

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 259/2007

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SECTION OFFICER (Judl.)

Kahle  
20.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 259/07
2. Miscellaneous Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Mr. Nazim Ali -VS- Union of India & Ors

Advocate for the Applicants:- Adil Ahmed, Smt. S. Bhattacharya

Advocate for the Respondents:- Mr. Case & Mr. M. U. Ahmed

Notes of the Registry	Date	Order of the Tribunal
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21.9.07

This application is in  
is filed C.F. for Rs. 500/-  
deposited vide IPC/BD  
No. 226040554  
Dated 20.8.07

Registrar

*Petitioner's copy for  
some notices are  
received, copy served*

*Done*

The applicant is a physically Handicapped person with 75% hearing and speech impairment. He belongs to other Backward Class Community. He has been engaged by the Respondent No.4 as Casual Worker since October, 2000 at a fixed pay of Rs.1500/-. In the meantime the Respondent No.4 advertised the 18 posts of Mazdoor and including reserve vacancies for ST 02, OBC 07, and General 09. However, the vacancies which have been reserved for the physically Handicapped persons are amalgamated with ST category. There are no separate vacancies for physically handicapped persons. The said advertisement is total violation of guideline and policies enumerated in Section 33 and 36 of the "persons with disabilities (equal opportunities, protection of rights and full participation) Act 1995 which is reproduced as follows:-

**"Section 33**

**Reservation of posts:-** Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three

Contd/-

21.9.07

percent, for persons or class of persons with disability of which one percent each shall be reserved for persons suffering from—

- i) Blindness or low vision
- ii) Hearing impairment
- iii) Loco motor disability or cerebral palsy, in the posts identified for each disability.

Provided that the appropriate Government ay having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this Section."

The impugned Notification is also produced as ((Annexure-Q) which is the date of interview and selection on 24.9.2007.

I have heard Mr. A. Ahmed learned counsel for the applicant and Ms. U. Das learned Addl. C.G.S.C for the respondents.

Considering the issue involved I am of the view that notice may be issued to the respondents. Issue notice on the respondents. In the meantime, I direct the respondents to permit the applicant to appear in the examination on 24.9.2007 and he may be permitted to undergo the selection process. However, the result will be this category shall be subject to the out come of this O.A.

Copy of the order be furnished to the counsel for the parties and also be furnished to the Respondents No.3 & 4 by Special Messenger.

Post the matter on 6.11.07.

Vice-Chairman

Notice & order sent to D/Section for issuing to resp. nos. 3 and 4 by received by hand.

21/9/07

Notice duly served on R- 3, 4. lm

21/9/07

Notice duly served on R. NO. 3 & 4.

NO WDS H'ED.

704.259/07

06.11.2007. Call this matter on 10.12.2007 for filing written statement.

  
Member(A)

W/S not filed.

Lm

7.12.07

10.12.2007 No written statement has been filed as yet in this case.

Call this matter on 02.01.2008 awaiting written statement from the Respondents.

W/S not filed.

1.1.08.

  
(Gautam Ray)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

3.1.08

W/S Submitted  
by Respondent Nos. 1 to 4  
Copy served.

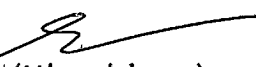


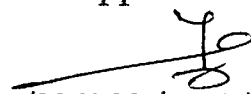
02.01.2008 Ms. Usha Das, learned Addl. Standing counsel appearing for the Union of India, undertakes to file 'Vakalatnama' in this case and she undertakes to file Written Statement in course of the day. Mr.A.Ahmed, learned counsel appearing for the Applicant undertakes to file rejoinder.

Rejoinder not  
filed.

31.1.08.

Call this matter on 01.02.2008 awaiting rejoinder from the Applicant.

  
(Khushiram)  
Member(A)

  
(M.R. Mohanty)  
Vice-Chairman

lm

01.02.2008

No rejoinder as yet been filed by the Applicant ~~as yet~~.

Subject to the legal pleas to be examined at the time of final hearing, the application is admitted.

Call this matter on 12<sup>th</sup> February, 2008

(Khushiram)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

lm

12.02.2008

This case has already admitted on 01.02.2008.

Opportunity was given to the Applicant to file rejoinder by today. No rejoinder has yet been filed in this case.

Call this matter on 17.03.2008 awaiting rejoinder from the Applicant.

(Khushiram)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

17.03.2008

None appears for the Applicant nor the Applicant is present. No rejoinder has been filed as yet in this case by the Applicant.

Call this matter on 24.03.2008 awaiting rejoinder from the Applicant.

(Khushiram)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

lm

11-2-08

No rejoinder filed.

la

Rejoinder not  
filed.

14.3.08.

② Rejoinder not  
filed.

② W/S filed.

20.3.08.

O.A. 259/07

5

24.03.2008

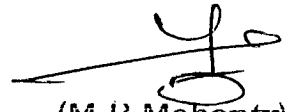
In this case written statement and rejoinder have already filed.

Call this matter on 01.04.2008.

25.3.08

Rejoinder Submitted  
by Applicant, copy  
served.

lm



(M.R. Mohanty)  
Vice-Chairman

01.04.2008

Call this matter on 29.04.2008.




  
(Khushiram)  
Member (A)

nkm



(M.R. Mohanty)  
Vice-Chairman

The case is ready  
for hearing.

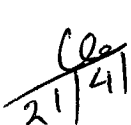
  
31.3.08.

10.4.2008

This case which was posted to 29.4.2008, is now postponed/rescheduled to be listed on 4.6.2008.

Send copies of this order to both parties.


Order dt. 10/4/08  
issuing to both parties.

 21/4/08. D/No-1781, 82  
Dt- 22/4/08.

  
Member (A)

  
Vice-Chairman


The case is ready  
for hearing.

  
3.6.08.


04.06.2008

None appears for the Applicant nor the Applicant is present.

Call this matter on 10.06.2008 for hearing.

  
(Khushiram)  
Member (A)

nkm

  
(M.R. Mohanty)  
Vice-Chairman

10.06.2008

On the prayer of Mr. A. Ahmed, learned counsel appearing for the Applicant (made in presence of Mrs. M. Das, learned Addl. Standing Counsel) this case may be taken up on 8<sup>th</sup> July, 2008.

  
(Khushiram)  
Member (A)

Lm

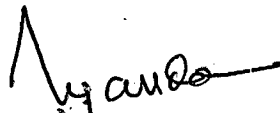
  
(M.R. Mohanty)  
-Chairman

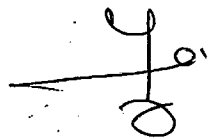
✓

08.07.08

Heard Mr A. Ahmed, learned counsel for the Applicant and Mr M.U.Ahmed, learned Addl. Standing counsel for the Respondents. Hearing concluded. In terms of the order recorded separately the application is dismissed. No costs.

Reviewed by  
N. Ahmed  
18/7/08

  
(R.C.Panda)  
Member(A)

  
(M.R.Mohanty)  
Vice-Chairman

22.7.08

pg

Copy of the post  
send to the d/see  
for issuing the rule  
to the parties  
already copy to the  
L/adv. for the parties.

Post issued  
vide d/Nos 3241  
to 3245 d. 25.7.08.

19/9

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 259 of 2007

DATE OF DECISION: 08.07.2008

Md. Nafiul Ali

.....Applicant/s

Mr. A.Ahmed

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

- Versus -

Union of India & Others

.....Respondent/s

Mr.M.U.Ahmed, Addl.C.G.S.C.

..... Advocate for the  
Respondents

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE DR.R.C.PANDA, ADMINISTRATIVE MEMBER

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

Vice-Chairman/Member (A)



8

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.259 of 2007

Date of Order: This, the 8th Day of July, 2008

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

HON'BLE DR.RAMESH CHANDRA PANDA, ADMINISTRATIVE MEMBER

Md.Nafiul Ali  
Son of Ex. Hav. Md. Nazibul Ali  
Village: Amsing  
Jorabat, near 41 Vehicle Company  
P.O: Satgaon, P.S: Noonmati  
Guwahati-781 027, Assam.

..... Applicant.

(By Advocate: Mr. Adil Ahmed)

- Versus -

1. Union of India  
Represented by the Secretary  
to the Government of India  
Ministry of Defence  
101, South Block  
New Delhi - 110 001.
2. Director General of Ordinance Service  
Master General of the Ordinance Branch  
Army Head Quarters  
D.H.Q., P.O: New Delhi - 110 011.
3. Commander  
Head Quarter, 51 Sub Area  
Narengi Cantt. P.O: Satgaon  
Guwahati-781 027.
4. Commandant  
222 ABOD  
C/o 99 APO.

... Respondents.

(By Advocate: Mr.M.U.Ahmed, Addl. C.G.S.C.)

\*\*\*\*\*

*Myans*

O R D E R (ORAL)  
08.07.2008

DR. RAMESH CHANDRA PANDA, ADMINISTRATIVE MEMBER

Applicant, being son of ex-serviceman and also physically handicapped person with 75% hearing and speech impairment, applied to the Respondent No.4 to be engaged as Mazdoor. The Respondents vide Advertisement at Anneuxre-Q invited applications for 18 posts of Mazdoor (ST-2, OBC-7 and General category-9). The advertisement also clearly specified that a test will be conducted for all the candidates irrespective of the categories from which they applied. The advertisement stipulated as follows:-

“Following physical test will be held prior to final interview (i) Endurance Run: 5 Km for males, 1.5 Km for females, (ii) Load carrying Test”

2. The Applicant states that he has been engaged as Casual Daily wage Worker with Respondent-4 since October 2006. He presented his application to Respondent-4 for regular Mazdoor work. Apprehending that he may not be considered by the Respondents for 18 posts of Mazdoor advertised to be filled, the Applicant approached this Tribunal and sought interim directions. Shri Adil Ahmed, learned counsel for the Applicant argued before this Tribunal on 21.09.2007 that the advertisement issued did not provide any reservation for physically handicapped persons and the same have been amalgamated with ST category and the said advertisement was in total violation of

*By order*

the guidelines and policies prescribed in Sections 33 and 36 of the "Persons with disabilities (equal opportunities, protection of rights and full participation) Act, 1995. Learned counsel for the Applicant submitted that date of interview and selection for the advertised posts was fixed on 24.09.2007. Having heard learned counsels for both the parties and considering the importance of the issue raised, this Tribunal passed an interim order on 21.09.2007 directing as follows:-

"In the meantime, I direct the respondents to permit the applicant to appear in the examination on 24.9.2007 and he may be permitted to undergo the selection process. However, the result" "shall be subject to the outcome of this O.A."

3. We have heard Mr. Adil Ahmed, learned counsel for the Applicant and Mr.M.U.Ahmed, learned Addl. Standing Counsel for the Respondents extensively. The Applicant was initially challenging the Respondents in not reserving the posts for the physically handicapped persons, but desired that he should be selected for the post of Mazdoor by the Respondents.

4. Since the Applicant was permitted to appear for the test and the Respondents have conducted the prescribed physical test, We confine ourselves to this specific aspect. Physical test is the 1<sup>st</sup> stage and the interview is the second which will lead to draw up successful panel. At that stage only the issue of reservation as demanded by the Applicant would come up. We are, therefore not looking into the

*My ans*

✓

aspect of reservation of the posts either for ex-servicemen or physically disabled persons which has been challenged by the Applicant.

5. We find from the written statement filed by the Respondents that the Applicant could not pass the physical test and, therefore, his candidature was rejected. The Respondents state that

"The respondent authorities were very sympathetic on his candidature from the very beginning and he was allowed to compete for the job along with other candidates. The applicant could not qualify in the test and as such his candidature for the post was rejected."

The Applicant did not dispute this aspect. Therefore, at the first round of selection which the Applicant submitted himself could not qualify. There is a settled principle that one who appears in test without protest and fails cannot challenge the test. The powers to conduct test vests with the Respondents and this Tribunal cannot go into the need or nature of tests. Further there are judicial pronouncements that Court will not interfere in the selection process to which the candidates have submitted themselves. In the present case, Applicant submitted himself to the selection process and was found unfit in the physical test as advertised in the newspaper inviting the applications (qualification in this physical test is a prerequisite for the interview). Therefore, question whether the Applicant should have been considered under the physical handicapped quota or under

By order

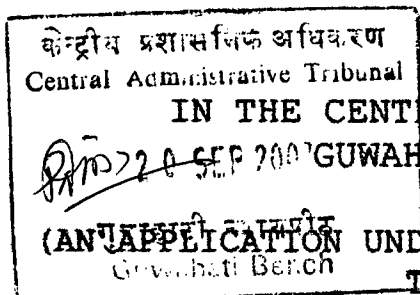
13  
the ex-serviceman quota would not arise. Since he has not qualified in the physical test, other issues have become irrelevant for us to consider.

5. In the result, the O.A., being devoid of any merit, is dismissed. No costs.

*Ry and 8/7*  
(RAMESH CHANDRA PANDA)  
ADMINISTRATIVE MEMBER

/bb/

*Manoranj*  
*08/07/08*  
(MANORANJAN MOHANTY)  
VICE-CHAIRMAN



FILED BY

Md. Nafiul Ali

...Applicant

Through - Smita Bhattacharjee  
(Advocate)

ORIGINAL APPLICATION NO. 259 OF 2007.

Md. Nafiul Ali

...Applicant

- Versus -

The Union of India & Others

...Respondents

### SYNOPSIS:

The Applicant is a Physically Handicapped person with 75% hearing and speech impairment. He belongs to Other Backward Class Community. He had studied at Asha Rehabilitation Centre (For Special school for Physically and Mentally challenged children). During his School time he was appreciated by the Principal of the School for his hard working, sincerity, dedication and good manner. He was also appreciated by the various social and other organisation including Station Head Quarter, Narangi for his creative and beautiful works. He has been engaged by the Respondent No.4 as Casual Worker since October 2000 at a fixed pay of Rs.1500/-. In the mean time the Respondent No. 4 advertised the 18 posts of Mazdoor and including reserve vacancies for ST 02, OBC 07, General 09. However, most surprisingly vacancies which have been reserved for the physically handicapped persons are amalgamated with ST category. There are no separate and independent vacancies for physically handicapped persons. The said advertisement is total violation of guideline and policies enumerated in Section 33 and 36 of the "Persons

with disabilities (equal; opportunities, protection of rights and full participation) Act'1995.

Hence this Original Application seeking justice in this matter.

20 SEP 2007

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 259 OF 2007.

Md. Nafiul Ali

...Applicant

- Versus -

The Union of India & Others

...Respondents

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Nafiul Ali;



		certificate of 3 <sup>rd</sup> position in Card Designing at Pre-regional Meet of the Abilympics at Sishu Sarothi, Guwahati held on 21 <sup>st</sup> & 23 <sup>rd</sup> September 2001.	24
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Nafial A.:

		Guwahati on 27.08.2007 as Physically Handicapped, Deaf & Dumb with 75% disability.	
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18	Q	Photocopy of the Advertisement of application for the trade of Mazdoor issued by the Respondent No.4.	36

Date: 20-09-2007

Filed By:

*S Bhatt*

Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. 259 OF 2007.

BETWEEN

Md. Nafiul Ali  
Son of Ex. Hav.  
Md. Nazibul Ali  
Resident of Village:- Amsing  
Jorabat, near 41 Vehicle  
Company, Police Station-  
Noonmati, P.O.-Satgaon,  
Guwahati-781027, Assam.

...APPLICANT

- AND -

1. The Union of India  
represented by the Secretary  
to the Government of India,  
Ministry of Defence, 101  
South Block, New Delhi-1.
2. The Director General of  
Ordinance Service, Master  
General of the Ordinance  
Branch, Army Head Quarters,  
D.H.Q. P.O. New Delhi-  
110011.
3. The Commander  
Head Quarter, 51 Sub Area  
Narengi Cantt. P.O.-Satgaon,  
Guwahati-781027
4. The Commandant  
222 ABOD  
C/o 99 A.P.O.

...RESPONDENTS

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE  
APPLICATION IS MADE:

This Application is made against the impugned  
advertisement for recruitment to the post of

Nafiul Ali

FILED BY 29

Nd. Nafiul Ali

... Applicant -  
Through - Smita Bhattacharjee  
Advocate

Mazdoor in the Office of the Respondent No.4 whereby Physical Handicapped reservation is amalgamated with S.T. reservation.

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

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

4. FACTS OF THE CASE:

Facts of the case in brief are given below:

- 4.1) That your Applicant is a citizen of India and as such, he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India and the laws framed thereunder from time to time. He is a permanent resident of Village-Amsing, Jorabat, P.O.-Satgaon, P.S.-Noonmati, Mouza-Panbari, Police Station-Noonmati, in the District of Kamrup (Metro), Assam. He is aged about 22 years. He belongs to Other Backward Class (Maria Community). It is to be stated that his father is Ex. Serviceman of Indian Army.

Photocopy of the Permanent Residential Certificate of the Applicant issued by the Deputy Commissioner, Kamrup (Metro), is

Naficul Ali

annexed hereunto and marked as  
**ANNEXURE-A.**

Photocopy of the Cast Certificate  
issued by the All Assam Other  
Backward Classes Association is  
annexed hereunto and marked as  
**ANNEXURE-B.**

- 4.2) That your Applicant begs to state that he is a physically disabled person with 75% Hearing & Speech Impairment. The District Social Welfare Officer, Kamrup, Guwahati has issued an Identity Card to the Applicant on 26.10.2003.

Photocopy of the Identity card  
for the Disabled persons issued  
by the District Social Welfare  
Officer, Kamrup, Guwahati is  
annexed hereunto and marked as  
**ANNEXURE-C.**

- 4.3) That your Applicant begs to state that he has studied in Asha Rehabilitation Centre (For Special School for the Physically and Mentally Challenged Children), C/o 1 Advanced Base Workshop, E.M.E., C/o 99 A.P.O. He was awarded with Merit Award Certificates in 4<sup>th</sup> International Children Art Competition on 3<sup>rd</sup> December 2000, 5<sup>th</sup> International Children Art Competition on 9<sup>th</sup> December 2001 held by the "Korasala's Wonder Art World" at Kala Bharati, Visakhapatnam and Vijayawada. He was awarded 3<sup>rd</sup> position in Card Designing at Pre-regional Meet of the Abilympics at Sishu Sarothi, Guwahati held on 21<sup>st</sup> & 23<sup>rd</sup> September 2001. He was awarded Consolation Prize in Nature Painting

Nafiu Ali

22

Category in Garden Competition and Flower Show held at Station Head Quarter Cell, Narengi. He has participated in Art Competition and secured position at Assam State Zoo on 24.02.2001 sponsored by Pragati (A confederation of oraganisation for disabled). He got certificate of appreciation in painting competition organized by Rotary Club, Dispur on 10<sup>th</sup> November 2003. He was also awarded for Painting Water Colour on Paper, Card Designing (Get Well) in National Abilympic Association of India. He has completed training of "WORLI RURAL / PAINTING" under guidance of Miss Rituparna Das on 04.03.05.

Photocopy of the Merit Award Certificates in 4<sup>th</sup> International Children Art Competition on 3<sup>rd</sup> December 2000 held by the "Korasala's Wonder Art World" at Kala Bharati, Visakhapatnam is annexed hereunto and marked as **ANNEXURE-D.**

Photocopy of the Merit Award Certificates in 5<sup>th</sup> International Children Art Competition on 9<sup>th</sup> December 2001 held by the "Korasala's Wonder Art World" at Kala Bharati, Vijayawada is annexed hereunto and marked as **ANNEXURE-E.**

Photocopy of the certificate of 3<sup>rd</sup> position in Card Designing at Pre-regional Meet of the Abilympics at Sishu Sarothi,

Nafiah Ali,

23

Guwahati held on 21<sup>st</sup> & 23<sup>rd</sup> September 2001 is annexed hereunto and marked as **ANNEXURE-F.**

Photocopy of the certificate of Consolation Prize in Nature Painting Category in Garden Competition and Flower Show held at Station Head Quarter Cell, Narengi is annexed hereunto and marked as **ANNEXURE-G.**

Photocopy of the certificate of Art Competition and secured position at Assam State Zoo on 24.02.2001 sponsored by Pragati (A confederation of oraganisation for disabled) is annexed hereunto and marked as **ANNEXURE-H.**

Photocopy of the certificate of appreciation in painting competition organized by Rotary Club, Dispur on 10<sup>th</sup> November 2003 is annexed hereunto and marked as **ANNEXURE-I.**

Photocopies of the certificates of Painting Water Colour on Paper, Card Designing (Get Well) in National Abilympic Association of India is annexed hereunto and marked as **ANNEXURE-J & K .**

21

Photocopy of the certificate of completion of training of "WORLI RURAL / PAINTING" under guidance of Miss Rituparna Das on 04.03.05 is annexed hereunto and marked as **ANNEXURE-L.**

- 4.4) That your Applicant begs to state that he was awarded with certificate by the Principal, Asha School, Guwahati on 23.12.2005 for his dedication and sincerity in his work for making beautiful cards. The school also awarded him Rs.100/- (Rupees One hundred only ) for his hard work. The Principal of Asha Rehabilitation Centre, Narangi vide her certificate dated 30.09.2006 appreciated the applicant about his sincerity, dedication, enthusiasms and his hard working nature.

Photocopy of the certificate issued by the Principal, Asha School, Guwahati on 23.12.2005 is annexed hereunto and marked as **ANNEXURE-M.**

Photocopy of School certificate issued by the Principal of Asha Rehabilitation Centre, Narangi on 30.09.2006 is annexed hereunto and marked as **ANNEUXRE-N.**

- 4.5) That your Applicant begs to state that has been engaged as Casual Daily Wage Worker, by the Respondent No.4 i.e. the Commandant, 222 ABOD, Narangi, C/o 99 A.P.O. at a fixed salary of Rs.1500/- (Rupees Fifteen hundred only) per month since October 2006 to till date. His name was

Nafial Ali



25

enrolled in Employment Exchange, Government of Assam, Department of Labour, Guwahati on 27.08.2007 as Physically Handicapped, Deaf & Dumb with 75% disability.

Photocopy of Employment Exchange Card issued by Government of Assam, Department of Labour, Guwahati on 27.08.2007 as Physically Handicapped, Deaf & Dumb with 75% disability is annexure hereunto and marked as **ANNEXURE-O.**

- 4.6) That your Applicant begs to state that he has made a Representation before the Commandant, 222 A.B.O.D., C/o 99 A.P.O. for permanent appointment for the post of Mazdoor under him.

Photocopy of the Representation made by the Applicant before the Commandant, 222 A.B.O.D., C/o 99 A.P.O. is annexed hereunto and marked as **ANNEXURE-P.**

- 4.7) That your Applicant begs to state that the Respondent No.4 vide his Advertisement invited application for the trade of Mazdoor. In the said advertisement total number of vacancies are 18 and reserve vacancies are for S.T. 02, OBC 07, Gen 09. However, most surprisingly vacancies that have been reserved for Physically Handicapped persons are amalgamated with S.T. Category. There are no separate or independent reserve vacancies for Physically Handicapped persons shown in the Advertisement. By virtue of the said advertisement only Schedule Tribe persons who are Physically

Narain Ali

Handicapped can apply for the said reserved post of Mazdoor in category of Physically Handicapped persons. The aforesaid advertisement is total violation of guideline and policy enumerated in "The persons with disabilities (equal opportunities, protection of rights and full participation) Act. 1995. The recruitment to the said posts i.e. Mazdoor are going to be held on 24.09.2007. As such finding no other alternative your Applicant is compelled to approach this Hon'ble Tribunal for seeking justice into this matter.

Photocopy of the Advertisement of application for the trade of Mazdoor issued by the Respondent No.4 is annexed hereunto and marked as **ANNEUXRE-Q**.

- 4.8) That your Applicant begs to state that Physically Handicapped persons are given opportunity in employment by the Government of India without discriminating them by caste, creed and religions. It is a separate quota of reservation under "The persons with disabilities (equal, opportunities, protection of rights and full participation) Act 1995. Section 33 and 36 provides for reservation of posts and vacancies not filled up to be carried forward. For kind perusal of this Hon'ble Tribunal Section 33 and 36 are quoted below.

**" Section 33**

**Reservation of posts:-** Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three percent, for persons or class of persons

with disability of which one percent each shall be reserved for persons suffering from-

- (i) blindness or low vision
- (ii) hearing impairment
- (iii) locomotor disability or cerebral palsy, in the posts identified for each disability.

Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any established from the provisions of this section."

**"Section 36**

**Vacancies not filled up to carried forward-**

Where in recruitment year any vacancy under Section 33, cannot be filled up due to non-availability of a suitable person with disability or, for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable persons with disability is not available, it may first be filled by interchange among the three categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than an person with disability :

28

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the three categories with the prior approval of the appropriate Government."

4.9) That your Applicant submits that he has fulfilled all the criteria laid down in the advertisement for the post of Mazdoor. However, the Respondent No.4 with all ulterior motives amalgamated the Physical Handicapped Quota with S.T. Quota, which is not permissible under the provision of aforesaid Act. as mentioned in the preceding paragraph. The actions of the Respondents are not maintainable under the eye of law.

4.10) That your Applicant submits that the Respondents have acted in arbitrary, unfair, unjustified and against the established principle of law. The aforesaid action of the Respondents is violative of Article 14, 16, 21 & 309 of the Constitution of the India.

4.11) That your Applicant submits that he has strong prima-facie case in his favour and It is a fit case where your Lordship may interfere into the matter by staying the recruitment of Mazdoor going to be held on 24.09.2007 by virtue of the impugned Advertisement regarding recruitment of the post of Mazdoor against the vacancies of persons with disabilities, otherwise the Applicant will suffer irreparable loss and injury as because the balance of convenience is in his favour.

4.12) That your Applicant submits that he is suffering from frustration and mental depression due to non-consideration of his candidature for the post of Mazdoor. Now the Applicant apprehends that the Respondents are going to accommodate their interested persons in the post of Mazdoor by violating the guideline for employment of Physically Handicapped persons.

4.13) That your Applicant submits he is running from pillar to post for seeking redressal of his grievances.

4.14) That your Applicant submits that the action of the Respondents is illegal, arbitrary, whimsical, mala-fide and colourable exercise of power, and thus is not sustainable in the eyes of law.

4.15) That your Applicant submits that the legitimate expectation of the Applicant, in view of the facts and circumstances that have narrated above, have apparently been infringed in the instant case.

4.16) That your Applicant demanded justice and the same has been denied to him.

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

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that due to the above reasons narrated in details the action of the Respondents is prima-facie, illegal, mala-fide, arbitrary and without jurisdiction. Hence, the impugned recruitment to the post of Mazdoor going to be held on 24.09.07 by

virtue of the Advertisement is liable to be set aside and quashed.

- 5.2) For that the Respondents cannot discriminate the Applicant on the basis of caste, creed and religion in the reserve post of Physically Handicapped persons. Hence, the impugned recruitment to the post or Mazdoor going to be held on 24.09.07 by virtue of the Advertisement is liable to be set aside and quashed.
- 5.3) For that the Respondents had totally violated the Section 33 and 36 of the Persons with Disabilities (equal opportunities, protection of rights and full participation) Act. 1995. Hence, the impugned recruitment to the post or Mazdoor going to be held on 24.09.07 by virtue of the Advertisement is liable to be set aside and quashed.
- 5.4) For that the fulfilled the criteria laid down for recruitment of Mazdoor and till date he has been working as casual Mazdoor under the Respondent No.4. As such the Respondents cannot a differential treatment to wards the Applicant. Hence, the impugned recruitment to the post or Mazdoor going to be held on 24.09.07 by virtue of the Advertisement is liable to be set aside and quashed.
- 5.5) For that mere perusal of the Advertisement to the post of Mazdoor would reveal that the same was issued in colorable exercise of power and the same is based on extraneous considerations. The main reasons behind issuance of the said advertisement being to deprive the Applicant to the post of

Mazdoor, the same cannot stand the scrutiny of law and is required to be set aside and quashed.

5.6) For that the manner and method in which the advertisement was issued would clearly reflect the non application of mind of the matter by the Authorities. As such the impugned advertisement does not have any legs to stand on and is required to be set aside and quashed.

5.7) For that the action of the Respondents is prima facie, whimsical, mala-fide, illegal and with a motive behind and also is violation of the principles of natural justice.

5.8) For that the action of the Respondents is violative of the fundamental rights guaranteed under the Article 14, 16, 21 and 309 of the Constitution of India.

5.9) For that it is not just and fair to deprive the Applicant from getting his due opportunity to appear in the post of Mazdoor as a Physically Handicapped candidate.

5.10) For that the Respondents being a model employee cannot be allowed to adopt a differentiate approach towards the Applicant by not giving due opportunity to appear as a Physically Handicapped candidate in the selection of Mazdoor.

5.11) For that the action of the Respondents is not maintainable under the eyes of law as well as fact.

5.12) For that in any view of the matter, the action of the Respondents is not sustainable in the eye of law.

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

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

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

8. RELIEF PRAYED FOR:

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

- 8.1 That the Hon'ble Tribunal may be pleased to set aside and quashed the impugned advertisement for



recruitment of Mazdoor to be held on 24.09.07 against the Physical Handicapped Quota.

8.2 To direct the Respondents to advertise afresh to the post of Mazdoor as per the existing policy and guideline enumerated under the Act. of "The persons with disabilities (equal opportunities, protection of rights and full participation) Act. 1995.

8.3 To pass any other appropriate relief or relives to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.4 To pay the costs of the application.

9. INTERIM ORDER PRAYED FOR:

Pending the final disposal of the Original Application the Applicant humbly prays before Your Lordship's for issuance of an interim order by directing the Respondents not to proceed further with the advertisement for recruitment to the post of Mazdoor going to be held on 24.09.07.

10. APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF I.P.O.

I.P.O. No. :- 32 G 040854  
Date of Issue :- 20-8-2007  
Issued from :- Guwahati GPO  
Payable at :- Guwahati.

12. LIST OF ENCLOSURES:

As stated in Index.

... Verification

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

I, Md. Nafiul Ali, Son of Md. Nazibul Ali, aged about 22 years, resident of Amsing Jorabat, near 41 Vehicle Company, Police Station- Noonmati do hereby solemnly verify that the statements made in paragraph nos. 4.9 to 4.17 ~~are true to my knowledge, those made in paragraph nos. 4.1 to 4.8 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.~~

And I sign this verification on this the 20<sup>th</sup> day of September 2007.

Nafiul Ali

DEPONENT



- 17 -

ANNEXURE - A<sub>3</sub>



No. 0048607

GOVERNMENT OF ASSAM

অসম চৰকাৰ

OFFICE OF THE DEPUTY COMMISSIONER, KAMRUP

(ADMINISTRATION BRANCH)

(প্রশাসনীয় শাখা)

No. 0048607/07

Dated 29/8/2007  
তাৰিখ

Certified that Sri/Smt. Mr. Naficul Ali -----


প্রমাণ পত্ৰ দিয়া হল যে ----- থানাৰ

Son/daughter of Mr. Nazibul Ali of Village/Town -----  
Mrs. Hiramai Begum ----- গাঁও/নগৰ

Aousing Jorabat Mouza Parabari.


পুত্ৰ/পুত্ৰীৰ প্ৰাথমিক শ্ৰী/শ্ৰীমতী -----  
P. S. Nobina in the permanent resident of Kamrup District.

কামৰূপ জিলাৰ স্থায়ী বাসিন্দা হয়।

 Deputy Commissioner, Kamrup.  
উপায়ুক্ত, কামৰূপ।  
Deputy Commissioner  
(Metropolitan) District  
GUWAHATI.

AGP (DCK) 304/03-50,000-14-5-03

ATTESTED

  
ADVOCATE

# ALL ASSAM OTHER BACKWARD CLASSES' ASSOCIATION

(Registered under the Society Registration)  
Act XXI 1860 and recognised by the State Govt.  
of Assam vide

MEMO No. TAD / MISC. / 275 / 296 5th January-1994

Regd. No. 890

S. K. Baruah Road, GUWAHATI—781006

Sl. No./07

[ 16th B/S ]

Date. 26/08/07

20690/2253

Certified that Shri / Shrimati Nafiu Ali

Son / daughter of Shri / Late (Father's Name) Nazibur Ali

(Mother's Name) Hiramani Begum of Amring Soraibat

Village / Town / T. E. Under Noonmati P. S. Guwahati

Sub-Division in the District of Kamrup Assam belong

to Maria Caste / Community / Tribe which is recognised a

Other Backward Class / More Other Backward Class by the State Government of Assam

He / She is residing at Amring Soraibat Village / Town / T. E.

under Noonmati P. S. in the District of Kamrup Assam.

Counter Signature of  
DO/SDO

M. H. M.  
President / Gen. Secy.  
(Authorised Person)

All Assam Other Backward Classes' Association

ATTESTED

Blette  
ADVOCATE

19

ANNEXURE - C

37



IDENTITY CARD  
FOR THE  
DISABLED PERSONS

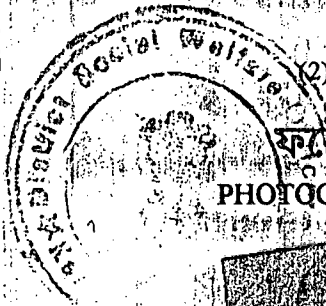
Approved by Govt. Order No.  
SWD 135/478 dated 15th April  
Printed by Assam Printing Corporation

Social Welfare and Pensions Deptt.  
Govt. of Assam, Gauhati - 1

ATTESTED

*Shetle*

ADVO 3



ফটো  
PHOTOGRAPH



প্ৰেৰণ অধিকাৰীৰ স্বাক্ষৰিত  
Attested by the Issuing Authority  
District Social Welfare Officer,  
Kamrup, Guwahati.

ATTESTED

Bhelle  
ADVOCATE

(3)

পৰিচয় পত্ৰ নং

Identity Card No. = 254-

1. নাম/Name Mr. NATIUL ALI
2. বয়স/Age 16yrs
3. পিতাৰ নাম ও ঠিকনা/Father's Name and Address : Nazimur Ali  
Jorabat, ght
4. বৃত্তি/Occupation : nil
5. অভিভাবকৰ নাম ও ঠিকনা/Guardian's Name with Address : do
6. অফিচৰ ঠিকনা/Official Address : nil

(4)

7. প্রতিবন্ধকতার স্বরূপ আৰু মাত্ৰা / Type and degree of disability

Bilateral profound SN  
Hearing & Speech impairment - 75%.

8. পৰিচয় পত্ৰগৰাকীৰ স্বাক্ষৰ অথবা টিপচহী / Signature or Thumb impression of Identity Card Holder

Naficul Ali

9. প্ৰেৰণৰ তাৰিখ ও স্থান / Date and Place of Issue  
DS NO, Kamrup.  
26/10/03.

(5)

10. চিকিৎসকৰ নাম, স্বাক্ষৰ ও চীলমোহৰ / Doctor's Name, Signature & Seal

a. DR - G. M. Das  
Sub-Divisional Medical & Health Officer  
M.M.C. Hospital, Ghy-1

b. Dr. L. S. Saini  
Dr. M. K. Saini (A) Health Officer  
M.M.C. Hospital, Guwahati

c. DR - S. Kalita  
Sub-Divisional Medical & Health Officer  
M.M.C. Hospital, Ghy-1

d. ~~Dr. M. K. Saini~~  
~~Health Officer - I~~  
M. M. C. Hospital  
Guwahati-1

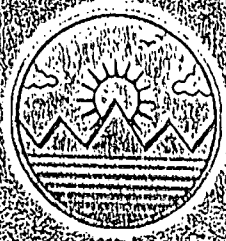
11. প্ৰেৰণ অধিকাৰীৰ স্বাক্ষৰ ও চীলমোহৰ / (Signature of Issuing authority with Office Seal)  
Joint Director of Health Services  
Kamrup, Guwahati-1.

ATTESTED

Shetty  
ADVOCATE

# Korasala's WONDER ART WORLD

Hyderabad - Amalapuram - 5833201, A.P. International



*Korasa Award Certificate*

This is to certify that

*Sri / Chy: Naficul Ali*

has been awarded in the 4th International  
Children's Art Competition on  
3rd December 2000 held by  
the "Korasala's Wonder Art World"  
at Kala Bharathi, Visakhapatnam.

*S.S. KORASALA*  
Sd/- S.R.S. Korasala  
President and Patron

[www.wonderartworld.com](http://www.wonderartworld.com)

CTL

6 फरवरी/दिसम्बर  
Le Col/Majesty  
पत्र-पत्र- जयिफर  
Fm Officer  
मय दयित रूपार्थ कर्मागता ई.पु.अ.  
1 Adv. B. & A. B. 2000

**ATTESTED**

*Shette*

**ADVOCATE**



Korasala's  
**WONDER Art WORLD**  
 International  
 Hyderabad, Amalapuram



MERIT AWARD CERTIFICATE

This is to certify that

*Shri Chy. Nagul. Ali*  
*Ksha School ; Koravangi*

has been awarded in the  
 5th International  
 Children's art Competition on  
 9th December 2001 held by  
 the "Korasala's Wonder Art World"  
 at Kala Kshetra, Vijayawada

*K. Korasala*  
 5th I.A.C. Korasala  
 President and Patron  
[www.wonderartworld.com](http://www.wonderartworld.com)

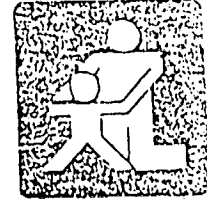
Dr. Chy. Nagul. Ali  
 Li. Chy. Nagul. Ali

**ATTESTED**

*Shatta*  
**ADJUDICATE**

Nafiu Ali  
C/o Asha Rehabilitation Centre  
Guwahati

SHISHU  
SAROTHI



Spastics Society of Assam  
Off Ramkrishna Mission Road, Birubari, Guwahati-781 016  
Ph: (0361) 470990

Registration No. 3469 of 1987-88

FCRA No. 020780030

Affiliated to Spastics Society of Eastern India  
Donations exempt from Income Tax under Sec. 80 G

22.9.2001

Dear Nafiu Ali

Congratulations for being awarded the 2<sup>nd</sup> position in Card Designing  
at the Pre Regional Meet of the Abilympics at Shishu  
Sarothi Guwahati held on 21<sup>st</sup> - 23<sup>rd</sup> September 2001.

You have been selected to participate in the Regional meet to be held at Kolkata on  
the 17<sup>th</sup> - 19<sup>th</sup> of October 2001. You should report to the following address by the  
17<sup>th</sup> morning. Your stay and accommodation will be organised by them.

The Indian Institute of Cerebral Palsy  
35/1 Taratalla Road  
Calcutta - 700 019  
Tele: 401-0240/3488/3337  
Fax 401-4177  
Email: iicp@vsnl.com

Please confirm your participation in writing to the above mentioned address by the  
1<sup>st</sup> of October positively by phone/ fax/ email. For further information please  
contact Mrs. Ranu Banerjee at the above address.

Yours sincerely

Mina Kogti

Mina Kogti

Executive Director

Shishu Sarothi

Pre Regional Centre - Abilympics

PS ; Pl remember to carry your  
Disability Certificate with  
you to Kolkata.

Diagnostic Clinic • Out Student Department • Baby Clinic • Centre for Special Education • Out Reach Centres

ATTESTED

*Bhett*

ADVOCATE

CTC

Li Col/Major  
Bhett  
Officer

# HEADQUARTERS 51 SUB AREA



## STATION HEADQUARTERS CELL GARDEN COMPETITION & FLOWER SHOW-2001 CERTIFICATE OF MERIT

Certified that.....*Miss Rafiul Ali*.....  
has been awarded the *Consolation* Prize in *Nature Painting* Category in  
the Garden Competition & Flower Show held in Naranyi in February 2001



*(K. P. Narajappa)*

Brigadier  
Commander  
Headquarters 51 Sub Area  
and Station Commander Guwahati

ATTESTED

*Bhette*  
ADVOCATE

CTL  
Lt Col/Maj  
अधिकारी  
अंजाला ई.एम.ई.  
EME

# PRAGATI

A CONFEDERATION OF ORGANISATIONS FOR THE DISABLED

*(Faint text in a box, likely a motto or address)*

*(Faint text, possibly a date or location)*

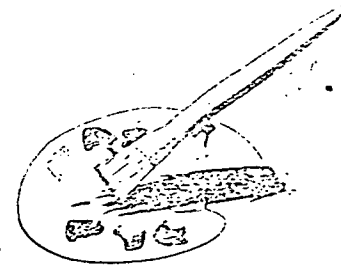
*This is to certify that*

Mr/Ms Md. Nagul Ali (Diska Rehab Centre Naranga)

participated in the Art Competition held at Assam State Zoo on 24/02/2001 and he/she secured 1st / 2nd / 3rd position.

We wish him/her success in life.

Suchinul Hazaradar  
Convenor



Ayana  
President

Sponsored by

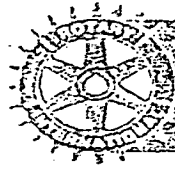
**PRABHATI SURAKSHYA PARISHAD**

(A Social Welfare Organisation under Societies Registration Act of 1860)  
Regd. Off - Krishnanagar, Japorigog, Guwahati - 781 005

*(Signature)*  
Majid  
Secretary

**ATTESTED**

*(Signature)*  
**ADVOCATE**



ROTARY CLUB OF DISPUR

DST-240

# Certificate of Appreciation

This is to certify that *Nafiul Ali* of *Asha Rehabilitation Centre, Guwahati* participated in the *Painting Competition* organized by Rotary Club of Dispur on 10<sup>th</sup> November 2003. He secured *Consolation Prize* in the competition.

Secretary,  
Rotary Club of Dispur

President,  
Rotary Club of Dispur

ATTESTED

*Bhatter*  
ADVOCATE

CTC  
कनेल/मेजर  
Lt Col/Major  
अधिवक्ता बख्शियार  
Advocate  
45

46



National Abilympic Association of India

Certificate

Awarded to Nafiel Ali  
for participation in  
Painting ~ Watercolour on paper  
in Sub-Regional Abilympics  
held at Sishu Surothi ~ Gurewahati during  
October - November 2001.

Dr. Uma Tuli  
Secretary General

Regional Vice-President

Maj. Gen. Narindar Singh  
Chairman

ATTESTED

ADVOCATE

TO THE HON. JUDGE, J. D.  
AT THE COURT

48



National Abilympic Association of India

Certificate

Awarded to Nafiul Ali  
for participation in  
Card designing (Get well)  
in Sub-Regional Abilympics  
held at Shishu Sarothi during  
Guwahati  
October - November 2001.

Dr. Uma Tuli  
Secretary General

Regional Vice-President

Maj. Gen. Narindar Singh  
Chairman

CTC  
6: 00 PM / 01 Nov  
Lt Col / Major  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

ATTESTED  
  
ADVOCATE B

A SPECIAL SCHOOL FOR THE PHYSICALLY AND  
MENTALLY CHALLENGED CHILDREN

Mrs Dipanwita Das  
Principal

Tele : 6046 (O)  
475866 (R)

Asha Rehabilitation Centre  
C/O 1 Adv Base Wksp EME  
C/O 99 APO

TO WHOM IT MAY CONCERN

This is to certify that Master Nafiul Ali (Hearing Challenged), S/O Md. Nazibur Ali, a student of Asha Rehabilitation Centre, C/O 1 Adv Base Wksp EME, C/O 99 APO has successfully completed the training of "WORLI RURAL/PAINTING" under the guidance of Miss Rituparna Das on 04.03.05.

His training has been appreciated by the management of Asha Rehabilitation Centre.

He bears good moral character.

I wish all success in his life.

Dipanwita Das -  
Principal  
A.R.C., NARANGI

COUNTERSIGNED

क.न.ल.

क.न.ल. प्रशासनिक

Colonel Administration

प्रथम अग्रिम स्थान कर्मशालाई.एम.ई.

1 Adv Base Wksp

CH

**ATTESTED**

Shetty  
ADVOCATE



**CERTIFICATE**

This is to certify that ASHA SCHOOL, Narangi, would like to convey their gratitude and thanks to Master Nafiul Ali ( Hearing Challenged ) for his dedication and sincere in his work of making beautiful cards.

The Asha School, Narangi, gladly would like to present a Rs.100.00 (Rs.hundred only) to Master Nafiul Ali for his hard work.

Date : 23.12.05

*S. Panigrahy*  
Principal  
Asha School  
A.R.O. NARANGI  
Narangi

**ATTESTED**

*S. Shetty*  
ADP B

**A SPECIAL SCHOOL FOR THE PHYSICALLY AND  
MENTALLY CHALLENGED CHILDREN**

5

rs Dipanwita Das  
Principal

Tele 6046 (O)

Asha Rehabilitation Centre  
C/O 1 Adv Base Wksp EME  
C/O 99 APO

**TO WHOM IT MAY CONCERN**

This is to certify that Md. Nafiul Ali, s/o Ex-Hav. Md. Nazibul Ali has studied in Asha Rehabilitation Centre Narangi Cantt. till 30th Sept. 2006.

He is very sincere, dedicated, enthusiastic and hard working student. He always participates in all activities of the school. His Arts and Paintings are highly appreciated and also taken by dignitaries visiting the centre time to time. Besides this, he is the in-charge of the Masala grinding unit and is running it successfully. He shows remarkable improvement in his academics also.

He is very humble, polite and has brotherly attitude towards other children.

He bears a very good moral character.

I wish his all success in life.



*Dipanwita Das*  
Principal  
Asha Rehabilitation Centre  
Narangi Cantt. Guwahati

**ATTESTED**

*Bhutta*  
**ADVOCATE**

Assam Schedule I. VIII. Form 100. The

P/H  
Seat and  
Dumb 15/

GOVERNMENT OF ASSAM  
DEPARTMENT OF LABOUR  
EMPLOYMENT EXCHANGE

IDENTITY CARD

(Not an Introduction card for interview with employers)

1. Name of Applicant Nafizul Ali
2. Date of Registration 27-8-07
3. Registration No. 2129/07
4. N. C. O. Code No. X0210  
81B-2-11-85

INSTRUCTION TO APPLICANT

- (a) Bring this card with you whenever you come to the Exchange.
- (b) Quote your Registration Number and N. C. O. Number whenever you write to the Exchange.
- (c) Renew your Registration every three months.

If you do not renew by the due date your registration will be cancelled.

- (d) You can renew your registration personally or by post. For renewal by post DO NOT SEND THIS CARD. Apply to the Exchange on a REPLY PAID POST CARD.

Date before which registration should be renewed  
Aug 10

ATTESTED

*Bhutta*  
ADVOCATE

-34-

Return this card when you no longer require employment assistance after filing the following entries.

1. \* I have secured employment with

(Name of Employee)

through \*you\* my own effort.

2. \* I no longer require employment assistance.

Date..... 199 (Signature of Applicant) *Nafial Ali*

FOR OFFICIAL USE ONLY

\* Signature

Identification Marks

*Nafial Ali*

1.  
2.

Countersigned  
Employment Officer,

Delete inapplicable entries.

Affix postage stamp here

To

The Employment Officer  
Employment Exchange

ATTESTED

*Shatter*  
ADVOCATE

43

To,

Dated : Aug 2007

The Commandant,  
222 ABOD,  
C/o 99 APO

**APPLICATION FOR THE POST OF MAZDOOR**

Respected Sir,

With due respect and humble submission, I, Md. Nafiul Ali (Hearing Language and Speech Challenged), S/o Ex-Hav. Md. N Ali (ASC -MT) and a student of Asha Rehabilitation Centre, Narangi Cantt, till 30 Sep.2006, would like to lay down the following few lines for your kind consideration and favourable action please.

That Sir, I successfully completed the training of "DRAFTMANSHIP" and "WORLD ART/PAINTING" designs (Certificate encl.). Also, I acquired basic training in Computer. Besides this, I won prizes in different Arts and Sports Competitions, viz. AWWA Greeting / Wrapping paper design (National Level). Abilympics (Regional) etc.

During school days, I was the in-charge of "MASALA GRINDING" unit. My performance there in pleased the management of the school very much.

That Sir, being a son of an Ex-Serviceman who is facing financial constraint to look after my sibling's study as well as to meet the family expenses from his limited pension. Owing to this, I want to go in for service to support my family.

I hope the certificates enclosed herewith in my favour will suit the requirements of this job and will be considered favourably on my disability ground.

Thanking You

Yours faithfully,

( Md. Nafiul Ali )

Encl. Photocopies of certificates

**ATTESTED**

*Shatte*  
**ADVOCATE**

## 222 ABOD

GOVERNMENT OF INDIA  
MINISTRY OF DEFENCE

## 222 ADV BASE ORDNANCE DEPOT, C/O 99 APO

1. Applications are invited from Indian Nationals for the post of Mazdoor. The scales of pay and specifications of the post are given below :

S.No.	Designation of post	No. of vacancies				Pay Scale
		ST	OBC	Gen	Total	
01	Mazdoor	02	07	09	18	Rs. 2550-50-2650-50-3200

Note : Vacancies reserved for Physically Handicapped (1/2 x Mazdoor of ST category) and for Ex-Servicemen (03 x Mazdoors of ST/OBC/Gen Category) will be filled first. Recruitment for the Ex-Servicemen and Physically Handicapped will be completed prior to recruitment for other vacancies including reserve categories. Physically handicapped and Ex-Servicemen, thus selected, would be placed against respective categories.

2. Eligibility criteria as per recruitment rules for the post is as under:

S.No.	Trade	Qualifications	
		Compulsory	Desirable
a)	Mazdoor	Primary School Pass	Knowledge of Hindi and English with additional qualification in any trade of Carpenter, Mechanic, Electrician and Driver.

3. Age Limit : a) 18 to 25 years as on 01 Sept. 2007 (the upper age limit is relaxable for ST upto 5 years and for OBC upto 3 years. The upper age limit for PH is further relaxable upto 10 years). (b) Age limit for Ex-Servicemen of Armed Forces will be determined as under : Present age minus period of service rendered in Armed Forces plus three years not to exceed 25 years.

4. Date of Test and Interview : 24 Sept. 2007.

5. Place of Interview : Football ground, 222 ABOD, C/o 99 APO.

6. Duration of vacancy : Temporary but likely to be permanent in near future.

7. No TA/DA will be admissible to the candidates for appearing in the tests/interview. Candidates will have to make their own arrangements of move, boarding/loading as it may take 2-3 days time.

8. Time : Candidates arriving after 0800 hrs. on the specific date will not be allowed to participate in the Test/Interview.

9. Conduct of Test : a) Physical Test : Following physical test will be held prior to final interview. (i) Endurance Run : 5 Km for Males, 1.5 Km for Females. (ii) Load carrying Test.

10. Candidates will be subjected to physical tests. Any injury sustained by the indl. during the tests will not be the responsibility of this Organisation.

11. Application should be addressed to Administrative Officer, 222 ABOD, C/o 99 APO. The last date of receipt of application is 01 Sept. 2007. All incomplete applications will be rejected.

12. All candidates will be in possession of call letter issued by this office after selection/acceptance of application forms. No candidate will be permitted to appear in examination who does not possess the call letter.

#### 13. Procedure for Recruitment :

a) : Photocopies of Birth, Caste and Educational Certificate duly attested by Gazetted Officer are to be attached with the application.

b) : Photocopy of discharge certificate (if the candidate is an Ex-Servicemen).

c) : The candidates are reqd. to bring the original documents as required in the application form at the time of interview. In case a candidate fails to submit the documents in original at the time of interview he shall not be considered for the interview.

d) : Documents in support of claim of age relaxation.

e) : Character certificate issued by a Gazetted Officer on or after 11 Aug. 2007.

g) : Application duly signed by the applicant should include details such as Name in full in Block Letters, Father's Name, Post applied for, Date of Birth with supporting documents duly completed, educational qualification, Address in full both permanent and present with Pin Code, whether OBC/Ex-Servicemen with supporting documents.

14. The number of post/vacancies are tentative. The recruitment process can be cancelled/suspended/terminated by Commandant, 222 ABOD at any stage and his decision in this regard is final and no appeal will be entertained.

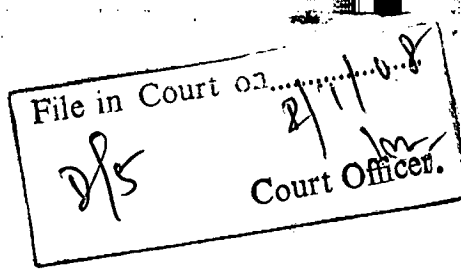
15. Any attempt by any candidate to influence the selection process may result in disqualification of the candidate from taking further part in the selection process.

ATTESTED

/Bhatta  
ADVOCATE

note Person 2  
33, 36. Quantity Bel

24/9/07.



Filed by  
The Respondents Through  
Ajsha Das  
Addl. Clk.  
02/11/08

1  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

OA No 259/2007

Md Nafiul Ali

.....Applicant

-Versus-

Union of India & others

.....Respondents

-AND-

IN THE MATTER OF

Written Statement submitted by the Respondent No 1 to 4

WRITTEN STATEMENT:

The humble answering respondents submitted their written statement as follows:

1(a) That I am Col. Rajender Singh Rawat  
Commandant, 222 ABOD, c/o 99 APO

..... and respondent No ..... in the above case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement, the contentions and statements made in the application and authorised to file the written statement on behalf of all the respondents.

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

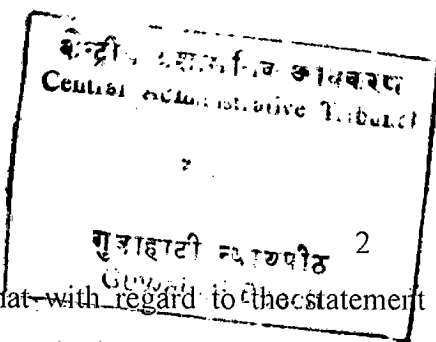
(c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.

(d) That the application is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed.

(e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicants had suffered from vice of illegality.

Received Copy  
J.S.  
(Addl. Clerk)  
2-11-2008  
(1)

Rajender Singh Rawat



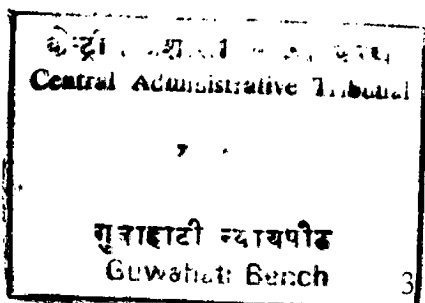
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2) That with regard to the statement made in paragraph 1 of the OA, the answering respondents beg to submit that advertisement seeking suitable candidates for the post of Mazdoor was published in the local News paper in the regional language and also in the National dailies so as to give wide publicity for filling up 18 (eighteen) posts of Mazdoor in this depot showing the number of vacancies against each category. Regarding the amalgamation of ST category with the physically handicapped person, it is stated that the authorised strength for the post of Mazdoor in this depot is 567. As per post based reservation roster in respect of Mazdoor maintained by this depot, serial Nos. 1, 34 and 67 are allotted for physically handicapped category of person for recruitment as per Integrated Headquarters of MOD (Army) Letter No A/23801/32/Policy/OS-8C (I) dated 13 Jun 2005. The 100 point roster is made as per Policy issued vide Integrated Headquarter of MOD (Army) letter No 80992/SCT/Policy/OS-8C (I) dated 08 February 1999. The roster is prepared as per reservation policy of respective states and accordingly the roster in the depot is prepared as per reservation policy of Assam Government i.e ST 12%, OBC 27% and SC 7%. As per the roster and specific physically Handicapped vacancies, the details of physically handicapped posts are as under:-

<u>S. No</u>	<u>Category</u>	<u>Remarks</u>
(a) 1	UR (PH) ✓H	Already filled
(b) 34	ST (PH) HH	Vacant
(c) 67	ST (PH) OH	Vacant
(d) 101	ST (PH) ✓H	Vacant
(e) 134	ST (PH) HH	Vacant
(f) 167	ST (PH) OH	Vacant
(g) 201	ST (PH) ✓H	Vacant
(h) 234	ST (PH) HH	Vacant
(j) 267	ST (PH) OH	Vacant
(k) 301	ST (PH) ✓H	Vacant
(l) 334	ST (PH) HH	Vacant
(m) 367	ST (PH) OH	Vacant
(n) 401	OBC (PH) ✓H	Already filled
(o) 434	ST (PH) HH	Vacant
(p) 467	ST (PH) OH	Vacant
(q) 501	UR (PH) ✓H	Already filled
(r) 534	ST (PH) HH	Vacant
(s) 567	ST (PH) OH	Vacant

Rajender Singh Rana





5

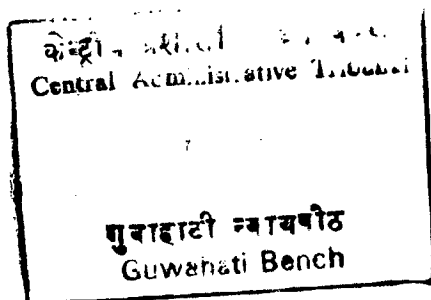
It is thus clear that there existed vacancy of 02 physically handicapped persons of ST Category only which are required to be filled up and accordingly the advertisement was published. With a view to fill up all categories of persons belonging to handicapped candidate as per the directive of Army HQs, the advertisement was published amalgamating the handicapped category with the ST category of candidate. The respondent authorities have acted as per the policy issued by the higher Headquarters on the subject and in no way tried to deprive a certain category of persons.

Handicapped person belonging to all categories of castes i.e SC/OBC/ST/UR also applied for the post of Mazdoor in response to the above said advertisement and call letters for appearing in the physical test/interview were forwarded to the candidates whose application were found selected by the respondent authorities. All candidates irrespective of caste and religion attended the interview/physical test. The petitioner was also called for recruitment vide out letter No 1523/Rect/ADRP/I114/Civ Est dated 04 Sep 2007.

Photocopies of the letters dated 13.06.2005;  
08.02.1999 and 04.09.2007 are annexed herewith and  
marked as Annexure-1, 2 and 3 respectively.

- 3) That with regard to the statement made in paragraphs 2 and 3 of the OA, the answering respondents beg to submit that the matter relating to the provisions of Administrative Tribunal Act 1985 and as such no comments are offered.
- 4) That with regard to the statement made in paragraphs 4, 4.1, 4.2, 4.3 and 4.4 of the OA, the answering respondents do not offer any comment as same are matter of records.
- 5) That with regard to the statement made in paragraph 4.5 of the OA, the answering respondents beg to submit that the statement of the applicant regarding employment on fixed monthly salary of Rs. 1500/- per month is false. The applicant himself clarifies that he was employed as casual daily wage worker. Daily wages are determined by the existing rates and are valid only for the days when the applicant has worked. Thus there is no question of having a fixed salary. He has never been employed on fixed monthly remuneration of Rs. 1500.00. The applicant has been engaged as temporary worker on daily wages basis since 01 Nov 2006. Regarding his registration of name in the Employment Exchange it is stated that the employment Exchange was approached to sponsor the names.

*Rajender Singh Rana*



The name of the applicant did not appear in the list provided by the Employment Exchange Letter No ORD-32-35/2007/594 dated 23 August 2007. He applied directly to the Commandant for the post of Mazdoor stating that he had completed his draftsmanship/Art/Painting Course/Training that have no relevance to the said post. The applicant is still unmarried while he stated through his application dated Nil Aug 2007 that he is in need of service for upbringing and maintaining the expenditure of his siblings which is not understood.

A photocopy of the letter dated 23 August 2007 is annexed herewith and marked as Annexure 4.

6) That with regard to the statement made in paragraphs 4.6, 4.7, 4.8, 4.9, 4.10 and 4.11 of the OA, the answering respondents while reiterating and reaffirming the statements made above beg to submit that the application submitted by the applicant has been received and he was called for the physical tests/interview held on 24 September 2007. The applicant had applied in the category of Ex-servicemen and not physically handicapped which is wrong legally as the applicant was trying to seek undue favour by furnishing wrong data. As the respondent authorities were fully aware that he can not be ex-serviceman being only 23 years of age, since he has worked as casual worker in this depot, the depot authorities were also aware that he is physically handicapped and thus accepted his application to give him a fair chance to compete for recruitment. As a matter of fact the applicant is trying to take undue advantage by furnishing wrong details in the application.

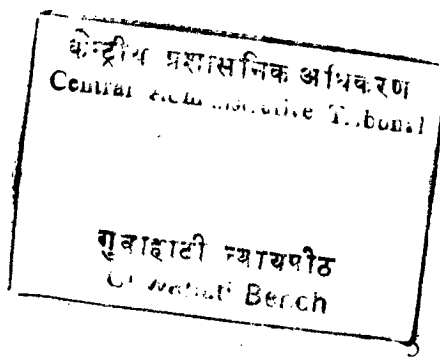
Photocopies of the application submitted by the applicant and the call letter issued by the respondents ~~are~~ <sup>is</sup> annexed herewith and marked as Annexure -5 and 6 respectively. WDM.

7) That with regard to the statement made in paragraph 4.12 of the OA, the respondents deny the contentions made therein the same being totally false and baseless. Even though the application of the applicant contained wrong information and the applicant belongs to OBC category and is a handicapped person yet he was called for the physical test/interview. He could not qualify in the interview and the test and as such he was not selected.

8) That with regard to the statement made in paragraph 4.13 of the OA, the answering respondents beg to offer no comment.

9) That with regard to the statement made in paragraphs 4.14, 4.15 and 4.16 of the OA, the answering respondents deny the contentions made therein as the same are false and baseless.

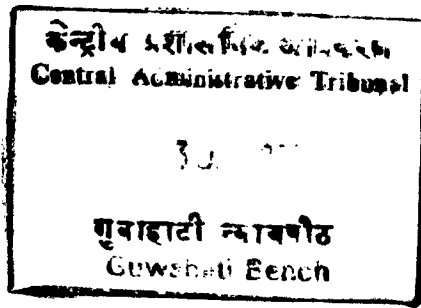
*Bejender Singh Rana*



5

- 10) That with regard to the statement made in paragraph 4.17 of the OA, the answering respondents offer no comment.
- 11) That with regard to the statement made in paragraph 5.1 of the OA, the answering respondents while reiterating and reaffirming the statements made above deny the contentions made therein. The interview/physical test for the post of Mazdoor was held as per schedule on 24 September 2007. The applicant has appeared in the physical Test/interview but was found unfit for selection and thus rejected.
- 12) That with regard to the statement made in paragraph 5.2 of the OA, the answering respondents beg to submit that the allegation of the applicant is false and baseless. No discrimination has been made in the process of selection. The applicant was given fair opportunity for appearing in the test in spite of having given wrong information on application form and he was not found fit for selection during test/interview.
- 13) That with regard to the statement made in paragraph 5.3 of the OA, the respondents deny the contentions made therein and beg to reiterate and reaffirm the statement made in paragraph 2 of the Written Statement.
- 14) That with regard to the statement made in paragraph 5.4 of the OA, The respondents beg to state that the advertisement was published inviting the candidates for the post of Mazdoor amalgamating the physically handicapped category with the ST category due to the reasons enumerated in the preceding paras 2 and 3. As per the terms of the advertisement the applicant has not fulfilled the criteria for appointment to the post. In spite of non-fulfillment of required criteria by the applicant, he was called for interview and physical test held on 24 September 2007. The applicant could not qualify in the interview/physical test as conducted by the depot authorities. The prayer made by the applicant through the latter part of para 5.4 is denied as the same is devoid of merit.
- 15) That with regard to the statement made in paragraphs 5.5, 5.6, 5.7 and 5.8 of the OA, the answering respondents deny the contentions made therein. The advertisement was published seeking suitable candidates for the post of Mazdoor in this depot owing to the reasons and circumstances enumerated in para 2 and 3 above.

Rajender Singh Rawat



16) That with regard to the statement made in paragraph 5.9 of the OA, the answering respondent beg to submit that the applicant had applied for the post of Mazdoor against ex-serviceman quota and not for physically handicapped category. On scrutiny it was revealed that he is the son of an ex-serviceman and belongs to OBC category and is a handicapped person. The advertisement was published inviting applications for the post of Mazdoor in this depot amalgamating ST Category with the handicapped category besides other categories of persons due to the reasons indicated in the preceding paras. In spite of non-fulfillment of required criteria as mentioned in the advertisement, the applicant was called for interview and physical test and given fair opportunity. Hence the allegation made by the applicant though para 5.9 is denied.

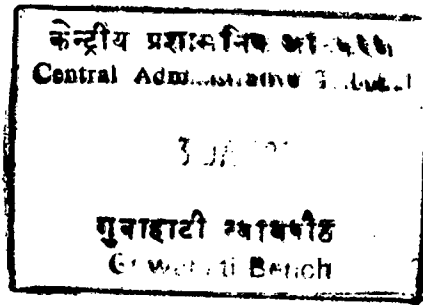
17) That with regard to the statement made in paragraphs 5.10 to 5.12 of the OA; the answering respondents deny the contentions made therein. The respondent authorities have not adopted any differentiated treatment to the applicant. The applicant has applied for the post of Mazdoor under ex-servicemen quota while he is the son of ex-serviceman and not an ex-serviceman himself. In fact, his application dated nil for post of the Mazdoor should have been rejected as he had furnished wrong information in column 7. The respondent authorities were fully aware of his state of health and nature of abnormality and knowing fully well that he is a handicapped person, so, he was called for physical test and interview held on 24 Sep 2007. The applicant could not qualify in the test and as such his candidature was rejected. )

18) That with regard to the statement made in paragraph 6 of the OA, the answering respondents beg to offer no comment.

19) That with regard to the statement made in paragraph 7 of the OA, the answering respondents state that the same being matter of record and nothing beyond record is admitted. As such no comments are offered.

20) That with regard to the statement made in paragraphs 8, 8.1, 8.2, 8.3 and 8.4 of the OA, the answering respondents deny the contentions made therein and beg to reiterate and reaffirm the statements made in paragraphs 2 and 3 in this Written statement. It is submitted that the necessary relief was provided to the applicant by calling him to appear in the physical test/interview conducted by the authorities in spite of having furnished wrong information in his application for the post of Mazdoor.

Rajender Singh Ranauf

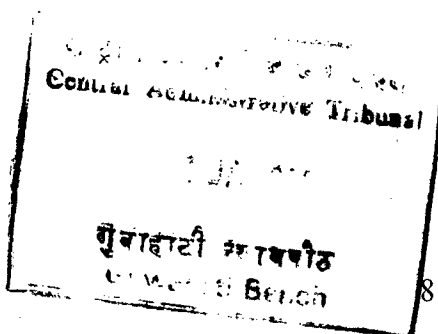


21) That with regard to the statements made in paragraph 4.13 of the OA, the respondents beg to reiterate and reaffirm the statements made above and for the sake of brevity it is not repeated again. The OA is devoid of merit hence liable to be dismissed with cost.

22) That with regard to the statements made in paragraph 9 of the OA, the answering respondents state that the applicant had submitted his application for the post of Mazdoor by quoting certain wrong information. He stated through his application dated nil that he belongs to ex-servicemen category while in fact he is a handicapped person. As such his application for the post of Mazdoor should have been rejected at the very beginning but the authorities of 222 ABOD have given him a fair chance to compete for the job. Also he stated through the application that he is in need of service to maintain the expenditure of his siblings while on scrutiny it is revealed that he is an unmarried person and only 23 years old. The applicant has appeared in the physical test/interview but he could not qualify in the test and as such he was not selected. It is further reiterated that advertisement was published inviting the suitable candidates for the post of Mazdoor amalgamating the physically handicapped category with ST Category, since there was vacancy for the latter and vacancy for remaining categories for physically handicapped were already filled up. The advertisement was published with a bonafide intention of filling up of ST category of handicapped persons, as there is vacancy existing for the same. The respondent authorities have no malafide intention to deprive the applicant from competing for the job. In fact the applicant's candidature was liable to be rejected for furnishing wrong and misleading information but the respondent authorities have sympathetically considered his application and allowed him to appear in the physical test/interview by issuing call letter to him through No 1523/Rect/ADRP/Civ Est dated 04 September 2007. The respondent authorities were very sympathetic on his candidature from the very beginning and he was allowed to compete for the job along with other candidates. The applicant could not qualify in the tests and as such his candidature for the post was rejected. As such the respondents pray that the Hon'ble Tribunal may be pleased to dismiss the present Original Application with costs as the same is devoid of merit.

23) That from the above it is very evident that this depot tried to be fair and helpful to handicapped persons by giving them full opportunity, especially the applicant, who was employed as casual labour by the under deponent as a welfare measure, as the deponent himself is physically handicapped (Battle Casualty) and is fully aware of problems and social stigma of handicapped persons while it has been inferred from the submission made above, a fair chance has been given to the applicant without discrimination to appear for the test/interview hence the Hon'ble Tribunal may be pleased to dismiss the OA with costs.

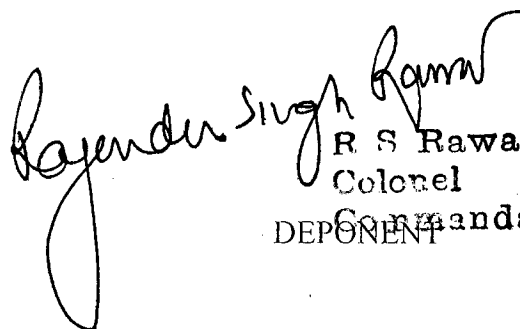
*Rajender Singh Rana*



VERIFICATION

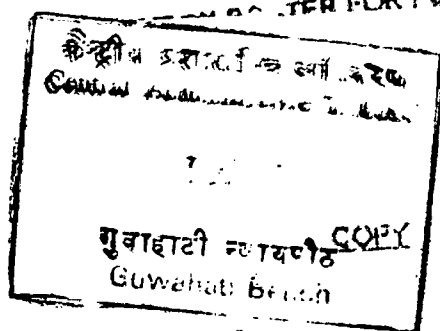
I Col Rajender Singh Rawat....., aged  
About 42.....years.....at present working as  
Commandant, 222 ABOD, C/o 99 APO.....  
....., who is one of the respondents and taking steps in this case, being duly authorised  
and competent to sign this verification for all respondents, do hereby solemnly affirm and state that  
the statement made in paragraph 1, 3, 4, 8 to 22.....  
.....are true to my knowledge and belief, those made in paragraph  
2, 5, 6, 7,..... being matter of records, are true to  
my information derived there from and the rest are my humble submission before this Honorable  
Tribunal. I have not suppressed any material fact.

And I sign this verification this .....29..th day of December, 2007 at Guwahati

  
R S Rawat  
Colonel  
Commandant  
DEPONENT

ROSTER FOR PERSONS WITH

Annexure - I



Tele : 23018735

REGD/SDS

Dts Gen Ord Services  
Master Gen Ord Branch  
Army Headquarters  
DHQ PO New Delhi - 110 011

13 Jun 2005

A 23801/32/Policy/OS-8C(I)

CMIM Jabalpur  
MGs ACC

HQ Southern Command  
HQ Western Command  
HQ Eastern Command  
HQ Northern Command  
HQ Central Command  
OIC, Records, Secunderabad

**RESERVATION ROSTER FOR PERSON WITH DISABILITIES**

1. Ref this HQ letter of even number dated 16 Feb 2005 and Slg No A/23801/32/Policy/OS-8C(I) dated 13 Jun 2005.
2. A copy of reservation roster for persons with Disabilities as prescribed by DDP&T is forwarded herewith.
3. You are requested to fwd the requisite information immediately as per format in GP 'C' & 'D' vacancies respectively released wef year 1996 in order to enable this HQ to fill the roster.
4. GP 'C' and 'D' vacancies received under AD RP 2002-03 from MOD have been released to various depots in the month of Mar, Apr and May 2005. Before filling up these posts, you are requested to check your roster for Physically Handicapped maintained by you till now and till point 1,34 and 67 by Physically Handicapped, if not filled earlier. In case of doubt, please refer the matter to Army HQ. Backlog of Physically Handicapped if any may also be filled by Physically Handicapped as per existing instructions.
5. The roster for Physically Handicapped to be maintained by Army HQ is under compilation. As soon as the information is received from the depots/units the roster will be completed and the vacancies for Physically Handicapped will be earmarked from Army HQ in future. However, till the confirmation for completion of roster is sent, all queries by the Commissioner of Disability would be answered by the concerned depots/units only.
6. Please ack.

Encl : As stated above.

Attested

Personal  
Officer

Sd/-XXXXXXXXXXXX  
(Rajan Bakshi)  
Director  
MGO/OS(Pers)  
For DG OS

ot Jan 96  
PH ✓

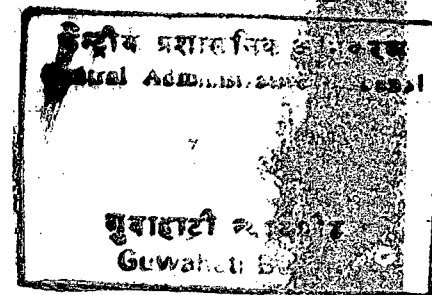
# RESERVATION ROSTER FOR PERSONS WITH DISABILITIES

Prescribed by Department of Personnel and Training, Govt of India

Sl. No. of Recd	Cycle No and Point No	Name of Post	Whether Identified for persons with Disabilities suffering from			Unreserved or Reserved (If Reserved, write VH/HH/OD, as The case may be, otherwise write UR	Name of the person appt end date of appointment	Whether the candidate suffers from VH/HH/OD	Remarks, if any
			VH	HH	OD				
1	2	3	4	5	6	7	8	9	10
1996	<u>Cycle-I</u>	Lower Division Clerk	Yes	Yes	Yes		S/Shri		
	1					VH	...(01.02.96)	No	
	2					UR	...(11.02.96)	No	
	3					UR	...(20.04.96)	No	
	4					UR	...(30.05.96)	VH	Adjusted against Point No.1
	5					UR	...(01.07.96)	No	
	.					.	.		
	34					HH	...(20.08.96)	No	
	35					UR	...(10.09.96)	HH	Adjusted against Point No.34
	.					.	.		
	67					OH	...(10.12.96)	OH	
	68					UR	...(18.12.96)	No	
	.					.	.		
	100					UR	...(10.01.97)	No	
	<u>Cycle-II</u>								
	1					VH			
	2					UR			

Attested

Personnel Officer





7332100

Senr Ayudh Corps Abhilekh Karyalaya  
Army Ordnance Corps Record Office  
Post Box No 3  
Trimulghorry Post  
Secunderabad - 500 015

2721/SCT/Misc/CA-6

10 Mar 99

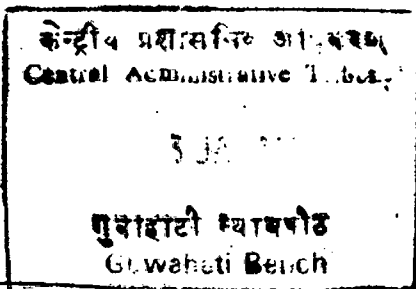
222 ABOD  
12.99.99  
(Unit concerned)

F/D  
196  
rel VII

65  
13  
13

IMPLEMENTATION OF POST BASED REVISED RESERVATION  
ROSTER AS PER DOP&T INSTRUCTIONS ISSUED CONSEQUENT  
TO THE SUPREME COURT JUDGMENT IN THE CASE OF  
RK SUBRAMANIAM VS STATE OF PUNJAB

1. Refer to this office letter No 27621/SCT/732/Misc/CA-6 dated 21 Jul 98 and 27621/SCT/Misc/CA-6 dated 03 Sep 98.
2. Copy of Army HQ (OS-3C)(1) letter No 30992/SCT/Policy/OS-3C(1) dated 03 Feb 99 is forwarded herewith for your strict compliance.



(Anant Ran)  
Major  
Offg Chief Record Officer  
for OIC Records

COPY OF ARMY HQ (OS-3C)(1) LETTER NO 30992/SCT/POLICY/OS-3C(1)  
DATED 03 FEB 99

AS ABOVE

1. Reference DOP&T O.M No 36012/2/96-Estt(Res) dated 02 Jul 97, circulated vide Army HQ letter No 30992/SCT/Policy/OS-3C(1) dated 06 Dec 97.

2. A number of queries have been received from various Units, for clarification from this HQ regarding Post based revised rosters, which were required to be prepared and maintained, w.o.f 02 Jul 97, as per DOP&T's instructions for reference. Clarifications in detail on various aspects of how to prepare and maintain the ibid roster are furnished under Appendix 'A' to this letter. In order to illustrate how the exact points of the roster are to be determined on the basis of regional percentages, an example is furnished under Enclosure I to Appendix 'A'. Also, how the actual roster is to be prepared, has been illustrated.

Attested  
Personal Officer

...../2..

through a model roster along with a 'Summary' in Annexure II and Annexure III to Appendix 'A' and an excess list (in case of excess representation) in Annexure IV to Appendix 'A' to this letter. Depots/Units are required to conduct recruitment strictly as per the revised rosters in compliance with the clarifications furnished in Appendix 'A' to this letter.

3. In compliance with Army HQ letter dated 02/07/80 (OS-13) dated 28 Jan 76, the roster of the Depots/Units, including CDDs are required to be inspected/scrutinized by the liaison officers nominated at HQ Command, who will submit the consolidated report on this HQ by 31 Mar 81.

4. It will be ensured that recruitment to Gp 'C' & 'D' posts is carried out strictly as per the revised rosters. Even where the recruitment was started before 02 Jul 87, but selection process was not completed i.e., result declared/candidates informed, the recruitment process is to be undertaken afresh as per the revised post based roster.

5. Please acknowledge.

Sd/- x x x x x

(SK Jain)

Col

Director OS (Pers)

for Director General Ordnance Services

Encls.: as above

Internal

Inspector AOC (OS-13)

- for info. The aspect of "Post Based Reservation Rosters" may please be included in your inspections.

Director Adm

- for info.

Dir OS - Inspection

- for info.

Page 001	
A 9 8	
ACU 1/1/87	
ACU 1/1/87	
ACU 1/1/87	
ACU 1/1/87	

*Sub Madhupuri*  
*12.12.87*  
*16/14*

13 -

68

Appendix 'A' to ARMY HQ letter  
HQ B0992/SCT/Policy/09-00(1)  
dated 06 Feb 91

CLARIFICATIONS REGARDING POST BASED RESERVATION ROSTERS

(a) For the purpose of reservation in respect of direct recruitment for Gp 'C' and 'D' posts, the regional percentages earmarked for respective States/Union Territories as given in Appendix II of DEPOT HQ No. 36012/22/91, dated 04 Feb 91, circulated vide ~~Depot HQ No. 36012/22/91, dated 04 Feb 91~~ are to be followed by the Depots/Units while preparing rosters.

(b) After preparing roster as per regional percentages of reservation applicable to various State/Union Territories, the total number of posts authorized for each category, i.e., SC/ST/OBC/Gen are to be worked out in such a fashion that they should match the figure by applying the percentage factor to the total authorized strength for the particular post. A summary of authorisation and holding against each category will be made and attached with the roster. This summary will indicate, at any point of time, the exact percentage of roster for a particular post and will be reviewed whenever a fresh recruitment is conducted and it will be amended after the completion of such recruitment.

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

गुवाहाटी ब्याचपीठ  
Guwahati Bench

(c) For all direct recruitment Gp (C) and (D) posts, whether locally or centrally controlled, the reservation rosters are to be prepared and maintained by Depots/Units. Reservation as applicable for various categories is to be ensured by the Depots/Units.

(d) For the promotional posts in respect of locally controlled employees, the reservation rosters are to be prepared and maintained by the Depots/Units.

(e) For all the promotional posts of centrally controlled employees the reservation rosters are to be prepared and maintained by AOC (Records).

(f) There is no reservation for the OBCs in promotion. The reservation percentage for SC & ST categories for all posts filled by promotion (Centrally as well locally controlled) is 15% and 7-1/2% respectively.

(g) Reserve category candidates, selected through direct recruitment on the basis of open merit are not to be counted against reserved points. Selection in open merit implies that a candidate of reserved category has competed alongwith general candidates and has also not availed any relaxations for employment as applicable to reserved categories. However, reserved category candidates, selected on open merit, will be subsequently considered for promotion against reserved category. They will be placed in the roster against the points earmarked for General category. However, their caste status is to be mentioned against their names in the roster with remarks - "selected on merit of General category."

Attested  
Personal Officer

(h) The SC/ST candidates, who are placed in the roster in virtue of seniority and fitness would be promoted against the quota of general category, in spite of over-representation of such reserved category in the higher post. Such candidates would however be shown against respective reserved points in the roster if any reserve points are vacant. In case no reserve points are vacant in the entire roster of the higher post to which these candidates are promoted, they will be shown in the reserve list of the respective reserve category and adjusted in the roster in future.

(j) While filling up the reserved category posts (SC/ST/OBC) as per their prescribed percentage, the limit of 50% reservation on total vacancies being filled in a panel/calendar year in each cadre/post must be borne in mind. For example, if total 20 vacancies are released, the maximum vacancies which can be filled up by SC/ST/OBC should not exceed 10. However, the number of reserved category personnel to be employed for a particular post during one recruitment drive, may be adjusted in such a fashion that during a panel/calendar year, the vacancies filled by the reserved category does not exceed 50% of total vacancies filled up for that post during that year.

(k) Separate rosters are to be prepared for different methods of appointment, i.e., direct recruitment and promotion, taking into account the strength of incumbents coming under a particular method of appointment.

(l) In case in Depot/Units, where a cadre is so small that the method prescribed for preparation of roster does not permit reservation to all the three categories i.e., SC/ST/OBC, then in such cases, the following actions will be taken :-

(i) The Depots/Units may consider preparing a common roster for all the posts having the same pay scale in the same category i.e., same group and controlling authority, as proscribed in DOPST's OM No 42/21-9-1952 dated 28.1.1952 and subsequent orders appearing at page 70 to 74 of the Brochure on Reservation for Scheduled Caste & Scheduled Tribes (1952 Edition).

(ii) If it is not possible to resort to such groupings, then the model roster for cadre strength upto 13 posts, which is enclosed with Appendices to Annexure II, III and IV to DOPST OM No 36012/2/96-East(Res) dated 02 Jul 97 may be followed. The principles of operating these rosters are explained in the explanatory notes in the Appendices to Annexure II, III and IV to DOPST's ibid OM. However, while following the model roster given in Appendices to DOPST's ibid OM, the concerned Depots/Units have to be careful in ensuring that the points for respective categories in the roster are determined as per reservation percentage applicable in the respective state and not as per reservation percentage on all India basis which have been used in the DOPST's ibid model roster. The method of determining points for respective categories in the roster as per regional percentage is illustrated through an example (as per reservation percentage applicable in Maharashtra) in Annexure I to this Appendix.

3

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(iii) Another method is being devised by Army HQ/AGP Branch in consultation with DOP&T for implementing post based revised rosters for small cadres, which will be communicated subsequently.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

गुवाहाटी न्यायपीठ  
Guwahati Bench

### Preparation of Roster

(m) While preparing post based reservation roster, it has to be kept in view that the points of ~~respective depots/units~~ the number of posts authorised to respective depots/units. Roster were required to be prepared immediately after the issue of the letter of DOP&T dated 02 Jul 97. In case the roster has not been prepared so far for any post, the same may be prepared immediately. Depots/Units, where no recruitment was effected after 02 Jul 97, the cadre strength as on date of preparation of roster may be adjusted in the roster. However, in the Depots/Units, where any recruitment was done after 02 Jul 97, adjustment in the roster will be made as per the held strength on 02 Jul 97. In case of retirement/promotion, the respective points will be deemed vacant and are to be filled as explained later under the heading "Initial Operation of Roster". 200 points roster for direct recruitment enclosed with DOP&T letter, dated 02 Jul 97, is only an example, when total posts auth for a particular post are 200 and the recruitment process is on all India basis and not on regional basis. The roster will be first prepared on the basis of the percentages of reservation for the reserved categories in respective States/Territories for direct recruitment process. However, for promotional posts, the example given in DOP&T letter dated 02 Jul 97 may be followed.

(n) After putting the serial number as per authorisation in a post, the points for respective categories in the roster will be determined as per reservation percentage applicable in the respective state. A roster has been prepared for the State of Maharashtra and placed as an example at Annexure I to this Appendix to illustrate this. As indicated in the model roster given at Annexure II of the DOP&T letter dated 02 Jul 97, the method of making a roster is to multiply each post by the prescribed percentage of reservation for different reserved categories. The point at which the multiple for a category reaches or exceeds a complete number is to be reserved for that category. Due care should be taken to evenly space out the different reserved categories. This has already been amplified in the model roster and Annexure I to this Appendix. In case total number of points going to any category fall short of the number as per prescribed percentage of reservation for that category, then requisite bunching may be done at the end to complete the points as per prescribed percentage for that category, as illustrated in Annexure I to this Appendix.

(c) Once the points for different categories have been determined in the said manner, the actual roster will be prepared as per model roster given at Annexure II to this Appendix. Initial three spaces will be kept for each point of roster to accommodate future adjustments in the roster as may be required due to retirement, promotion, fresh recruitment or any other reason. Also with name, the date of recruitment is also to be mentioned.

### Initial Operation of Roster

(p) Once the roster is prepared as explained above, the existing strength of personnel in that post is to be adjusted in the roster. A list of existing personnel will be prepared per seniority i.e. date of recruitment/promotion to the post. The personnel belonging to different categories i.e., SC/ST/OBC/Gen will be placed exactly in descending order of seniority against the points pertaining to their respective categories. The senior most employee of any category will occupy the first point pertaining to his respective category and so on. For example, in the model roster given at Annexure II to this Appendix, the senior most SC candidate is to occupy the first point earmarked for SC category i.e., SC-I, Srl No 1.

(q) The SC/ST/OBC candidates, selected on open merit in direct recruitment, will be placed against the points pertaining to general category. However, their category will be mentioned against their names in the roster with the remarks "Selected on Merit of General Category."

(r) The staff belonging to OBCs, who were recruited prior to 08-09-93 (date of effect of reservation for OBCs) are to be treated as general category candidates. Only persons recruited on or after 8-9-93 against reservation for OBCs are to be counted against reservation of OBCs in a cadre and adjusted against OBC points in the roster.

(s) A Summary containing total authorised strength, held strength and total points for each category, i.e., SC/ST/OBC/Gen for any particular post will be prepared in the manner as illustrated in Annexure III to this Appendix and pasted on the first page of the roster, after getting duly signed with date by Adm Officer/OC. The Summary is to be updated regularly. For example, whenever there is any change in position with regard to any post on account of promotion, retirement, fresh recruitment etc, fresh Summary sheet will be prepared and pasted on the roster duly authenticated by Adm Officer/OC.

(t) In case there is an excess representation of any of the categories, i.e., SC/ST/OBC/Gen, the balance employees will be shown in the excess list of the respective category in descending order of seniority. Excess list for all the categories will be invariably attached with respective roster. There will be separate excess list for each category i.e., SC/ST/OBC/Gen category. Whenever any point pertaining to any category falls vacant in the roster on account of retirement or any other reason, the roster will be updated and the excess list for that particular category will be shown against the vacant point in the roster as per last list.

Before filling up any vacant point by recruitment, the excess list attached with the concerned roster will be looked into. The vacant point for the reserved categories will be filled by fresh recruitment only when there are no excess candidates belonging to the category for which the vacant point is earmarked. If the summary of the posts in the roster is not regularly, the position with regard to excess candidates in the category will also be clearly visible from the summary.

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal

गुवाहाटी न्यायाधीश  
Guwahati Bench

(u) In case there is excess representation of any category or 50% limit for reservation in a panel/calendar year or total vacancies filled is likely to be exceeded, the reserve points will be skipped and next vacant point will be filled up, whenever fresh recruitment/promotion is undertaken.

Reservation for Physically Handicapped and Ex-Servicemen:

(v) In the DOPAT's ibid QM dated 02 Jul 97, it is not clarified as to how the reservation for Physically Handicapped persons and 10/20% for Ex-servicemen for Gp 'C' / Gp 'D' posts respectively are to be adjusted in the revised post based roster. Here it is clarified that the reservation for the Physically Handicapped persons and Ex-servicemen is to be effected in horizontal fashion, whereas the reservation for SC/ST/OBC in vertical fashion. It is kept in view that the reservation for Physically Handicapped and Ex-servicemen is to be adjusted in the roster, whenever any vacancies are to be filled, the vacancies will be first earmarked for the Physically Handicapped and Ex-servicemen at the laid down percentage. Recruitment for the Ex-servicemen Physically Handicapped will be completed prior to recruitment for other vacancies including reserve categories i.e., SC/ST/OBC. Physically Handicapped and Ex-servicemen, thus selected, would be placed against respective categories points (SC/ST/OBC/SH) in the roster, wherever applicable, and thereafter the balance reserve vacancies for SC/ST/OBC will be worked out for filling up remaining vacancies as per the serial no of vacant posts in the roster. For Physically Handicapped persons, Army HQ letter No 80992/SCT/Policy/OS-3C(i) dated 11 Sep 98 may be referred to. Similarly, with regard to percentage of reservation for Ex-servicemen, attention is invited to Army HQ letter No 80992/SCT/Policy/OS-3C(i)(v) dated 12 Jan 99, which clarifies that the percentage of reservation for Ex-servicemen is to be 10% for Gp 'C' and 20% for Gp 'D' posts. The letter dated 12 Jan 99 was circulated to all Depots/Units.

Contd. P. 66

**Note :** It is reiterated that in compliance with Army HQ letter No 80992/Rosters/OS-3C(i) dated 24 Jan 76, the rosters of the Depots/Units including ODCs are required to be inspected/scrutinised by the liaison Officers nominated at HQ Commands, who will submit the consolidated reports to this HQ by 31 Mar 99.

ANNEXURE IV to APX 141 to  
Army HQ letter No 00952/  
SPT/Policy/OS-SC (I) dated  
13 Feb 1999

- 18 -

82

EXCESS REPRESENTATION  
FOR THE POST OF

SC

S1 No	T.No & Name of the Candidate	Date of Recruitment
----------	---------------------------------	---------------------

1.  
2.  
3.  
4.

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal  
गुवाहाटी न्यायपीठ  
Guwahati Bench

ST

S1 No	T.No & Name of the Candidate	Date of Recruitment
----------	---------------------------------	---------------------

1.  
2.  
3.  
4.

ODC

S1 No	T.No & Name of the Candidate	Date of Recruitment
----------	---------------------------------	---------------------

1.  
2.  
3.  
4.

CDI

S1 No	T.No & Name of the Candidate	Date of Recruitment
----------	---------------------------------	---------------------

1.  
2.  
3.  
4.

Attested

Personal Officer

11/11/2000  
11/11/2000  
11/11/2000

11/11/2000  
11/11/2000  
11/11/2000



ANNEXURE I to APV 141/99  
Army HQ Letter No. 299/99  
ECM/Policy/OB-SC(1) 141/99  
23 Feb 99

MODEL POSTER FOR DETERMINING RESERVATION POLICY  
(FOR DIRECT RECRUITMENT POSTS)

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

गुवाहाटी ब्याचणीठ  
Guwahati Bench

Reservation  
percentage Auth (Maharashtra)  
SC - 7%  
ST - 9%  
OBC - 27%

Sl No of Post	Share of Entitlement			Category for which the post should be earmarked
	SC 7%	ST 9%	OBC 27%	
1.	0.07	0.09	0.27	UR
2.	0.14	0.18	0.54	UR
3.	0.21	0.27	0.81	UR
4.	0.28	0.36	1.08	OBC-1
5.	0.35	0.45	1.35	UR
6.	0.42	0.54	1.62	UR
7.	0.49	0.63	1.89	UR
8.	0.56	0.72	2.16	OBC-2
9.	0.63	0.81	2.43	UR
10.	0.7	0.9	2.7	UR
11.	0.77	0.99	2.97	UR
12.	0.84	1.08	3.24	ST-1
13.	0.91	1.17	3.51	OBC-3
14.	0.98	1.26	3.78	UR
15.	1.05	1.35	4.05	SC-1
16.	1.12	1.44	4.32	OBC-4
17.	1.19	1.53	4.59	UR
18.	1.26	1.62	4.86	UR
19.	1.33	1.71	5.13	OBC-5
20.	1.4	1.8	5.4	UR
21.	1.47	1.89	5.67	UR

attested

Personal Officer

P/2..

24

22.	1.54	1.90	5.24	UR
23.	1.51	2.07	5.21	ST-2
24.	1.61	2.13	5.43	OPC-1
25.	1.77	2.25	5.75	R
26.	1.32	2.51	7.01	OPC-2
27.	1.39	2.63	7.39	R
28.	1.36	2.52	7.56	UR
29.	2.03	2.61	7.83	ST-2
30.	2.1	2.7	8.1	OPC-2
31.	2.17	2.77	8.77	R
32.	2.23	2.80	8.64	UR
33.	2.31	2.97	8.91	UR
34.	2.33	3.06	9.18	ST-3
35.	2.45	3.15	9.58	OPC-2
36.	2.52	3.24	9.72	UR
37.	2.59	3.33	9.99	UR
38.	2.66	3.42	10.26	OPC-10
39.	2.73	3.51	10.53	UR
40.	2.8	3.6	10.8	UR
41.	2.87	3.69	11.07	OBC-11
42.	2.94	3.78	11.34	UR
43.	3.01	3.87	11.61	ST-3
44.	3.08	3.96	11.88	UR
45.	3.15	4.05	12.15	ST-4
46.	3.22	4.14	12.42	OPC-12
47.	3.29	4.23	12.69	

ANNEXURE II to APPX I to  
Army HQ letter No 5099/  
SC/Policy/OS-SC(1) dated  
03 Feb 99

ROSTER FOR POST  
(DIRECT RECRUITMENT/PROMOTIONAL)

SLIT :

Space for placing summary (Annexure III)

POST AUTH	SC	ST	ODC	GEN	TOTAL
	05	01	13	30	50

Sl No	earmarked for category	T.No & Name of the employee	Category belongs to	Date of Rett	Remarks
-------	------------------------	-----------------------------	---------------------	--------------	---------

1.	UR	2724 SARI XYZ	UR		
2.	UR	.....	UR		
3.	UR	.....	UR + SC		
4.	ODC-1	.....	ODC		
5.	UR	.....	UR		
6.	UR	.....	UR		
7.	UR	.....	UR		

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal  
  
गुवाहाटी ब्याचपीठ  
Guwahati Bench

SELECTED ON  
MERIT OF GEN  
CATEGORY

Attested  
Personal Officer

46

48.	3.36	4.32	12.96	UR
49.	3.43	1.21	13.23	ODC- 13 <sup>9</sup>
50.	3.5	1.5	13.5	UR 133-134
3				*(Reserve to cover the auth. of per centage)

**SUMMARY**

Total post auth	- 50
Auth for SC (7%)	- 03
Auth for ST (9%)	- 04
Auth for ODC (27%) ✓	- 13
Remaining for Gen Cat	- 30

**Note**

1. Percentage of reservation to be taken as applicable in particular State/Union Territory.

2. Number of points will be equal to the authorization of employees for a particular post.

ANNEXURE II to APPX IAI to  
Army HQ letter No 80992/  
SCN/Policy/OS-SC (i) dated  
08 Feb 99.

- 23 -

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ROSTER FOR POST  
(DIRECT RECRUITMENT/PROMOTION (A.L.))

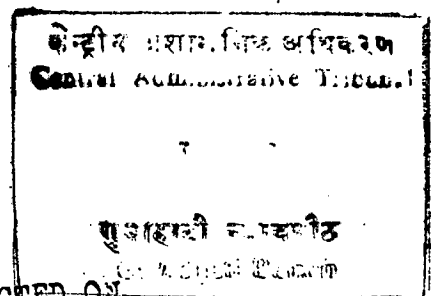
UNIT :

Space for pasting summary (Annexure III)

POST	AUTH	SC	ST	ODC	GEN	TOTAL
		03	01	13	30	50

Sr No	Formatted for category	T.No & Name of the employee	Category belongs to	Date of Recd	Remarks
-------	------------------------	-----------------------------	---------------------	--------------	---------

1. UR 2724 SMRI XYZ UR
2. UR
3. UR UR \* SC
4. ODC-1 ODC
5. UR UR
6. UR UR
7. UR UR



SELECTED ON  
MERIT OF GEN  
CATEGORY

attested

Personal Officer

27/20/99

..P/??..

32/192

OBC-2 ..... OBC ---

UR ..... UR ---

UR ..... UR ---

UR ..... UR ---

ST-1 ..... ST ---

OBC-2 ..... OBC ---

UR ..... UR ---

SC-1 ..... SC ---

AND SO ON.....

25 -

29

ANNEXURE III to APPX 'A' to  
Army HQ letter No 00992/SCF/  
2011/05-32(1) dated  
01 FEB 1992

UNIT :

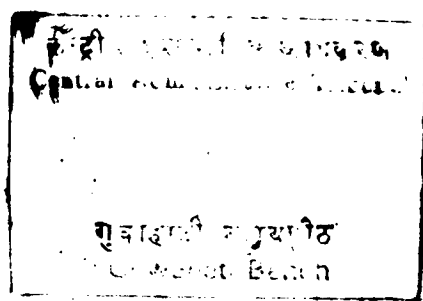
SUMMARY SHOWING STATUS OF REFINANCIAL SCHEM/OFC  
S ON.....

NAME OF POST.....

	SC	ST	OFC	GRM	TOTAL
POST AUTH	03	04	13	30	50
REMD	-	-	-	-	-

Date :.....

Sig of Adm Officer



*Selected*  
*Personal Officer*

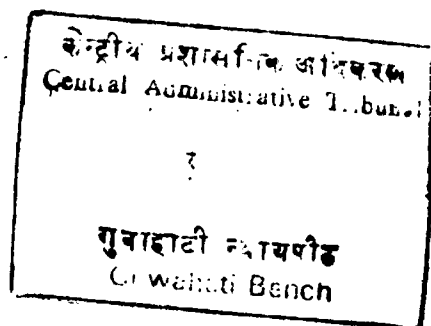
1114

- 26 - Annexure - 386  
222 Adv Base Ord Depot  
PIN - 509222  
C/O 99 APD

1523/Rect/ADRP/ /Civ Est

04 Sep 2007

MD NAEIUL ALI  
S/D MD NAZIBUR ALI  
VILL - AMSING JORASAT NINE MILE  
WEAR - 41 VEC (OY) PO - SATHAON  
MOUZA - PANGARI, PS - NDONMOTI  
G H Y CALL LETTER FOR RECRUITMENT OF MAZDOORS



1. Refer your application for the subject post.
2. Your name has been recommended by the Selection Board. You are required to appear for physical test and interview on 2- Sep 2007 at 0800h at 222 ABOD Football ground alongwith the call letter.
3. You are required to bring original certificates of the photo copies submitted by you alongwith your application as per following details :-
  - (a) Education Qualification certificate.
  - (b) Proof of age.
  - (c) Employment Exchange Registration/Identity Card if registered.
  - (d) Domicile certificate/Ration Card.
  - (e) Caste certificate (ST/OBC candidates only)
  - (f) Discharge Book (Ex-service men only)
4. You are also required to bring the following certificates in original :-
  - (a) Diploma/Experience certificate if any.
  - (b) Character certificate issued by a Gazetted officer on or after 11 Aug 2007.

*attested*  
*Personal Officer*

*(Rajiv Vaid)*  
Lt Col  
Adm Officer  
for Commandant





Annexure 4

27  
2008

GOVERNMENT OF ASSAM  
DEPARTMENT OF LABOUR & EMPLOYMENT  
EMPLOYMENT EXCHANGE FOR UNSKILLED APPLICANTS  
REHABARI, GUWAHATI-8

NO: ORD: -32-35/2007/ 594 Dated Guwahati the 23rd Aug 2007.

To,

The Administrative Officer,  
222 Advance Base Ordnance Depot,  
C/O 99 APO, Pin-909222.

কেন্দ্রীয় প্রশাসনিক আয়তন  
Central Administrative Tribunal

Sub : Recruitment of Mazdoor.

Ref : Your letter No.-1523/Roct/ADRP/1/Civ Ept, Dated 9-7-07  
and letter No.-1523/ Roct/ADRP/1/Civ Ept, dated 26-7-07.

গুৱাহাটী মজদুৰী

Sir,

With reference to your requisition for the above mentioned posts, I have the honour to forward herewith a lists of 122 ( one hundred twenty two) numbers of candidates for the posts of Mazdoor. The candidates may please be called direct for interview and test at their addresses under intimation to this Exchange.

The result of this submission may kindly be communicated to this Exchange at an early date to enable us to complete our relevant records.

Encls:- As stated above.

Break-up.

1. Gen :- 60 Nos.
2. OBC :- 40 "
3. P/H(S/T):- 7 "
4. P/H(Gen):- 15 "

Total Nos:-122 "

Yours faithfully,

( Sri U. K. Tamuly )  
Employment Officer,  
Employment Exchange for Unskilled  
Applicants, Guwahati-8.

23/8/07

Attested  
Personal Officer

\*\*\*\*\*

Particulars of the candidates submitted to the Commandant,  
222 ABOD, C/O 99 APO, Narongi, for the post of Mazdoor.

ORD. NO. - 32/07

Sl. NO.	Name & Address.	Regn. No.	Date of Birth	Qualification	Remarks.
1.	2.	3.	4.	5.	6.

1. Sri Simanta Madhi, 3358/2001 9.2.86 Approved the HGLC  
C/O Pankaj Kr. Daishya, Office Asstt.,  
The Director of Postal Training Centre, (P.T.C.),  
Red-Cross Building, Uzanbazar, Guwahati-1.
2. Tuman Ch. Tara, 1624/2001 2.3.75 Class-VIII  
Vill.-Bolguri, P.O.-Digaru, P.S.-Khetri.
3. Binay Ch. Das, 770/2003 30.6.84 Class-X'99  
Vill.-Mirzapur, P.O.-Azara, Guwahati-17.
4. Diganta Talukdar, 1068/2004 31.3.84 Class-IX'90  
Jyotinagar, Guwahati College Campus,  
P.O.-Bamunimaidan, Guwahati-21.
5. Parag Sarma, 1069/2004 1.4.85 Class-VIII-Passed'02  
Vill.-West Boragaon,  
P.O.-Gotanagar, Guwahati-33.
6. Md. Rakib Ahmed, 1076/2004 1.2.83 Class-IX-Passed'90  
Vill.-Agyathuri, P.O.-Dadara, P.S.-Hoja, Kamrup.
7. Dipul Ch. Das, 1085/2004 3.12.83 Class-IX-Passed'01  
Pandu New Colony, Qr.No.-BB/126/A,  
P.O.-Pandu, Guwahati-12.
8. Bipul Baro, 1092/2004 5.8.80 Class-IX-Passed'95 S/T  
Vill.-Ghagua (Majkuchi),  
P.O.-Digaru, P.S.-Khetri.
9. Md. Taibul Rahman, 1099/2004 1.7.84 Class-VII-Passed'97  
Vill. & P.O.-Garigaon, Guwahati-12.
10. Md. Hatim Ali, 1100/2004 1.3.83 Class-IX'98  
C/O Ramosh Pathak,  
Directorate of Employment and Craftsmen Training,  
Assam, Rohabari, Guwahati-8.
11. Md. Hazrat Ali, 1116/2004 10.1.84 Class-IX'2000  
C/O Md. Nabbash Ali,  
Mathgharia, Ahmed Nagar, Guwahati-20.
12. Bhupen Kalita, 1117/2004 15.10.84 Class-X'01  
Vill. & P.O.-Panitoma, Pin.-781101.
13. Nipon Kalita, 1118/2004 27.1.85 Class-IX'  
Vill. & P.O.-Panitoma,  
P.S.-Kamulpur, Pin.-781101.
14. Bipul Kr. Nath, 1133/2004 29.10.85 Class-VIII'2000  
C/O Tilak Ch. Nath,  
V.I.P. (Jogipara), Borjhar, Guwahati-15.
15. Mainul Ali, 1135/2004 5.1.86 Class-VIII-Passed'2000  
Vill.-Rongmahal, P.O.-Rongmahal, Guwahati-30.
16. Jyotish Ch. Kalita, 1136/2004 1.5.85 Class-X'01  
Vill. & P.O.-Pacharia, P.S.-Hoja, Kamrup.
17. Nirmal Das, 1138/2004 3.8.85 Class-VIII-Passed'99  
Vill.-Dharapur, P.O.-Pani, Kamrup.

গণপ্রজাতন্ত্রী বাংলাদেশ  
কেন্দ্রীয় কর্মসংস্থান বোর্ড

গুৱাহাটী পোস্ট অফিস  
গুৱাহাটী

Attested  
Personal  
Officer

Employment Officer  
Employment Exchange  
Guwahati

CC-1...2.p.g.

केन्द्रीय प्रशासनिक अधिकार  
Central Administrative Tribunal  
गुवाहाटी न्यायपीठ  
Guwahati Bench

Employment Officers  
Employment Exchange Contd...3...p...9...  
1-12378 Applications  
Guwahati—

6.

Class-IX-Page-200

Class-X: 99

Class-VIII

CLa 88-IX'99

Class-IX'01

Class-VIII-Page 97

Class IX '2000

CLAS-IX:

Class-X-2000

Class-IX-Passed'04

01000-IX'99

SECRET-IX-Approved 196

01-000-18187

51 of 78 Downloaded

CLASS 19105

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Employment Exchange Contd. 4. p. 9.

2. 3. 4. 5.
57. Sri Varun Deka, 1039/2007 5.1.84 Class-IX'2000-  
Vill.-Bargaon, P.O.-Dorakahara, P.S.-Kamrup.
58. \* Madhu Ramchary, 1092/2007 1.5.81 Class-IX-Passed'02 S/T  
Vill.-Aggyathuri, (Ketokijaz),  
P.O.-P.S.-Hajo, Kamrup.
59. \* Paplu Sharma, 654/2006 1.7.88 Approad the HSLC'06  
C/O Satish Sharma,  
Vill.-Barbari, P.O.-Hongrabari, Guwahati-36.
60. \* Mainuddin Ali, 721/2006 5.1.86 Class-VIII-Passed'02  
C/O Md. Yajuddin Ali,  
Vill.-Fukhuripara, (Setgaon),  
P.O.-Setgaon, Guwahati-27.

Employment Officer  
Employment Exchange  
for Unskilled Applicants  
Guwahati-  
25/8/07

केन्द्रीय न्यायपीठ अधिकारी  
Central Administrative Tribunal  
  
गुवाहाटी न्यायपीठ  
Guwahati Bench

Particulars of the candidates submitted to the Commandant,  
222 ABOD, C/O 99 APO, for the post of Mazdoor, (Res. for OBC).

ORD.No. 33/07

Sl. No.	Name & Address.	Regn. No.	Date of Birth	Qualification	Remarks.
1.	2.	3.	4.	5.	6.

1. ✓ Sri Anukul Modhi, 684/98 6.1.80 Class-VIII-Passed'92 OBC.  
C/O Bhogi Ram Modhi,  
Vill.-Kumarkrupur  
Vill.-Bowari-para, P.O.-Azara, Guwahati-17.
2. ✓ Gulap Borgohain, 2018/2001 31.10.80 Class-X'96  
C/O Indrajit Deka,  
Bishnu Rava Nagar, Noonmati, Guwahati-20.
3. ✓ Golap Das, 1454/2004 15.3.81 Class-IX'95  
C/O Jagat Ch. Nath,  
Sreemantapur, Bhanganagar, Guwahati-32.
4. ✓ Kartik Das, 1392/2004 17.11.84 Class-IX'01  
Vill.-Raibori, P.O.-Bongora, P.S.-Palasbari.
5. ✓ Rajiv Kr. Rai, 1394/2004 20.4.86 Class-X'02  
Satgaon Rly. Line, P.O.-Satgaon, Guwahati-27.
6. ✓ Ratan Kr. Roy, 1420/2004 25.1.86 Class-X'01  
Vill.-Ambing Jorabat, P.O.-Satgaon,  
Guwahati-27.
7. ✓ Prodip Gogoi, 1421/2004 2.1.84 Class-IX'2000  
Vill.-Gadibakara, P.O.-Lo-1ganesh,  
Guwahati-19.
8. ✓ Nipon Setkia, 1495/2004 1.5.82 Class-IX'98  
North Guwahati Madhupur,  
P.O.-Collogo Nagar, Guwahati-30.
9. ✓ Ganajyoti Nath, 1497/2004 1.1.85 Class-X'03  
Vill.-Nowamati, P.O. & P.S.-Chhaygaon, Kamrup.
10. ✓ Mantu Nath, 1533/2004 31.12.83 Approad the HSLC'04  
Vill.-Gobardhan, P.O.-Choudhurykhat,  
P.S.-Chhaygaon, Kamrup.
11. ✓ Madhab Das, 1537/2004 31.12.84 Approad the HSLC'03  
Vill.-Gobardhan, P.O.-Choudhurykhat,  
P.S.-Chhaygaon, Kamrup.
12. ✓ Prasanta Das, 1572/2004 30.4.85 Approad the HSLC'04  
Vill.-Kelakuchi, P.O.-Panitoma, P.S.-Kamalpur.
13. ✓ Pranjit Baruah, 1589/2004 31.3.84 Approad the HSLC'04  
Vill.-Santi Nagar, P.O.-Kahilipara-Pub,  
Guwahati-19.
14. ✓ Khagan Kr. Nath, 1621/2004 7.11.83 Approad the HSLC'03  
Vill.-Santi-Nagar, P.O.-Kahilipara, Guwahati-19.
15. ✓ Mridul Das, 1647/2004 5.2.80 Approad the HSLC'98  
C/O Shabash Das,  
Vill. & P.O.-Changari, P.S.-Kamalpur, Kamrup.

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal

गुवाहाटी बेंच  
Guwahati Bench

For Approval Officer Contd...2...p...g....

Exchange

Applicants

Guwahati

Guwahati

1. 2. 3. 4. 5. 6. 7.

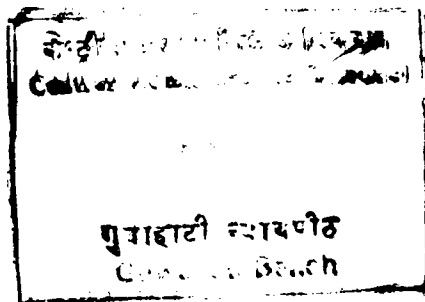
16. ✓ Sri Babul Das, 1650/2004 31.12.82 Class-X'98 OBE.  
Vill. & P.O.-Dadara, P.S.-Hajo, Kamrup.
17. ✓ Nripan Das, 1851/2004 31.12.82 Class-IX'98  
Vill.-Kuchampur,  
P.O.-Hingulon, Kamrup.
18. ✓ Arabinda Das, 1671/2004 31.12.81 Approad the HSLC'2000 -do-  
Vill. & P.O.-Bongmahal, (North Guwahati)-30.  
Guwahati-30.
19. ✓ Uttam Hazarika, 1681/2004 2.2.84 Class-IX-Passed'99 -do-  
Vill.-Rajib Nagar, near 10th A.P.Bn.,  
P.O.-Kahilipara, Guwahati-19.
20. ✓ Bipul Ch. Nath, 1718/2004 5.10.81 Class-VIII-Passed'95 -do-  
Vill. & P.O.-Barpalaha, P.S.-Kamelpur.
21. ✓ Deepjyoti Bherali, 1724/2004 1.1.82 Class-VIII-Passed'92 -do-  
C/O Haveli B.S. Bherali,  
Station Workshop, Sategaon, Guwahati-27.
22. ✓ Dipak Barman, 1730/2004 15.10.81 Class-IX-Passed'96 -do-  
Vill.-Bhugangaon, P.O.-Kahilipara,  
Guwahati-19.
23. ✓ Jayanta Nath, 1736/2004 31.12.81 Approad the HSLC'02 -do-  
Vill.-Bakachhi, P.O. & P.S.-Chhaygaon, Kamrup.
24. ✓ Nayanjyoti Baruah, 1752/2004 3.4.86 Approad the HSLC'87 -do-  
Vill.-Krishna Nagar, Kahilipara, Guwahati-19.
25. ✓ Krishna Kumar, 1770/2004 1.4.83 Approad the HSLC'01 -do-  
Vill.-Alipub, P.O.-Baihata-chatiali, Kamrup.
26. ✓ Ajit Kr. Nath, 1790/2004 1.1.80 Class-IX'94 -do-  
Vill.-Barijani Nath-para,  
P.O.-Chhaygaon, Kamrup.
27. ✓ Kushal Ch. Das, 1794/2004 6.3.82 Class-IX-Passed'97 -do-  
Vill.-Raibori, P.O.-Bongara, P.S.-Palasbari.
28. ✓ Sanjib Das, 1817/2004 1.1.85 Approad the HSLC' -do-  
Vill.-Bhabanipur, P.O.-Noonmati, Guwahati-20.
29. ✓ Nayan Das, 1829/2004 5.11.84 Approad the HSLC'04 -do-  
Vill.-Kalakuch i, P.O.-Panitoma, P.S.-Kamelpur.
30. ✓ Digambar Das, 1830/2004 31.12.85 Approad the HSLC'03 -do-  
Vill.-Alipub, P.O.-Baihata-cahriali, Kamrup.
31. ✓ Kamalawar Mahanta, 1253/2006 31.12.78 Class-IX'93 -do-  
Vill.-C/O Golapi Mahanta,  
T.B. Hospital, P.O.-Gopinath Nagar, Guwahati-16.
32. ✓ Lakhi Nath Talukder, 1829/2006 1.4.81 Class-VIII' -do-  
Vill.-Ganooh Nagar, P.O.-Bamunimaidan,  
Guwahati-21.
33. ✓ Niranjan Barman, 2234/2006 3.1.87 Approad the HSLC' 02 -do-  
C/O Narayan Barman,  
Forest Gate, Juba Nagar, Narong, Guwahati-44.

31.12.82  
Class-IX'98  
Approad the HSLC'2000 -do-  
Guwahati Bench

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- |          |  |           |          |                     |      |
|----------|--|-----------|----------|---------------------|------|
| 34. Sri  | Ajit Roy,  | 2485/2006 | 2.5.79   | Class-IX-Passed 195 | OBC  |
|          | C/O Bhogila Boro,                                |           |          |                     |      |
|          | Vill.-Satgaon, (Kachpara), P.O.-Moulkuli,        |           |          |                     |      |
|          | Guwahati-27.                                     |           |          |                     |      |
| 35. "    | Mukul Das,                                       | 676/2007  | 1.1.82   | Class-IX            | -do- |
|          | C/O Sarat Das,                                   |           |          |                     |      |
|          | Vill.-Sanpara, P.O.-Jalabari, Kamrup.            |           |          |                     |      |
| 36. Smti | Sowali Deka,                                     | W-130/95  | 31.12.77 | Class-X'93          | -do- |
|          | C/O Rajon Deka,                                  |           |          |                     |      |
|          | Vill.-Ghagawa, P.O.-Digaru, P.S.-Khutri, Kamrup. |           |          |                     |      |
| 37. Sri  | Hemanta Das,                                     | 2224/2002 | 1.7.82   | Class-VIII-Passed   | -do- |
|          | C/O Bhramidhar Das,                              |           |          |                     |      |
|          | Vill.-Abhaypur, P.O.-Gorua, Pin-781102.          |           |          |                     |      |
| 38. "    | Rajib Kumar,                                     | 2370/2006 | 4.3.88   | Class-X'91          | -do- |
|          | Vill.-Khahanipara,                               |           |          |                     |      |
|          | P.O.-Bozara, Pin.-781121.                        |           |          |                     |      |
| 39. "    | Nava Kanta Nath,                                 | 474/2005  | 20.1.84  | Class-X             | -do- |
|          | Vill.-Pab-Nabin,                                 |           |          |                     |      |
|          | P.O.-Nabin, P.S.-Palabari, Kamrup.               |           |          |                     |      |
| 40. "    | Kailash Das,                                     | 2567/2004 | 10.9.81  | Class-IX'86         | -do- |
|          | C/O Nabin Das,                                   |           |          |                     |      |
|          | Vill.-Satgaon, P.O.-Moulkuli, Guwahati-27.       |           |          |                     |      |



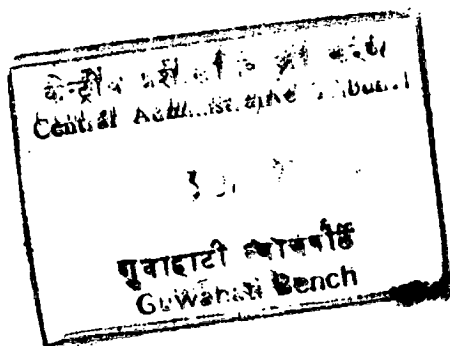
For the Officer  
Responsible for Exchange  
for Unsettled Applicants  
Guwahati-27  
23/8/17



Particulars of the candidates submitted to the Commandant, 201 ARDD,  
C/O 99 APO, Narongi, for the post of Handoor (Res. for PH (S/T)).

ORD.NO:- 34/07

S.No.	Name & Address.	Regn.No.	Date of Birth.	Qualification	Remarks.
1.	2.	3.	4.	5.	6.
1. ✓	Sri Suren Ch. Boro, Vill.-Bhahakajan, P.O.-Dorakahara, P.S.-Kamalpur, Kamrup.	1220/2000	3.11.76	Class-IX'90	P/H (S/T)
2. ✓	Sudhan Boro, C/O Pradip Kr. Boro, City Montessori School, Birpara, P.O.-Gopinath Nagar, Guwahati-16.	1412/2000	1.9.79	Appread the HSLC'97	-do-
3. ✓	Homanga Thangal, Vill.-Narokasur, P.O.-Kahilipara, Guwahati-19.	162/2001	24.8.79	Class-X'2000	-do-
4. ✓	Lakshman Deka, C/O Assam Association of the Deaf & Dumb, Gopinath Nagar, Guwahati-16.	2587/2001	2.1.80	Appread the HSLC'01	-do-
5. ✓	Jitumoni Basumatary, C/O Biron Basumatary, Vill. & P.O.-Bhahara, Kamrup.	2906/2003	9.8.84	Class-X'2000	-do-
6. ✓	Rameswar Rabha, Vill.-Jatin, P.O.-Dispur, Guwahati-6.	409/2005	19.5.78	Appread the HSLC'99	-do-
7. ✓	Achyut Swargiary, C/O Jaleswar Swargiary, Vill. & P.O.-Rupnagar, Guwahati-32.	424/2005	1.9.85	Appread the HSLC'05	-do-



Employment Officer  
Employment Exchange  
for Unskilled Applicant

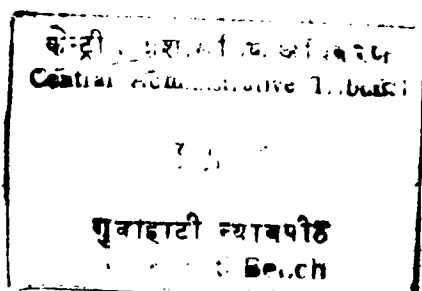
25/8/20

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Particulars of candidates submitted to the Commandant  
228 ABOD, C/O 99 APO, Nazong, Guwahati, for the post of  
Mazdoor ( Reg. for P/H (C/O)).

ORD-ND-35/17

Sl. No.	Name & Address.	Regn.No.	Date of Birth	Qualification	Remarks.
1.		2.	3.	4.	5.
1.	Sri Sunil Kalita, C/O P. Kalita, Gandhiasti, P.O.-Silpukhuri, Guwahati-34.	1069/97	1.8.87	Class-IX'97	P.H.
2.	Kamal Nath, C/O Assam Association of the Deaf & Dumb, Gopinath Nagar, Guwahati-16.	1980/2001	2.10.80	Approad the HSLC'01	-do-
3.	Prakash Sharma, C/O Kulam Rahang, Kating Pahar, P.O.-Amingaon, Guwahati-34.	3643/2003	1.9.83	Approad the HSLC'	-do-
4.	Naron Das, Vill.-Kushal Nagar, P.O.-Bamunaidan, Guwahati-21.	3860/2003	22.2.82	Approad the HSLC'02	-do-
5.	Chandradhar Nath, Vill.-Biturtari, P.O. & P.-Chhaygaon, Kamrup.	863/2004	1.1.84	Approad the HSLC'2005	-do-
6.	Princh Choudhury, North East Gita Nagar, near B.G. Godown, Bamunaidan, Guwahati-21.	899/2004	6.2.85	Approad the HSLC'04	-do-
7.	Rupesh Choudhury, Vill. & P.O.-Rupnagar, Guwahati-32.	1101/2004	15.1.82	Class-X'98	-do-
8.	Tapas Das, Vill.-Uttor Pakarkona, P.O.-Kulhati, P.S.-Hajo.	1416/2004	2.5.84	Approad the HSLC'04	-do-
9.	Dwipon Balchyo, C/O Assam Association Deaf & Dumb, Gopinath Nagar, Guwahati-16.	2154/2004	30.12.78	Approad the HSLC'2000	-do-
10.	Jitu Das, C/O Daban Das, Vill. & P.O.-Kulhati, P.S.-Hajo.	101/2005	24.6.84	Class-IX'04	-do-
11.	Nayan Das, Vill.-Monapara, P.O.-Monari-tinioli, Kamrup.	236/2005	8.1.83	Approad the HSLC'05	-do-
12.	Johurul Islam, Vill.-Akadi, P.O.-Dihina, P.S.-Hajo.	218/2005	3.3.86	Class-VIII-Passed'99	-do-
13.	Suraj Lohar, Vill.-Burgasorobar, P.O.-Maligaon, Guwahati-11.	266/2005	1.3.87	Class-IX'05	-do-
14.	Tapan Majumdar, Vill. & P.O.-Bamundi, P.S.-Hajo.	317/2005	1.3.83	Approad the HSLC'2000	-do-
15.	Naba Kr. Huzuri, C/O Pradip Ch. Huzuri, Vill.-Ganohpara, P.O.-Ambari Fataail, Guwahati-25.	395/2005	8.9.83	Approad the HSLC'03	-do-



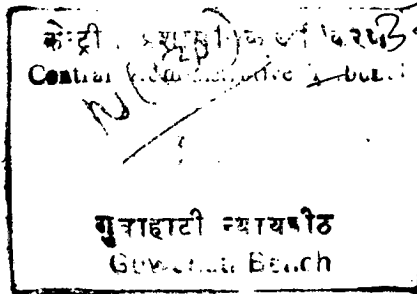
Employment Office  
Employment Exchange  
for Unskilled Applicants  
Guwahati-25

For Unskilled Applicants  
Guwahati-

# APPLICATION FOR MAZDOOR

Annexure-5

To,  
The Administrator  
222 ABOD,  
C/O 99 APO



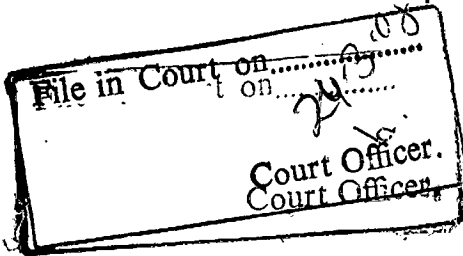
1. Name in full (in block letters) : MD. NAFFUL ALI
2. Father's Name : MD. NAZIBUR ALI
3. Post applied for : MUSDR AND DRAFT MAN
4. Date of birth : 2.11.85  
(Supporting documents duly certified attached)
5. Present Age (as on 01 Sep. 2007) : 23 Yrs. 9 Months 20 Days
6. Address in Full:
  - a) Permanent : VILL-AMBING JORABAT NINE MILE (NEAR 41VEG CO-2)
  - MOUZA - PANBARI
  - P.S. - NOONMATTI
  - POST OFFICE - SATGANJ - Ghg
  - b) Present (Correspondence) : 11/10/11
7. Whether PH or Ex-Servicemen : Ex-Servicemen  
(Supporting documents duly certified attached)
8. Category (ST/OBC/Gen) : OBC
9. Nationality : INDIAN
10. Religion : MUSLIM
11. Educational Qualification : EIGHT PASS NINE READING  
(Supporting documents duly certified attached)
12. a) Copy of domicile certificate and ration Card duly certified should be enclosed with the application.  
b) Employment Exchange Card duly attested by a Gazetted Officer.
13. Personnel already in Govt. employment should bring NO OBJECTION CERTIFICATE from employer.
14. Three copies of passport size photograph of the candidate duly attested by Gazetted Officer should be enclosed with the application along with self addressed stamped envelope.
15. The candidates are required to bring the supporting documents as required in the application form it original at the time of interview. In case any candidate fails to submit the documents in original at the time of interview he/she shall not be considered for the interview.
16. Any incomplete/blank information will render the application as rejected.
17. Declaration: a) I hereby certify that these are no criminal cases pending against me. (b) I hereby certify that all the particulars mentioned above are correct and true to the best of my knowledge. (c) If particulars mentioned above by me are found to be false at any stage. I shall be held responsible and my selection be treated as invalid.

Attested  
Personal Officer

MD. NAFFUL ALI

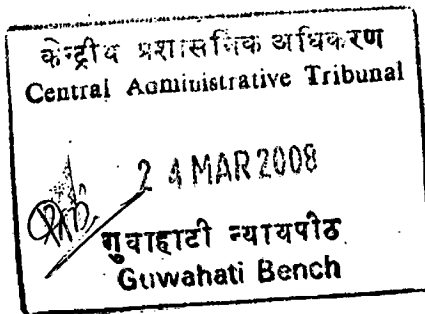
Davp 10202/11/0081/0708

Signature of the Applicant



1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.



FILED BY

Md. Naifal Ali Applicant  
Through Jilal Chowdhury Advocate

IN THE MATTER OF

O.A.No.259/07

Md. Naifal Ali

...Applicant

-Versus-

The Union of India & Ors.

...Respondents

-AND-

IN THE MATTER OF

Md. Naifal Ali

Son of Ex. Hav.

Md. Nazibul Ali

Resident of Village Amsing

Jorabat, Near 41 Vehicle

Company, Police Station-

Noonmati, Post Office-

Satgaon, Guwahati-781027,

Assam.

... Applicant

-And-

IN THE MATTER OF

Rejoinder filed by the  
Applicant to the written  
statement filed by the  
Respondents.

The humble Applicant submits this  
Rejoinder as follows:

1. That I am the Applicant of the Original No.259/07 and the Respondents have filed written statement in the aforesaid Original Application. A copy of the same has

Naifal Ali

been served upon me through my counsel. I have gone through the written statement filed by the Respondents and understood the contents thereof and I emphatically deny each and every averment made therein except those which are specifically admitted therein.

2. That with regard to the statements made in paragraph no. 1 (a) to 1 (e) of the written statement the Applicant begs to state that the same are not correct and hence denied by the Applicant.

3. That with regard to the statement made in paragraph no. 2, 3 and 4 of the written statement the Applicant beg to state that same are matters of record beyond record nothing is admitted by the applicant.

4. That with regard to the statement made in paragraph no. 5 of the written statement the Applicant beg to state that same are not true and false also misleading to this Hon'ble Tribunal. The Applicant further reiterated and re-affirm to his earlier statement that the respondents had employed him as a casual worker in a fixed monthly salary of Rs. 1500/- per month. The respondents have issued appreciation letter to the Applicant and also counter sign in the certificates of the Applicant issued by the various authorities.

5. That with regard to the statement made in paragraph no. 6 of the written statement the Applicant beg to state that the same are totally false, misleading and baseless. The Applicant had never applied for the post of Mazdoor in Ex-serviceman cadre as stated by the respondents in paragraph 6 of the written statement. The signature of the application which was annexed in the Annexure 5 of the written statement is not the signature of the Applicant. The Applicant's Employment Exchange

File in Court on.....

Court Officer.

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केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

7 MAR 2008

गुवाहाटी न्यायपीठ  
Guwahati Bench

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card and the Physical Handicapped Card ~~signature~~ are totally different from the signature of the Annexure 5 which was annexed by the respondents in their written statement by claming to be submitted by the Applicant.

6. That the Applicant beg to state that the statement made in paragraph no. 7 of the written statement the Applicant beg to state that the same are not true and false. The Applicant never submitted any wrong or false information before the Respondents. Due to passing of interim order by the Hon'ble Tribunal the Respondents had call the Applicant for the interview to the post of Mazdoor under Physical Handicapped Category. However, the respondents had compelled the Applicant to appear in the physical test along with the General Category candidates.

7. That with regard to the statements made in paragraph no. 8 of the written statement the Applicant begs to state that he has no comment to offer.

8. That with regard to the statements made in paragraph no. 9 of the written statement the Applicant reiterate and reaffirm to his statement made in paragraph no. 4.14, 4.15 and 4.16 of the Original Application.

9. That with regard to the statement made in paragraph no. 10 of the written statement the Applicant beg to state that he has no comment to offer.

10. That with regard to the statement made in paragraph no. 11, 12, 13 and 14 of the written statement the Applicant beg to state that same are not true and false. The respondents have not given fair and proper opportunity to the Applicant in the test conducted by them for selection of Mazdoor. The Applicant was

Nafiz Ali

File in Court on..... 4

Court Officer.

केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal

7 MAY 1988

गुवाहाटी न्यायालय  
Guwahati Bench

compelled to compete with the General Category Candidate though he is a physically Handicapped person. Moreover, Applicant was going to be deprived by the respondents for not giving him opportunity to appear in the interview for selection of the Mazdoor, however, due to intervention of this Hon'ble Tribunal the Applicant was given chance to appear in the said interview.

11. That with regard to the statement made in paragraph no. 15 of the written statement the Applicant had no comment to offer.

12. That with regard to the statement made in paragraph no. 16 and 17 of the written statement the Applicant beg to state that the same are not true and false. The Applicant reaffirm to his earlier statement that he has not applied for the post of Mazdoor against Ex-Serviceman quota. The signature of the Applicant at Annexure 5 of the written statement do not tally with his original signature annexed in his Employment Exchange Card or Physical Handicapped Card issued by the competent authority. To malign the Applicant the respondents have produced an application form as Annexure 5 in their written statement before this Hon'ble Tribunal. The Applicant reiterate that he never submitted any wrong information before the Respondents and not also submitted any form before the authority as mentioning himself as a Ex-Serviceman for selection to the post of Mazdoor. The respondents knowing fully well about the fact that the Applicant is a handicapped person but compelled him to compete with the General Category Candidate in the physical test for the selection of the Mazdoor.

13. That with regard to the statement made in Paragraph no. 18 and 19 the Applicant had no comment to offer.

Nafiu Aai

File in Court on.....

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Court Officer.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

24 MAR 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

14. That with regard to the statement made in paragraph no. 20, 21, 22 and 23 of the written statement the Applicant beg to state that the same are false and misleading to this Hon'ble Tribunal. Further, the Applicant reiterates and reaffirm to his earlier statement that he never furnished any wrong or false information before the respondents for his candidature to the post of Mazdoor. The Annexure 5 of the written statement is misleading to this Hon'ble Tribunal and the Applicant had never sign in the said form for the recruitment to the post of Mazdoor. The Respondents have not given fair opportunity to the Applicant by giving him chance to appear in the said physical test along with other physically Handicapped person.

Therefore, the written statement filed by the Respondents is wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of the Respondents to refute the contentions, averments, questions of law and grounds made by the Applicants in the Original Application filed by the Applicants deserved to be allowed by this Hon'ble Tribunal.

Natirul Ali



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

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দায়ী নং: ১৪৮৮/০৮  
গণপ্রজাতন্ত্রী বাংলাদেশ  
১৪ মার্চ ২০০৮  
জজ সাহেব  
আদালত

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

I Md. Naifful Ali, aged about 23 years, Son of Ex. Hav. Md. Nazibul Ali, Resident of Village Amsing Jorabat, Near 41 Vehicle Company, Police Station-Noonmati, Post Office-Satgaon, Guwahati-781027, Assam do hereby verify that the statements made in paragraph nos. 1, 4, 5, 6 to 14

are true to my knowledge, those made in paragraph nos. 3 are being matters of records are true to my information derived there from which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 24th day of March 2008 at Guwahati.

Naifful Ali'  
D E C L A R A N T