur, IPS, Director General of Police, Assam
4. Shri B. K. Dey Sawian, IPS, Director General of Police, Meghalaya
5. Shri Rajiv Kumar Bora, IAS, Commr. & Secretary, Home Deptt., Assam.
6. Smti. R.V.Suchiang, IAS, Commr. & Secretary, Home Deptt., Meghalaya

Promotion to the Above Super Time Scale of the I.P.S (D.G.P's Rank) 24,050-650-  
26,000/-

The Govt. of Assam raised the issue regarding the promotion of Shri W.R.Marbaniang, IPS to the rank of DGP. As the Ministry of Home Affairs had advised the Govt. of Meghalaya to revert Shri W.R.Marbaniang, IPS to the rank of ADGP, it was impressed upon the JCA to take a decision in the matter. The Govt. of Meghalaya stated that the matter was under consideration and the JCA would be informed of its decision.

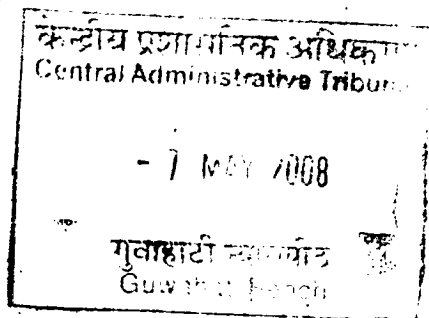
The JCA was also informed that the following IPS Officers of 1973, 1974 and 1975 batches who are senior to Shri W.R.Marbaniang, IPS should also be considered for clearance for promotion to the Above Super Time Scale of the I. P. S. (D.G.P's rank).

1. Shri Sharda Prasad, IPS (RR-73) ✓?
2. Shri Shankar Barua, IPS, (RR-1974)
3. Shri S.P.Ram, IPS, (RR-1974)
4. Shri K.C.Reddy, IPS, (RR-1974)
5. Shri Birendra Prasad Rao, IPS, (RR-1974)
6. Shri M.Mohan Raj, IPS (RR-1975) ✓?
- ✓ 7. Shri W. R. Marbaninag, IPS (RR-75).

Subject to the recommendation of the respective Screening Committee, the Joint Cadre Authority approved the above officers for promotion to the Above Super Time Scale of the I. P. S. (D.G.P's rank), subject to availability of vacancies, except S/Sh. Sharda Prasad and M. Mohan Raj, against whom Vigilance and Criminal cases are pending respectively. The decision of the JCA in respect of S/Sh. Sharda Prasad and M. Mohan Raj are kept in the sealed cover.

Contd..2/-

Certified to be true  
MS.  
7/5/08



**Promotion to the Above Super Time Scale of the I.P.S (Addl. Director General of Police's Rank) 22,400-525-24,500/-**

The matter of deciding suitability or otherwise of the following IPS officers for their promotion to the Super Time Scale ( *Addl. D.G.P. 's rank* ) was placed before the J.C.A.

1. Shri A. K. Mallick, IPS (RR-79)
2. Shri D. K. Pathak, IPS (RR-79)
3. Shri A.K.Mathur,IPS,(RR-80)
4. Shri Rajendra Kumar, IPS,(RR-80)
5. Shri Ramesh Chand Tayal, IPS (RR-80)
6. Shri Gunottam Bhuyan, IPS (RR-81)

On the recommendation of the respective Screening Committee, the Joint Cadre Authority approved the above officers for promotion to the Above Super time scale of the I.P.S. ( *Addl. D.G.P. rank* )

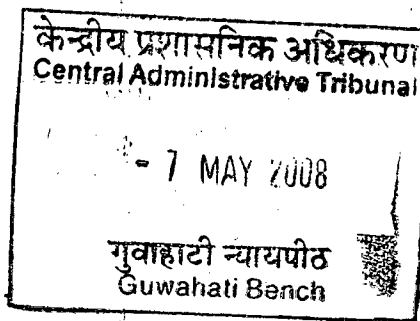
**Promotion to the Super Time Scale of the I.P.S (IG's Rank) 18,400-500-22,400/-**

The matter of deciding suitability or otherwise of the following IPS officers for their promotion to the Super Time Scale ( *I.G 's rank* ) was placed before the J.C.A.

1. Shri A. K. Sinha Casshyap, IPS (RR-87)
2. Shri Bhaskar Jyoti Mahanta, IPS, (RR-88)
3. Shri Binay Kumar Mishra, (RR-88)
4. Shri M.R.V.Kumar, IPS (RR-88)
5. Shri Mukesh Agarwal, IPS (RR-89)
6. Shri K. V. Singh Deo, IPS (RR-89)
7. Shri P. R. Das, IPS (SPS-89)
8. Shri A. Raj Kumar, IPS (SPS-89)
9. Shri P. C. Neog, IPS (SPS-89)

On the recommendation of the respective Screening Committee, the Joint Cadre Authority approved the above officers for promotion to the Super time scale of the I.P.S. ( *I.G 's rank* ) with effect from the due dates and subject to availability of vacancies except Shri B. K. Mishra, against whom a Departmental Proceedings is pending. The decision of the JCA in respect of Shri B. K. Mishra is kept in the scaled cover.

Contd..3/-



3

Promotion to the Super Time Scale of the I.P.S (DIG's Rank) 16400-450-20,000/-

The matter of deciding suitability or otherwise of the following IPS officers of 1992 and 1993 batches for their promotion to the Super Time Scale (DIG's rank) with effect from 01-01-2006 and 01-01-2007 respectively were placed before the J.C.A.

1. Shri Harmeet Singh, IPS (RR-92)
3. Smti. Idashishia Nongrang, IPS (RR-92)
3. Shri F.D.Sangma, IPS (SPS-92)
4. Shri D.K.Rapthap, IPS (SPS-92)
5. Shri Abdul Kayun, IPS (SPS-92)
6. Shri Jibah Singh, IPS (SPS-92)
7. Shri Nawab Imdad Hussain, IPS (SPS-92)
8. Shri N.K.Sinha, IPS (SPS-92)
9. Shri G.H.P.Raju, IPS (RR-93)
10. Dr. R.Prasad Meena, IPS (RR-93)
11. Shri A.S.Rynjah, IPS (SPS-93)
12. Shri T.D. Marak, IPS (SPS-93)
13. Shri Anil Kumar Chaharia, IPS (SPS-93)
14. Shri Jamaatun Haque Ahmed, IPS (SPS-93)
15. Shri Debendra Natha Hazarika, IPS (SPS-93)
16. Shri Padma Kumar Das, IPS (SPS-93)

On the recommendation of the respective Screening Committee, the Joint Cadre Authority approved the above officers for promotion to the Super time scale of the I.P.S. (D.I.G 's rank) with effect from the due dates and subject to availability of vacancies.

Contd..4/-

- 7 MAY 2006

गुवाहाटी न्यायपीठ  
Guwahati Bench

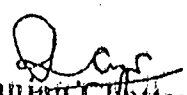
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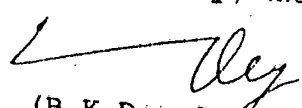
**Promotion to the Selection Grade of IPS :-**

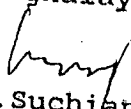
The matter of deciding suitability or otherwise of the following IPS officers of 1993 and 1994 batches for promotion to the Selection Grade of the IPS with effect from 01.01.2006 and 01.01.2007 respectively were placed before the J.C.A.

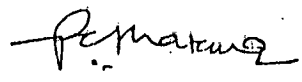
1. Shri G.H.P.Raju, IPS (RR-93)
2. Dr. A Prasad Meena, IPS (RR-93)
3. Shri A.S.Rynjah, IPS (RR-93)
4. Shri T.D. Marak, IPS (RR-93)
5. Shri Anil Kumar Chaharia, IPS (SPS-93)
6. Shri Jamanur Haque Ahmed, IPS (SPS-93)
7. Shri Debendra Nath Hazarika, IPS (SPS-93)
8. Shri Padma Kumar Das, IPS (SPS-93)
9. Dr. Anand Kumar Tewari, IPS (RR-94)
10. Shri Deepak Kumar, IPS (RR-94)
11. Shri H. Nongpluh, IPS (RR-94)
12. Shri Sarat K. Phukan, IPS (SPS-94)

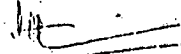
On the recommendation of the respective Screening Committee, the Joint Cadre Authority approved the above officers for promotion to the Selection Grade of the I.P.S. with effect from the due dates and subject to availability of vacancies.


  
(Ranjan Chatterjee,)  
Chief Secretary, Meghalaya

  
(B.K. Dey Sawian,)  
Director General of Police,  
Meghalaya

  
(R.V. Suchiang,)  
Commr. & Secretary,  
Home, Meghalaya.

  
(P.C. Sarma)  
Chief Secretary, Assam

  
(R.N. Mathur,)  
Director General of Police,  
Assam

  
(R.K. Bora)  
Commr. & Secretary,  
Home, Assam