

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

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 120/2007

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SECTION OFFICER (Judl.)

*Salil
27.09.17*

DEPARTMENT OF DEFENCE
SOUTHERN COMMAND
COMPLAINT NUMBER

ORDER SHEET

1. Original Application No. 120 /07

2. Misc Petition No. _____

3. Contempt Petition No. _____

4. Review Application No. _____

Applicant(S) Smt. Yoge Maya Bagla vs. Union of India & Ors

Advocate for the Applicant(S) Mr. K. Bhattacharya
Miss U. S. Datta
Mr. M. Bhattacharya

Advocate for the Respondent(S) C.G.S.C.

Notes of the Registry Date Order of the Tribunal

This application is in form
Is filed/C. F. for Rs. 50/-
deposited vide TPO/BD
No. 346 65 3267

Dated 7.5.07

Normal
11.5.07 Dy. Registrars

11.5.07

The applicant is working as Sr. Field
Assistant (Medic). The applicant was
initially appointed under the CCS Rules
as Civilian staff of the Union
Government. Vide impugned order dated
11.4.2007 (Annexure-2) the Deputy
Inspector General has passed an order
which is as follows:

“ ORDER
Subject: DEPLOYMENT OF SFA(M)
TO BOPS

Director General, SSB has
approved the re-allocation of posts
of Senior Field Assistant (medic)
alongwith incumbent from
Area/Circle offices in INB/IBB to the
Battalions as per Appendix -A for
further deployment with nearby
BOPs of Battalions on INB/IBB in
public interest. All the SFAs (medic)
will be placed under the

Contd/-

11.5.07

Administrative & Operational control of the concerned Commandants of Battalions for all purposes.

2. Order be implemented by the 15th May 2007 under intimation to all concerned.

(S.K.GAUTAM)
Deputy Inspector General (Pers)

Distribution:-

1. The controller of Accounts, PAO, SSB (MHA), R.K. Puram, New Delhi
2. The Inspector General)) & I/(Admn), Force Hqr SSB, New Delhi
3. The Director(Medical), FHQ, SSB, New Delhi
4. The ISG, SSB, FTR Hqrs, Lucknow/ Patna, Guwahati with the request that orders of re-allocation may also be issued intimating all concerned even in case there is any change of name of circle/location/ incumbent of unit concerned.
5. Order File.

OFFICE OF THE INSPECTOR
GENERAL FRONTIER
HEADQUARTER, SSB,
GUWAHATI."

The apprehension of the applicant is that the impugned order will be implemented and she has also be shifted under the Administrative and Operational control of the concerned Commandants of Battalions.

I have heard Mrs. U. Dutta learned counsel for the applicant and Mr. M.U.Ahmed learned Addl.C.G.S.C. for the Respondents. Counsel for the applicant has submitted that this order has been passed without any intimation and no option was taken from the applicant. Counsel for the respondents has submitted that he would like to take

11.5.07

instructions. Three weeks' time is granted to him to take instruction (i) as to whether service of the present applicant is required in the Batalions and if so, whether she will not be governed under the CCS Rules, (ii) whether the respondents have taken any option or not. (iii) Whether the CCS Rule of Sr. Field Assistant is available or not in the Batalions Department.

15/5/07

Post the matter on 1.6.07 alongwith identical matters. In the meantime, in the interest of justice the impugned order dated 11.04.2007 (Annexure-2) will be kept in abeyance till the next date.

Vice-Chairman

/lm/

~~Re
P.M.
15/5/07~~

1.6.2007

order dt. 11/05/07
received by hand
Mr. M. U. Ahmed,
Addl. C.G.S.C, on
15/5/07.

Mr. M. U. Ahmed, learned Addl. C.G.S.C. requested for further time to file reply statement. Four weeks' time is allowed.

Post the case on 02.07.2007. In the meantime interim order shall continue.

~~15/5/07~~

Vice-Chairman

/bb/

order dt. 1/6/07
issuing to learned
advocates for both
the parties

2.7.2007

Mr. M. U. Ahmed, learned Addl. C.G.S.C. has not received instruction as yet. He requested for further time. Two weeks further time is allowed.

Post the case on 17.7.2007. Interim order shall continue till such time.

No reply b/csl.

~~29/6/07~~

29.6.07.

/bb/

order dt. 2/7/07 issuing to
both the parties

Vice-Chairman

~~29/6/07~~

04/120/07

25.7.07 Post the matter on 3.8.07 alongwith

17.7.2007 O.A.. Post on 25.7.2007. Interim order shall continue till then.

Vice-Chairman

lm

Vice-Chairman

/bb/

25.7.07 Post the matter on 3.8.07 alongwith

Vice-Chairman

lm

Reply not filed.

23
24.7.07

3.8.2007

Reply statement filed. Time granted to file rejoinder. Post on 5.9.2007.

Vice-Chairman

29.4.08

/bb/

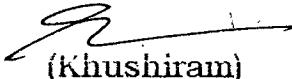
Similar matter cases
are listed on 15.5.08. 02.05.2008
before the DTB. Therefore,
this one may also be
listed on 15.5.08.

br

lm

Counsel for both the parties are
absent. Similar matter has already fixed
on 15.5.2008.

Call this matter on 15.5.2008.


(Khushiram)
(Member(A))

15.05.2008

In this case Written Statement has
already been filed. The Petition for
vacation of the interim order has already
been filed (M.P.No.78/2008).

Call this matter for hearing on
10.06.2008. Rejoinder, if any, may be
filed by 05.06.2008.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

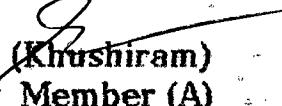
W/S filed.

23
24.5.08

nkm

10.06.2008 Heard Mr. K. Bhattacharjee, learned Counsel appearing for the Applicant and Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, in part.

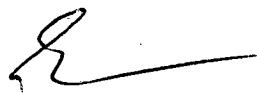
Call this matter on 13.06.2008 for further hearing.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

nkm

13.06.2008 Heard the learned Counsel for the parties and perused the materials placed on record. Hearing concluded. Orders reserved.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

nkm

*Rej 23/6/08
Add.CS&C*
20.06.08 Judgment pronounced in open court, kept in separate sheets. The application is dismissed.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

DL. 23.7.08
Original judgment is
available in OA NO. 12/07.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application Nos. 12 of 2007, 114 of 2007, 120 of 2007, 135 of 2007, 42 of 2008, 56 of 2008, 58 of 2008, 60 of 2008, 71 of 2008

Date of Order: This the 20th Day of June, 2008

HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN
HON'BLE MR. KHUSHIRAM, ADMINISTRATIVE MEMBER

O.A. 12 OF 2007

Sri Jayanta Hazarika
Son of Late Bhola Nath Keot
34 Bn SSB Dirang, A.P. West Kameng

Applicant

By Advocate Mr. K. Bhattacharjee, Mr. M. Mazumdar
Mr. M. Bhattacharjee

--Versus--

1. Union of India
Represented by the Director General
Sashastra Seemabali, East Block V.
R.K. Puram
New Delhi-110066.
2. Ministry of Home Affairs
Represented by the Secretary to
The Govt of India, New Delhi-110066
3. Director General
Sashstra Seemabali East Block-V
R.K.Puram, New Delhi-110066.
4. Assistant Director
O/O Director General Sashstra Seemabali
East Block -V.R.K.Puram, New Delhi-110066.
5. Area Organizer (HQ)
FIR HORSSB, Gauhati
6. Assistant Surgeon (Vety)
34 Bn SSB Dirang, A.P. West Kameng
7. Commandant
34 Bn SSB Dirang, A.P. West Kameng

Respondents

By Advocate Mr. G. Baishya, Sr.C.G.S.C.

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O.A.120 of 2007

Smti Yog Maya Wagle
W/O Sri Rajesh Basumatary
Posted at A.O. Office, SSB, Dirang
District West Kameng, Arunachal Pradesh

Applicant

By Advocate Mr.K.Bhattacharya Mrs.U.Dutta
Mr.M.Bhattacharjee

-Versus-

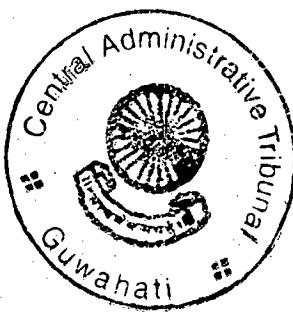
1. Union of India
Represented by the Ministry of Home Affairs
Through Secretary to the Government of India,
New Delhi.
2. The Director General,
Sashastra Seema Bal East Block-V
R.K.Puram, New Delhi-1100066
3. The Inspector General
Frontier Heads Quarter, SSB
Uday Path, R.G.Baruah Road,
Guwahati, Assam
4. Deputy Inspector General
Sector Heads Quarters
SSB, Tezpur, Assam
5. Area Organiser
SSB Bomdila/Dirang
District West Kameng,
Arunachal Pradesh

Respondents

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

O.A. 114 of 2007

1. Shri Chandan Kumar Sarkar
S/O Late Anesh Ch. Sarkar
Posted at A.O. Office, SSB, Rangia
District Kamrup, Assam
2. Sri Sarkar Pal
S/O Late Bipin Ch.Pal
Office of the A.O., SSB Bongaigaon,
District Bongaigaon, Assam
3. CH Gojendro Singh



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S/O Late CH Budhi Singh
Posted at A.O.,Office, SSB Bongaigaon
District Bongaigaon, Assam

4. Sri A.Sanahal Meetei
S/O A.Ibobi Singh,
Office of the A.O. SSB Bongaigaon
District Bongaigaon, Assam
5. Sri U.K.Roy
S/O Late Dhirendra Kr.Roy,
Office of the A.O., SSB Bongaigaon
District Bongaigaon, Assam
6. Sri N.Kurnar
S/O Sri Shiv Nandan Kumar Kumar
Office of the A.O., SSB Bongaigaon
District Bongaigaon, Assam.
7. Sri A. Joykumar
S/O Late A.Nongthgon Singh,
Office of the A.O.SSB, Bongaigaon
District Bongaigaon, Assam
8. Sri Bhaswar Roy.
S/O
Office of the A.O., SSSB Bongaigaon
District Bongaigaon, Assam
9. Sri Sardwip Kumar Sasmol
S/O Late Bankim Ch. Sasmol
Office of the A.O.SSB, Bongaigaon
District Bongaigaon, Assam
10. Sri P. Binokanta Singh
S/O T.Mendihor,
Office of the A.O.,SSB Falakata
District Jalpaiguri, West Bengal
11. Sri Abhay Kumar Pandey
S/O Late S.B.Pandey
Office of the A.O., SSB Udaguri
District Udaguri BTAD, Assam
12. Sri Sashi Kanta Nath
S/O Late Bhadreswar Nath
Office of the A.O., SSB Udaguri,
District Udaguri BTAD, Assam
13. Sri Basanta Kr.Das
S/O Late Gopiram Das,
Office of the A.O.,SSB Udaguri
District Udaguri BTAD, Assam
14. Sri Sumit Poddar

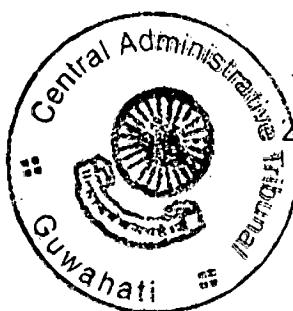


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15. S/O Late S.N. Poddar
 Office of the A.O., SSB Udalguri,
 District Udalguri BTAD, ASSAM
 16. Sri Jagannath Sahoo
 S/O Sri Bhrama Sahoo
 Office of the A.O.,SSB Udalguri
 17. Sri Vipin Chandra
 S/O M.D.Harbola
 Office of the A.O., SSB Udalguri
 District Udalguri BTAD, ASSAM
 18. Sri Mritynujoy Roy
 S/O Sri Hemendra Ch.Roy
 Office of the C.O., SSB Bhutankathi/Nikashi
 Under A.O Office, SSB Rangia
 Dist Kamrup, Assam
 19. Sri B.K.Baidya
 S/O Sri S.R.Baidya
 Office of the C.O., SSB Bhutankathi/Nikashi
 Under A.O. Office, SSB Rangia
 Dist Kamrup, Assam
 20. Sri Animesh Mukharjee
 S/O Sri Madhusudhan Mukharjee
 Office of the C.O., SSB Darranga/Sashipur
 Under A.O., SSB Rangia
 District Kamrup, Assam
 21. Sri Prasad Bhaduri
 S/O Sri Sachindra Nath Bhaduri
 Office of the C.O., SSB Darranga/Sashipur
 Under A.O., SSB Rangia
 Dist Kamrup, Assam
 22. Sri K.Tonsing
 Office of the A.O., SSB Bomdila
 Dist.West Kameng
 Arunachal Pradesh
 23. Sri R.C.Pant
 Office of the A.O., SSB Bomdila
 District West Kameng
 Arunachal Pradesh
 24. Sri Probir Kumar Dev
 Office of the Area Organiser SSB,
 Kokrajhar, District Kokrajhar
 Assam
 25. Sri Kajal Roy,
 Office of the Area Organiser SSB,
 Kokrajhar District Kokrajhar,
 Assam

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25. Sri Madhusudhan Jha
Office of the Area Organizer, SSB
Kokrajhar, Dist Kokrajhar,
Assam

26. Sri Sandip Chatterjee
Office of the Area Organiser, SSB
Kokrajhar, Dist. Kokrajhar
Assam

27. Sri Ram Singh Dhami
Office of the Area Organiser, SSB,
Kokrajhar, Dist Kokrajhar,
Assam.

28. Sri Indrajit Roy Barunja
Office of the Area Organiser SSB,
Kokrajhar, District Kokrajhar,
Assam

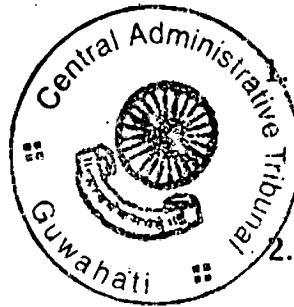
29. Sri Anil Kumar Roy
Office of the Area Organiser, SSB
Kokrajhar, Dist Kokrajhar,
Assam. Applicants

By Advocate Mr. K.Bhattacharjee, Mrs.U.Dutta

Mr.M.Bhattacharjee

---Versus---

Union of India
Represented by the Ministry of Home Affairs
Through Secretary to the Government of India,
New Delhi



2. The Director General,
Sashastra Seenabali, East Block-V,
R.K.Puram, New Delhi-110066

3. The Inspector General
Frontier Heads Quarter, SSB,
Uday Path, R.G.Baruah Road,
Guwahati, Assam

4. Deputy Inspector General
5. Head Quarters
SSB Bongaigaon, Assam

5. Deputy Inspector General
5. Head Quarters
S.S.B, Tezpur, Assam

6. Area Organiser
SSB Udaguri

Dist Udaguri, BTAD
Assam

7. Area Organiser
SSB Udaguri
District Udagui BTAD ,Assam

8. Area Organizer
SSB Rangia
Dist Kamrup Assam

SSB Bomdila
Dist West Kameng
Aurnachal Pradesh

9. Area Organiser
SSB Bongaigaon
District Bongaigaon, Assam

10. Area Organiser
SSB Fakakata
District Jalpaiguri, West Bengal;

11. Area Organiser
SSB Kokrajhar,
District Kokrajhar,
Assam.

Respondents

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

O.A.135 of 2007

1. Shri Pradip Basak
S/O Late Kali Kumar Basak
Senior Field Assistant(Veterinary)
Sashastra Seema Bal(SSB)
2. Shri Himangshu Roy Poddar
Lat Khagendra Nath Roy Poddar
Senior Field Assistant (Veterinary)
Sashastra Seema Bal (SSB)
3. Shri Ram Kishore Barman
S/O Late Ananta Saran Barman
Senior Field Assistant (Veterinary)
Sashastra Seema Bal(SSB)
4. Shri Ranjit Kumar Saha
S/O Sri Kalipada Saha
Senior Field Assistant(Veterinary)
Sashastra Seema Bal(SSB)
5. Shri Haridas Sarkar,
S/O.c Santosh Sarkar.
Senior Field Assistant(Veterinary)



7-
7-
13
Sashastra Seema Bal(SSB)

Applicants.

By Advocate Dr.J.L.Sarkar, Mr.M.Chanda, Mr.S.Nath.
Mrs. U.Dutta.

-Versus-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Home Affairs,
East Block-V
R.K.Puram, New Delhi-110066
2. The Director General,
Sashastra Seema Bal,East Block-V
R.K.Puram, New Delhi-110066.
3. The Inspector General
Frontier Headquarters, SSB,
Uday Path, R.G.BAruah, Raod,
Guwahati, Assam.

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

Respondents.

O.A.42/2008

Shri Sachi Bhusan Prasad
S/o Late Shil Pujan Prasad
Posted at A.O.S.S.B. Udaguri

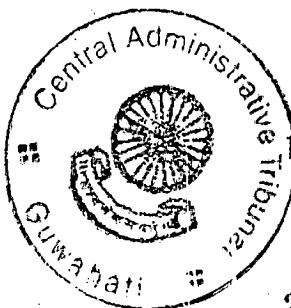
2. Sri Jayanta Hazarika
Son of Late Bhola Nath Keot
Posted at A.O. SSB, Udaguri

.....Applicants

By Advocate Sri J.L.Sarkar & K.Bhattacharjee

-Versus-

1. Union of India
represented by the Secretary to the
Government of India
Ministry of Home Affairs, North Block,
New Delhi-110001.



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2. Director General,
Sashastra Seema Bal, East Block-V
R.K.Puram, New Delhi-110066

3. Assistant Director (Administration)
Frontier Head Quarter,
Sashastra Seema Bal, East Block-V,
R.K.Puram, New Delhi-110066.

4. Assistant Director (Administration)
Frontier Head Quarter,
Sashastra Seema Bal, Uday Path,
R.G.Baruah Road, Guwahati.
Pin 781024.

5. The Inspector General,
Frontier Head Quarter,
Sashastra Seema Bal, Uday Path,
R.G.Baruah Road, Guwahati.
Pin 781024.

6. Deputy Inspector General-5,
Headquarters, Sashastra Seema Bal,
Tezpur, Assam

Area Organiser, Sashastra Seema Bal,
District Udaguri, BTAD Assam

.....Respondents

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

O.A.56/2008

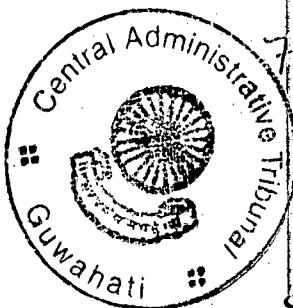
Shri Harendra Chandra Barman,
Senior Field Assistant (Veterinary)
Posted at Area Organiser, SSB Kokrajhar
Post Charaikhola
Dist. Kokrajhar 783376.

.....Applicant

By Advocate M. Chanda

Versus:

1. Union of India
represented by the Secretary to the
Government of India
Ministry of Home Affairs, North Block,
New Delhi-110001.
2. Director General,
Sashastra Seema Bal, East Block-V



R.K.Puram, New Delhi-110066

3. Assistant Director (Administration)
Frontier Head Quarter,
Sashastra Seema Bal, East Block-V,
R.K.Puram, New Delhi-110066.

4. Assistant Director (Administration)
Frontier Head Quarter,
Sashastra Seema Bal, Uday Path,
R.G.Baruah Road, Guwahati.
Pin 781024.

5. The Inspector General,
Frontier Head Quarter,
Sashastra Seema Bal, Uday Path,
R.G.Baruah Road, Guwahati.
Pin 781024.

6. Deputy Inspector General,
SSB Sector Headquarters, Bongaigaon,
P.O.Bongaigaon
Dist. Bongaigaon, Assam

7. Area Organiser, SSB,
Kokrajhar, P.O.Charaihkhola,
Dist. Kokrajhar Assam

.....Respondents

By Advocate Mr G.Baishya, Sr.C.G.S.C

O.A. 58/2008

1. Shri Raj Kanta Barman
S/O Late Kishori Mohan Barman
Posted at A.O. S.S.B., Rangia

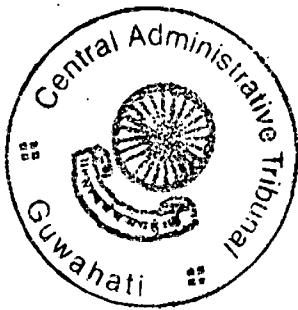
2. Shri Ghanashyam Basak
Son of Late R.L. Basak
Posted at A.O. SSB, Kokrajhar

.....Applicants

By advocate Dr J.L.Sarkar, K.Bhattacharjee

Versus

1. Union of India
represented by the Secretary to the
Government of India
Ministry of Home Affairs, North Block,
New Delhi-110001.



2. Director General,
Sashastra Seema Bal, East Block-v
R.K.Puram, New Delhi-110066

3. Assistant Director (Administration)
Frontier Head Quarter,
Sashastra Seema Bal, Uday Path,
R.G.Baruah Road, Guwahati.
Pin 781024.

4. The Inspector General,
Frontier Head Quarter,
Sashastra Seema Bal, Uday Path,
R.G.Baruah Road, Guwahati.
Pin 781024.

5. Deputy Inspector General,
SSB Sector Headquarters, Tezpur,,
Assam

6. Deputy Inspector General,
SSB Sector Headquarters, Bongaigaon, Assam
Pin 783380.

7. Area Organiser, SSB,
Rangia, Dist. Udaguri, BTAD,
Assam, Pin 784509.

8. Area Organiser, SSB,
Kokrajhar, BTAD,
Assam, Pin 783370. Respondents

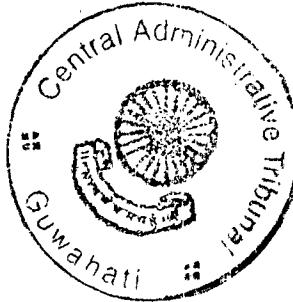
By Advocate Mr M.U.Ahmed, Addl.C.G.S.C

O.A.60/2008

1. Shri J.S.Samual
Posted at Office of the Area Organiser,
Sashastra Seema Bal,
Udaguri, BTAD
Pin 784509.

2. Sri H.Bimangal Sharma
Posted at office of the Area Organiser
SSB, Diang,
Dist. West Kameng.
Pin 79001. Applicants

By Advocate J.L.Sarkar



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11
18
-Versum-

1. Union of India
represented by the Secretary to the
Government of India
Ministry of Home Affairs, North Block,
New Delhi-110001.
2. Director General,
Sashastra Seema Bal, East Block-V
R.K.Puram, New Delhi-110066
3. Assistant Director (Administration).
Frontier Head Quarter,
Sashastra Seema Bal, East Block-V,
R.K.Puram, New Delhi-110066.

The Inspector General,
Frontier Head Quarter,
Sashastra Seema Bal, Uday Path,
R.G.Baruah Road, Guwahati.
Pin 781024.

5. Deputy Inspector General,
SSB Sector Headquarters, Tezpur,,
Assam

6. Area Organiser, SSB,
Udalguri, BTAD
Pin 790001.

7. Area Organiser, SSB,
West Kameng Bomdila,
Arunachal Pradesh,
Pin 790001.

.....Respondents

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

O.A. 71/2008

1. Shri Kalyan Kishore Mukhati
Deputy Field Officer (Medic)
Posted at Office of the Area Organiser,
Sashastra Seema Bal, Bongaigaon
Pin 783380.
2. Sri Keshabendu Shome
Deputy Field Officer (Medic)
Posted at Office of the Area Organiser,
Sashastra Seema Bal, Bongaigaon

... Applicants



By Advocate Sri J.L.Sarkar & K.Bhattacharjee

-Versus-

1. Union of India
represented by the Secretary to the
Government of India
Ministry of Home Affairs, North Block,
New Delhi-110001.

2. Director General,
Sashastra Seema Bal, East Block-V
R.K.Puram, New Delhi-110066

3. Assistant Director (Administration)
Frontier Head Quarter,
Sashastra Seema Bal, East Block-V,
R.K.Puram, New Delhi-110066.

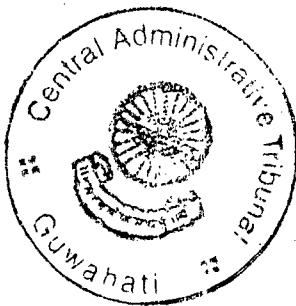
3. Assistant Director (Administration)
Frontier Head Quarter,
Sashastra Seema Bal, Uday Path,
R.G.Baruah Road, Guwahati.
Pin 781024.

4. The Inspector General,
Frontier Head Quarter,
Sashastra Seema Bal, Uday Path,
R.G.Baruah Road, Guwahati.
Pin 781024.

5. Deputy Inspector General,
Sector Headquarters, Sashastra Seema Bal,
Bongaigaon, Assam – 783380.

6. Area Organiser, Sashastra Seema Bal,
District Bongaigaon, Assam
Pin 783380.

7. Area Organiser, Sashastra Seema Bal,
District Kokrajhar, Assam
Pin 783376. Respondents



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

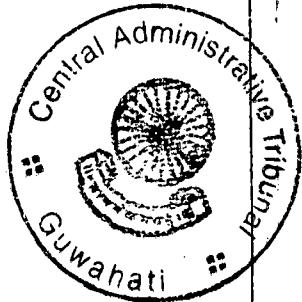
ORDER (ORAL)

KHUSHIRAM, MEMBER(A)

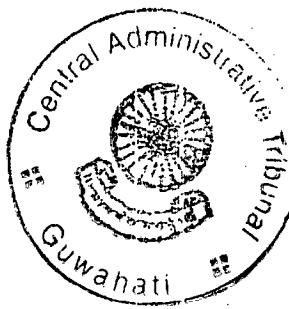
All these cases were heard separately but as all of them involve common questions of law and similar facts and the reliefs sought for are also similar. Hence we are, hence disposing of all these applications by this common order.

2. The following cases have been filed by the staff of the SSB engaged in Veterinary and Para Medical Cadre etc. against their redeployment/transfer, alleging/apprehending combatisation of their services. Details of the impugned orders and their prayers in different cases are as under :

Case No.	Names & Designation of the Applicant	Reliefs sought in the O.A.	Impugned order
O.A.12 of 2007	Jayanta Hazarika Sr. Field Assistant (Veterinary)	The Applicant relief sought in the O.A. to quash the transfer order dated 05.10.2005 (Annexure-6) which is changed the nature of duties and change of cadre from a Civil post to a combatised post without the willingness. The assignment to perform any duties as per order of new assignment dated 07.08.2006 is different from to the original role and charter approved by the Indian Veterinary Council Act.	Order dated 5.12.05 relates to posting of Applicant from AO Ranidonga to Pup Rearing Centre Gorakhpur
O.A.135 of 2007	Shri Pradip Basak & Ors. Sr. Field Assistant	8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum No.30/SSB/FV/2000	The order dated 9.4.07 clarifying that with the change of role of SSB as Border



JN

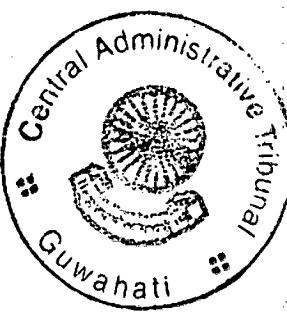


	(veterinary)	(3)/3507 dated 09.04.2007 (Annexure 6) 8.2 That the Hon'ble Tribunal be pleased to direct the respondents not to employ the Applicants in operational job/duties of Dog Handler.	Guarding Force Veterinary doctors & para Veterinary staff who were trained and assigned the duty to look after healthcare, feeding, training, maintenance, handling and operational work of Force dogs. There has been no change to the cadre or post or pay scale but only the responsibility has been changed.
O.A.42/2008	Sri S.B.Prasad & Jayanta Hazarika, AO,SSB	Order dated 19.02.2008 be set aside and quashed in respect of applicants No.6 & 7 and their names may be deleted from the said order.	Order dated 19.02.2008 relates to transfer of SFA(V) wherein Applicants have been transferred from AO Udaguri to 17 Bn Bhairabkundh
O.A.56/2008	Sri Harendra Chandra Barman, SFA(V)	Order No.CR 4344-59 bearing letter No.FC/H/15/07/3475-82 dated 19.02.2008 be set aside and quashed so far the applicant is concerned and allow the applicant to continue as Civilian staff i.e. SFA(Vety).	Order dated 19.02.2008 relates to transfer of SFA(V) wherein Applicants have been transferred from AO Kokrajhar to 16 Bn Kokrajhar
O.A.58/2008	Sri Raj Kanta Barman & Ghanashya m Basak	Order dated 12.03.2008 be set aside and quashed so far the applicant No. 3 & 8 is concerned and their names may be deleted from the said order.	Order dated 12.03.2008 relates to transfer of SFA(M)
O.A.60/2008	Sri J.S.Samual & H.Birmangal Sharma	Order dated 12.03.2008 be set aside and quashed so far the applicant No. 4 & 9 is concerned and their names may be deleted from the said order.	Order dated 12.03.2008 relates to transfer of SFA(M)

O.A.71 /2008	Sri Kalyan Kishore Mukhati & Keshabendu Shome	Order dated 12.03.2008 be set aside and quashed so far the applicant No. 3 & 5 is concerned and their names may be deleted from the said order.	Order dated 12.03.2008 relates to transfer of DFO(M)
O.A.120 of 2007	Smti Yog Maya Wagle Sr. Field Assistant(M edic)	Respondents be ordered to be directed to withdraw the order dated 11.04.2007 (Annexure 2)	
O.A.114 of 2007	Shri Chandran Kumar Sarkar & Ors. Sr. Field Assistant(M edic)	The Respondents be ordered/ directed to cancel/ withdraw the impugned order dated 11.04.2007 (Annexure 2).	The order dated 11.4.07 refers to the approval of DG, SSB regarding redeployment of the different personnel of the organisation to Battalion of the concerned Commandants for all purposes.

It is alleged that the Applicants have been transferred from non combatised civilian posts to combatised posts in the battalions without obtaining their willingness for the same. Therefore, they have sought cancellation of the transfers/redeployment orders made purportedly as combatised personnel and have sought setting aside the transfer orders relating to their redeployment.

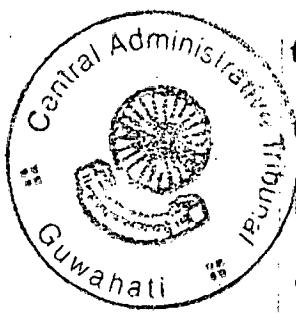
3. The Respondents have filed written statement stating that the role of the SSB from Civilian Organization (under the Cabinet Secretariat) has been changed to that of Border Guarding Force (BGF) to take care of the Indo- Nepal and Indo- Bhutan Boarder under the Ministry of Home Affairs of Govt. of India. As a Border Guarding Force combatised personnel of the SSB are being deployed with the Border and have been sanctioned with "dog squads" to take care of the sniffer



✓ ✓

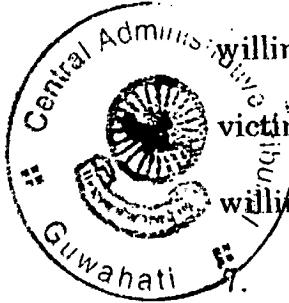
dogs of the force and para medical personnel to provide initial medical assistance/first aid to the personnel deployed on the border and other formations under their jurisdiction. The veterinary personnel were earlier also taking care of the dogs or the activities related to the training, rearing of pup/dogs at the training centre and to look after the health care, feeding ,training, maintenance, handling operations of the Dog Squad. With the change of role of the force, the same personnel have been redeployed in the forward formations to do the same job without their being combatised. It has been clarified that combatisation of the civilians is possible only if they express willingness for the same. Similarly for the para medical cadre it has been stated that neither the nomenclature of the cadre of the Applicants was changed nor have they been deployed on combatised duties. They have been redeployed to assist the forward formations and as a result of this redeployment if they have to work under combatised officers that itself is not sufficient to make these Applicants combatised unless they express willingness for the same. The Applicants will serve upto 60 years of age like all other civilians and their redeployment will not have any effect on their civilian status. It has also been stated that Applicants have not exhausted remedies available to them within the organization and as such filing of these Original Applications is premature and hence not tenable. The Respondents have also prayed for vacation of the stay orders granted in some of the O.As.

4. M.P.No.71 of 2008 in O.A.No.114 of 2007 has been filed for vacation/cancellation of the interim order dated 09.5.2007.



5. In O.A.120/07 Respondents have issued instruction for not deploying lady SFA on the BOPs though the Applicant will continue to discharge duties as before. Therefore, there is no violation of rules and regulation governing the services of the Applicants.

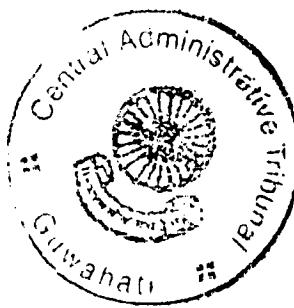
6. Heard Dr. J.L.Sarkar, learned counsel appearing for the Applicants of O.A.No.42/08, 58/08, 60/08 & 71/08 and Mr. M.Chanda, learned counsel appearing for the Applicants in O.A.No.56/08. The learned counsel for the Applicants tried to make out a case that SSB has been declared as an armed force by an Act of Parliament in December 2007, therefore the Tribunal has no jurisdiction as the SSB stand combatised. However, the learned counsel stated that without obtaining any willingness from either cadre, they have been forced to work in the Border areas like combatised personnel. Therefore, direction should be issued to the Respondents to prepare a scheme with a view to give proper opportunity to the Applicants to give their willingness or otherwise for combatisation so that they are not victimized or deployed on combatised operation without their willingness.



Mr G.Baishya, learned Sr. Standing Counsel appearing in O.A.56/08 and Mr. M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents in O.A.Nos.42/08, 58/08, 60/08 & 71/08 have argued that question of combatisation of Applicants without willingness does not arise. With the change of role of the SSB the expertise of the cadre of SFAs and para medical personnel have been utilized by the Respondents with a view to optimize the efficiency of the

force and to suit the new task assigned to them. The issue raised in these cases have earlier been adjudicated upon by the Tribunal in O.A.Nos. 116/05, 117/05, 174/05, 269/05, 275/05 and 31/06 which were dismissed on 21.03.2007. They have also stated that SSB Act 2007 has been enacted by the Parliament but under sub-section 2 of Section 4 it is stated that the Act will come into force on such date as the Central Government will notify. But no such notification has been placed before the Tribunal either by the learned counsel for the Applicants or by the learned Standing counsel appearing for the Respondents. Therefore, combatisation of the force has yet to be implemented. Since the Applicants have not exhausted the avenues available for redressal of their grievances within the department before filing of these O.A.s, the same are premature and should be dismissed.

8. Once the question of combatisation goes, then there remains a point relating to the posting of the Applicants at different centres; which amounts to transfer. Normally transfers cannot be challenged before the Tribunal as was held by Apex Court in S.C.Saxena vs. U.O.I & Ors. (reported in (2006) 9 SCC 586 para 6), that "a Government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a court to ventilate his grievances" and that it is his duty to first report for work where he is transferred and make a representation as to what may be his personal problems and that the "tendency of not reporting at the place of posting and indulging in litigation needs to be curbed" In another decision, (State of U.P. & another vs. Siyaram and another, reported in (2004) 7



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SCC 405) the Supreme Court held that "transfer is not only an incident of service, but a condition of service as well and is necessary in public interest and efficiency in public administration. No govt servant or employee of a public undertaking has any legal right to be posted forever at any one particular place or place of his choice"

8. The facts narrated in the written statement, the apprehension of the Applicants regarding their combatisation is unfounded. Combatisation without express willingness is not possible and has been emphatically denied by the Respondents. The redeployment of Applicants services cannot be faulted with as it is a policy and administrative decision.

9. In the light of the foregoing discussions these Original Applications being devoid of merit are hereby dismissed. All stay/status quo orders passed in these cases also stand vacated. There will be no



order as to costs.

SD- Mr. M. Shanty,
Vice-Chairman

SD- Krishnam
Member (A)

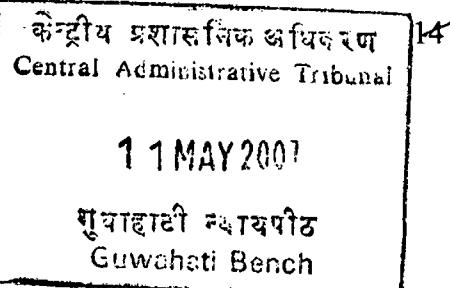
Date of Application : 23.7.08.....

Date on which copy is ready :

Date on which copy is delivered :

Certified to be true copy

[Signature]
Section Officer (JdI) 23/7/08
C. A. T. Guwahati Bench
Guwahati-5.



DISTRICT : WEST KAMENG

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GAUHATI BENCH : GUWAHATI

ORIGINAL APPLICATION No. 120 / 2007

Smti ~~Yogita~~ ~~Maya~~ Wagle

....Applicant

---Versus---

Union of India and Ors

....Respondents

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Filed by:

Dutta
 Advocate

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH AT GUWAHATI**

Orisinal Application No.120.... of 2007

Smti Jogma Wagle.

....Applicant

---Versus---

Union of India & Others

....Respondents

S Y N O P S Y S

The sole question arises in this application is as to whether the post of civil servant of the Government of India employed under the CCS Rules can be re-allocated to the combatise post under the administrative and jurisdictional control of the Commandant of the Battalion.

LIST OF DATES

----- Applicant is serving as the Senior Field Assistant (Medic) who was initially appointed under the CCS Rules as civilian staff of the Union Government.

11.4.2007: Vide Order No. 30/SSB/AS/2006 (2)-3697-3704 dated 11-4-2007 issued by the Deputy Inspector General (Pers.), Office of the Director General, SSB, Ministry of Home Affairs, Govt. of India, the post of Senior Field Assistant (Medic) alongwith incumbent from Area / Circle Offices I.N.B. / I.B.B. has been re-allocated to the battalions as per appendix A for further deployment with nearby BOPs of battalions on I.N.B. / I.B.B. in public interest. Vide the said order, all the Senior Filed Assistants (Medic) will be placed under the Administrative and Operational control of the concerned Commandants of battalions for all purposes. Said order is being implemented from 15th of May, 2007 under intimation to all concerned

DISTRICT : WEST KAMENG

केन्द्रीय नियन्त्रण न्यायालय Central Administrative Tribunal
11 MAY 2007
गुवाहाटी न्यायपीठ Guwahati Bench

Filed by the applicant
U. Dutta, Advocate
through
on
11.05.07

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GUWAHATI

ORIGINAL APPLICATION No. 120 / 2007

(An application under Section 19 of the Administrative Tribunal
Act, 1985)

(For use of Tribunal's Office)

Signature :

Date :

ORIGINAL APPLICATION No. / 2007

(i) PARTICULARS OF THE APPLICANT

Smti. Yog Maya Wagle
W/o Sri Rajesh Basumatary
Posted at A.O. Office, SSB, Dirang
District West Kameng, Arunachal Pradesh.

(ii) PARTICULARS OF THE RESPONDENTS

1. Union of India
represented by the Ministry of Home Affairs
through Secretary to the Government of India,
New Delhi.
2. The Director General,
Sashastra Seenabali, East Block-V,
R.K. Puram, New Delhi – 110 066
3. The Inspector General
Frontier Heads Quarter, SSB,
Uday Path, R.G., Baruah Road,
Guwahati, Assam.

yog maya wagle

4. Deputy Inspector General
Sector Heads Quarters
SSB, Tezpur, Assam.

5. Area Organiser
SSB Bomdila / Dirang
District West Kameng,
Arunachal Pradesh.

(III) PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE :

Order No. 30/SSB/AS 2006(2)-3697-3704 dated 11-04-2007 issued by the Deputy Inspector General (Pers.), Ministry of Home Affairs, office of the Director General, SSB, New Delhi, 110 066, conveying approval of the re-allocation of the incumbent of the posts of Senior Filed Assistant (Medic) alongwith incumbent from Area / Circle Offices in INB / IBB to the Battalions.

(IV) JURISDICTION OF THE TRIBUNAL

The applicant declares that the instant appeal has been filed within the subject matter of jurisdiction of this Hon'ble Tribunal.

(V) LIMITATION

That the applicant declares that the present application is being filed within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

(VI) FACTS OF THE CASE

1. That the applicant is a citizen of India by birth and residing at her present place of posting at Dirang in Arunachal Pradesh. Being an Indian citizen, the applicant is entitled to all the rights and privileges guaranteed to a citizen under the Constitution of India and the law in

yog maya Wagle

force of the country. The applicant presently holding and serving in civil post within the meaning of Article 311 of the Constitution of India.

2. That the applicant states that she was appointed as Senior Filed Assistant (Medic) on different dates under the usual terms and conditions applicable to any civilian central govt. employee in various departments. All the rules applicable to other civil service holder of central govt. same will be applicable to the applicant also including the "she is liable to be transferred to any part of India".

A copy of an order of appointment letter to the applicant is annexed herewith and marked as Annexure-I.

3. That applicant states that the Special Service Bureau, the office in which the applicant has been serving, was set up in early 1963 in the wake of Indo-China conflict of 1962 to build people's moral and inculcate a spirit of resistance in border population in the then NEFS, North Assam, North Bengal, Hills of Uttar Pradesh and Jammu and Kasmir (Ladak). Subsequently the area of SSB was extended to other border areas in Manipur, Tripura, Jammu, Meghalaya, Sikkim, Rajasthan, Gujarat, Mizoram, South Bengal and Nagaland. The main role of the organization was to promote national integration and security consciousness amongst border population, win over the hearts and minds of the people through participative developmental programmes in remote inaccessible border areas, help and rescue and relief operations during natural calamities, counter enemy propaganda through multi-dimensional publicity campaigns and bring the population in the national mainstream. The Battalion Force of the Special Service Bureau has been known as Sashastra Seema Bal (SSB).

4. That the applicant states that she was appointed in civilian wing of the SSB. She works under the Area Organiser / Sub-Area Organiser / Circular Organiser. The civilian wing of SSB (Area staff)

yog maya Wagle

has been deployed on I.N.B for collection of intelligence and to undertake counter subversion role and responsibilities by carrying out pacificatory, civic action, psychological welfare, counter propaganda, welfare, development and motivational programmes in their area of operation.

5. That the applicant states that the duties allocated to applicant includes mainly to provide medicines to the people of local areas for common ailments to a minimum of 300 patients per month. Each Senior Filed Assistant (Medic) has a demarcated area of operation for providing such services. In complicated cases the applicant was entrusted the duties to refer the cases to the nearest civil hospital or to arrange alternative treatment facilities. The applicant has to take active part in immunization programmes as and when camps are organized by SSB or the State Agencies. She also perform the job of counseling and creating awareness for small family norms and family planning operations. It is also the responsibility of the applicant to motivate public by giving a knowledge of different family planning matters and its benefits for small family norms.

It is pertinent to mention herein that during all relevant times of their services with the SSB, she was treated as civilian staff and she was governed by the CCS Rules as applicable to all the civil servants working under the central government.

6. That the applicant states that vide Order No. 30/SSB/AS/2006 (2)-3697-3704 dated 11-4-2007 issued by the Deputy Inspector General (Pers.), Office of the Director General, SSB, Ministry of Home Affairs, Govt. of India, the post of Senior Field Assistant (Medic) alongwith incumbent from Area / Circle Offices I.N.B. / I.B.B. has been re-allocated to the battalions as per appendix A for further deployment with nearby BOPs of battalions on I.N.B. / I.B.B. in public interest. Vide the said order, all the Senior Filed Assistants (Medic) will be placed under the Administrative and Operational control of the concerned Commandants of battalions for all purposes.

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Said order is being implemented from 15th of May, 2007 under intimation to all concerned.

A copy of the order dated 11-4-2007 is enclosed herewith and marked as Annexure-II.

7. That the applicant submits that the said re-allocation of Senior Filed Assistant (Medic) to the battalions and putting her under the Administrative and Operational control of the concerned Commandants of battalions for all purposes is amounts to virtual and complete change of their nature of duties from civilian to combatised forces. It is also stated that no opportunity was given to the applicant about her willingness as to the change of her duties which is completely opposite in nature, i.e. from the civil nature to the combatised nature. Therefore the said re-allocation order i.e. 11-4-2007 is against the Principles of Natural Justice. In the original offer of her appointment there is no whisper to the effect that in future the nature of their duties will be changed from civilian to combatised.
8. That the applicant submits that at present she has fixed hours of duties with weekly offs on Saturdays and Sundays. Though she has field duties she has a seat for work in her office. She can stay with her family members. Considering all these she has accepted the job. Now, such a drastic change in nature of duties without ascertaining her willingness or otherwise is a complete denial of Natural Justice and hence bad in law.
9. That the applicant submits that the staffing pattern of BOP is in accordance with the internationally prescribed norms and regulated by the Ministry of Home Affairs. As per the knowledge of the applicant goes, the staff component of a BOP does not include any civilian staff. The applicant also submits that in case of emergency the personnel belonging to BOP can be entrusted with the duties of civil in nature.

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10. That the applicant submits that the combatised staff already available with the BOP she has sufficient staff available with similar training as that of Senior Filed Assistants (Medic). Therefore, with the re-allocation of the Senior Field Assistant (Medic) there will be duplication of staff. Moreover, a void in the medical services will be created in the present area of operation of the Senior Field Assistant (Medic) which is against the public interest. Another difficulty will arise due to the fact that there was no promotion of the Senior Field Assistant (Medic) for a number of years, whereas those serving in battalions has earned a number of promotions during the said period. This will lead to an anomalous position in the sense that a person serving in battalion who was junior in rank to a Senior Filed Assistant (Medic) earlier by virtue of his more than one promotion may become immediate superior to the Senior Filed Assistant (Medic) creating serious heart-burning of the applicant which in turn adversely affect the congenial working atmosphere in the BOP.

11. That the applicant states that the Director General, SSB, who had issued the order of re-allocation of post of Senior Field Assistant (Medic) alongwith incumbent does not enjoy the statutory powers of creation of the said post. Therefore, such re-allocation of the post has been done without having the statutory power. And as such this action is being done without having the power is bad in law and hence liable to be quashed.

12. That the applicant states that the Memorandum dated 19-3-1993 issued by the Assistant Director (EA) SSB stating interalia regarding the service condition of the civilian staff serving with the central government. In the said Memorandum it is clearly stated that the Senior Field Assistant (Medic) will be guided by the CCS Rules whereas the Order dated 11-4-2007 issued by the Additional Director General would go to show that the applicant whose post was re-allocated will be placed under the administration and operational control of the Commandant of the battalion for all purposes. It is

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pertinent to mention herein that the Commandant of the battalion are governed by the CRPF Act, 1949 and CRPF Rules, 1955.

A copy of the Memorandum dated 19-3-1993 is annexed herewith and marked as Annexure-III

13. That the applicant submits that if the posts are re-allocated with the battalion then for all purposes the applicant shall be under the administrative control of the Commandant of battalion and will become a part of the battalions which is the combative one and as such the re-allocation is bad in law and liable to be set aside and quashed.

14. That the applicant submits that re-allocation of the post with its incumbents to a battalion would change the nature of duties as the civilian staff has to go for parade and will not be allowed to stay outside the Company Headquarter as per the memorandum dated 6-6-2002. The applicant further submits that being a lady, she has a duty towards her family and she cannot be compelled to stay in battalion camps which is only for the combatise trained persons with a strict routine based on internationally prescribed norms. All the military and the para-military forces in India requires mostly the male persons considering the nature of duties as they requires and a very few percentage of women after giving them proper training in this regard and then only they are recruited to the Forces. Being a civil servant of the Government, applicant is not acquainted with the nature of the duties and strict routine of the combatise force and therefore the said order of re-allocation of post dated 11-4-2007 is amounts to be forced labour and gender discrimination and as such it is liable to be set aside and quashed.

A copy of the memorandum dated 6-6-2002 is annexed herewith and marked as Annexure-IV

yogmaya Wagle

15. That the applicant states that she could not file representation or appeal before the concerned authorities and it is hereby prayed that considering the urgent nature of the order this Hon'ble Tribunal may be pleased to admit this application and grant appropriate relief as sought for by the applicant.

(VII) GROUNDs

- (1) For that there is no whisper in the offer of appointment to the post of Senior field Assistant (Medic) that she will be required to work in BOP
- (2) For that the strength of staff of BOP which has to be as per International norms / standard does not include any post of civilian.
- (3) For that a civilian employee cannot be converted to a combatised staff without assigning his willingness or otherwise.
- (4) For that the Director General, SSB, who does not enjoy the statutory power of creation of the post of Senior Filed Assistant (Medic) cannot re-allocate them alongwith the post to another office which virtually means creation of post in the office to which such post arte re-allocated.
- (5) For that the original appointment order does not indicate about the shifting of legal proposition of service rule during the period of service.
- (6) For that the civilian employee who are governed by the CCS Rules cannot be converted to the combatise one who will be governed by the CRPF Rules.
- (7) For that if re-allocation is affected, there will be complete change in nature of duties as combatise staff has to go for parade and not

yog maya Wagle

allowed to leave their camps whereas those are not applicable in case of civilian employees.

(8) For that the re-allocation order amounts to gender discrimination and forced labour in combatise force.

(9) For that the decision, which taken by the authority in re-allocating the posts to the battalion has the civil consequence and effects the rights of the concerned persons in as much as it is a clear violation of the rights of natural justice.

(VIII) DETAILS OF THE REMEDIES EXHAUSTED

That the applicant declares that she has availed off all the remedies available to her under the relevant service rules etc., and considering the urgent nature of the effect of the re-allocation order, the applicant is compelled to approach this Hon'ble Tribunal very urgently.

(IX) MATTER PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT

The applicant declares that she has not filed any writ petition or any other petition in any other Court of Law.

(X) RELIEF SOUGHT FOR

In view of the facts of the case narrated above in paragraph VI above, the applicants pray for the following reliefs.

- i. The Respondents be ordered / directed to cancel / withdraw the impugned order dated 11-4-2007 immediately.
- ii. Cost of this application, and
- iii. Any other order / orders, direction / directions which the Hon'ble Tribunal considers fit and proper in this case.

yogmaya wagle

(XI) INTERIM RELIEF IF ANY SOUGHT FOR

Pending disposal of the application, respondents be restrained from giving effect to the impugned order and be further directed not to release the applicant from the original post presently holding by her.

(XII) PARTICULARS OF THE POSTAL ORDER

- i. IPO No. 34G 653267. Dated 7.05.07 For Rs. 50/-
- ii. Envelopes with acknowledgement card
- iii. Vakalatnama
- iv. Material papers.

(XIII) LIST OF ENCLOSURES

- i. Original appointment order of the applicant
- ii. Impugned order dated 11-4-2007.
- iii. Memorandum dated 19-3-1993.
- iv. Memorandum dated 6-6-2002

yog maya wagle

VERIFICATION

I, Smti. Yog Maya Wagle, aged about 37 years, Wo Sri Rajesh Basumatary, posted at A.O. Office, SSB, Bomdila, District West Kameng, Arunachal Pradesh, do hereby verify that the statements made in this application are true to my knowledge and I have not suppressed any material facts.

And I sign this verification on this 10th day of May, 2007 at Guwahati.

yog maya Wagle

Annexure - I

NO: TCS/II/A-2/95-96/ 8679-88

DIRECTORATE GENERAL OF SECURITY

O/O: THE DEPUTY INSPECTOR-GENERAL

P.O: SALONIBARI - 784104

DIST: SONITPUR (ASSAM)

DATED: THE 19/10/1996

O B D E R

The Deputy Inspector General, Training Centre, SSB Salonibari is pleased to appoint Miss Yogmaya Wagle daughter of Shri Rudra Lal Wagle, Village - Napam, P.O. Napam (Pin - 784025) P.S. Panchmili, Dist: Sonitpur (Assam) for the post of SFA (Medic) in the office of the Deputy Inspector General, Training Centre, SSB Salonibari with effect from 17.10.96 (EN) in the Pay Scale of Rs. 975-25-1150-30-1660 per month with usual allowances as admissible under rules and orders in force from time to time.

The Post is temporary. Her permanent appointment to the post if and when it is made, permanent will depend on various factors governing permanent appointment to such post in force at the time and will not confer on her title to permanency from the date the post is made permanent.

This appointment is purely temporary but is likely to continue indefinitely. The appointment can be terminated on one month's notice on either side without assigning any reason. The appointing authority, however, reserves the right of terminating the service of the appointee forth with on or before expiry of the stipulated period of notice by making payment to her a sum equivalent to the Pay & Allowances for the period of notice or the unexpired portion thereof.

The appointee shall be on probation for a period of two years which will be extended or curtailed at the discretion of the competent authority but such extension or curtailment shall not exceed one year.

She has been medically examined by Medical & Health Officer, (Women) Kanaklata Civil Hospital, Sonitpur (Assam) and found fit.

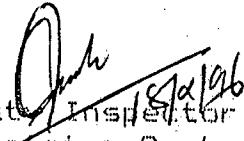
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Witnessed
Deputy
Schoolie

-(2)-

The appointee shall be required to undergo the prescribed Medic Course after appointment. She will have to qualify/ successfully complete the course in two chances and if she fails, her service shall be liable to be terminated.

She is liable to be transferred anywhere in India.


Deputy Inspector General
Training Centre SSB
Salonibari

DISTRIBUTION:

1. The Director of Accounts, Cabinet Sectt., East Block - IX, R K Puram, New Delhi - 110066.
2. The Assistant Director (EA), O/O the Director, SSB East Block - V, R K Puram, New Delhi - 110066 with reference to your Memo No.6/SSB/A-4/95(4) pt./3188-97 dated 19.9.96 alongwith the particulars of the appointee for inclusion in the Seniority List.
3. The Chief Medical Officer, Unit Hospital, TC SSB Salonibari.
4. The Accounts Branch, TC SLB.
5. The OM Branch, TC SLB.
6. The Trg Branch, TC SLB.
7. Insp. Admin. TC SLB.
8. S.R.C.
9. F.O. book.
10.  Miss Yogmaya Wagle

AB/2

A.I.

- 14 -

Special Post

Annexure 2

Govt. of India
Ministry of Home Affairs
O/o the Director General, SSB
Block - V (East), R.K. Puram
New Delhi - 110 066.

No. 30/SSB/AS/2006(2)-

2697 - 3704

Date, 11/04/07

ORDER

SUBJECT : DEPLOYMENT OF SFAs(M) TO BOPs.

Director General, SSB has approved the re-allocation of posts of Senior Field Assistant (Medic) alongwith incumbent from Area / Circle offices in INB / IBB to the Battalions as per Appendix 'A' for further deployment with nearby BOPs of Battalions on INB / IBB in public interest. All the SFAs (Medic) will be placed under the Administrative & Operational control of the concerned Commandants of Battalions for all purpose.

2. Order be implemented by 15th May 2007 under intimation to all concerned.


(S.K. Gautam)
Dy. Inspector General (Pers)

Distribution :-

1. The Controller of Accounts, PAO, SSB (MHA), R.K. Puram, New Delhi
2. The Inspector General (O&I) / (Admin), Force Hqrs SSB, New Delhi
3. The Director (Medical), FHQ, SSB, New Delhi.
4. The IsG, SSB, FTR Hqrs, Lucknow / Patna / Guwahati with the request that orders of re-allocation may also be issued intimating all concerned even in case there is any change of name of circle / location/ incumbent of unit concerned.
5. Order File.

OFFICE OF THE INSPECTOR GENERAL FRONTIER HEADQUARTER, SSB, GUWAHATI

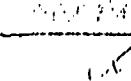
ENDST. NO. I/ESTT/RE-ALLO/2004/ 15157-67

DATED. 18-04-2007

COPIES TO :-

26-04-07

1. SHQ, TEZPUR/BONGAIGAON.
2. AREA ORGANISER, DIRANG/UDALGURI/RANGIA / BONGAIGAON/KOKRAJHAR/FALAKATA. For information and strict compliance.
3. COMMANDANT, 31st BN/ 30th BN /10th BN/ 34th BN/ 17th BN/ 33rd BN .


AREA ORGANISER (ADMN)
FTR Hqrs, SSB, GUWAHATI

R-852
B1C
27/4/07
Attee
Dutta
Advocate

Copy of SSB Directorate Memo No.30/SSB/A-2/92(21)962 dt.19.3.93

Memorandum

Sub :- Service conditions of Civilian staff serving with Group Centres of SSB.

- - - - -

Please refer to your Memo No.32/AI/Estt/JDP/SSB/89/1534 dated 17.2.93 forwarding application of Shri D.R.Sharma, Deputy Field Officer(Med) of Sriganagar for 60 days Earned Leave, 15 days Casual Leave & Ration Money etc to the Area staff.

2. The representation of Shri D.R.Sharma has been examined in detail and put up to the Director, SSB who has observed that the post of Assistant Engineer, Senior Medical Officer, Assistant Publicity Officer, Laboratory Technician, Pharmacist, Deputy Field Officer(Med)/Assistant Field Officer(Med)/Senior Field Assistant(Med), Film Projector Operator etc. are Civilian posts and it would be difficult to provide all these civilian staffs with facilities of ration money, rent free accommodation, uniform, 60 days Earned Leave, 15 days Casual Leave etc. as provided to the Group Centre personnel which is governed under C.G.P.F Rules. The Officers/Staff are entitled to pay and allowances as admissible to the Civilian Central Government employees posted in these Areas.

3. In view of the above the representation of Shri D.R.Sharma, Deputy Field Officer(Med) cannot be acceded to. He may be informed suitably.

Sd/-
(B.D. ADHIKARI)
Assistant Director(EA)

Office of the Commandant Group Centre SSB Jaisalmer (Raj)

Endst.No.2/Estt/238/GCJ/93/88883709 dated the 15 th April 1993

Copy of above Memo is forwarded for information and necessary action. All Area side staff may please be informed with the contents of the Memorandum.

Sd/-
15/4/93
(N.K. SINGH)
By. Commandant
Group Centre
SSB Jaisalmer

To

Medical Officer
Unit M.I. Room
G.C.SSB Jaisalmer

Area staff of M.I. Room to please note.

Sd/-
21/4
Dr. N.K. TINNA

Attested
Dutta
Advocate

No. MHD-MISC/Adhoc Bn./2002/3326 34
 Government of India
 Ministry of Home Affairs
 Office of the Commandant
 Adhoc Bn., SSB, INBD, DJG
 Post: Matiranga, District: Darjeeling
 Dated, this 11th January 2002

MEMORANDUM

All para Med/Vety/Homoco staff will stay in the BOPs/Coy. Hrs. and repeat they will not stay out side the BOPs/Coy. Hrs campus as the case may be.

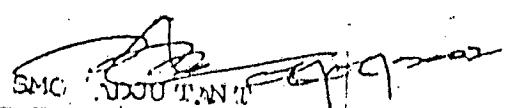
Compliance by concerned Asstt. Commandants/ I/C/Offis- and BOP commanders under the command of concerned ACs is to be submitted.

All BOPs/Coy. Hrs to maintain attendance register of para medical staff where daily morning and evening attendance to be taken and signature endorsed by BOP commanders/Coy. commanders as the case may be.

The Registers are to be maintained properly and whenever any MO, SMO, QMO, VES Gr.1(vety) visits the BOPs/Coy's is to be endorsed by the visiting officers.

Parade statement of the BOPs/Coy's will include para medical staffs statement also and will be reflected in the EPR & MPR being submitted to Adhoc Bn. Ranidanga. The main job is entrusted by out earlier memorandum as well as verbal instruction from time to time by the Commandant as well as the undersigned, besides the briefing done on 3/6/2002 at Adhoc Bn. Ranidanga by SMO, QMO (SG), S/D as well as Commandant, Adhoc Bn. Ranidanga or to be followed in addition to your Medical work assigned by Ministry of Home Affairs.

This issued with the approval of the Commandant, Adhoc Bn. Ranidanga.


 SMO/ADJUTANT
 ADHOC BN. SSB. INBD. DJG
RANIDANGA

To,
 The Asstt. Commandant/ I/C Coy.
 B/1, C/1, D/1, E/1, F/1-Coy.
 Adhoc Bn. Darjeeling

Copy to:-

1. The Chief Medical Officer
 Adhoc Bn. Darjeeling
2. The Senior Medical Officer
 Adhoc Bn. Darjeeling
3. The Veterinary Surgeon, Gr. 1
 Adhoc Bn. Darjeeling
4. The Medical Officer
 Adhoc Bn. Darjeeling

for information please,


 SMO/ADJUTANT
 ADHOC BN. SSB. INBD. DJG
RANIDANGA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

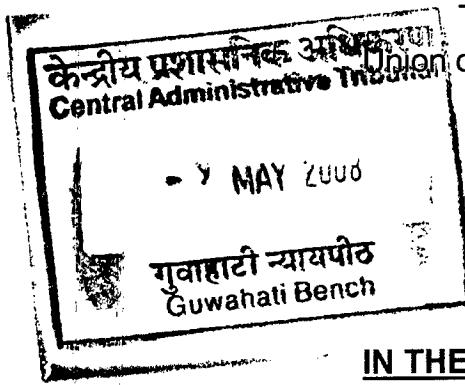
IN THE MATTER OF

OA NO. 120 of 2007

Smt Yog Maya Wagle & others

..... Applicants

- V E R S U S -



IN THE MATTER OF

Written Statement submitted by the Respondent

Nos. 1 to 5

..... Respondents

- A N D -

WRITTEN STATEMENT

The humble answering respondents submitted their written statement as follows:

1 (a) That I am G.N. Deka S/O Late Bella Ram Deka and at present serving as Deputy Inspector General, Frontier Headquarter, SSB, Zoo Road, Uday Path, Guwahati-24 and respondent No. 4 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

(Signature)

Dy. Inspector General
Ftr. HQ. SSB, (MHA)
Guwahati.

Received
M. U. Ahmed
06/05/08

5/57

the Proprietor.

53
Dy. M.U. Ahmed (Case: 8/57)

Written Statements, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the Statement on behalf of all the respondents.

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

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

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 4 MAY 1983

BRIEF HISTORY OF THE CASE

गुवाहाटी न्यायपीठ
Guwahati Bench

The brief History/description of the case is appended below, which may be treated as an integral part of this Reply.

Initially, SSB was raised in the year 1963, pursuant to the philosophy that security of the borders was not the responsibility of the armed forces alone and that it also requires a well-motivated and trained border population. The organisation was initially functioning in the regions of the then NE Frontiers, North Assam, North Bengal, Hills of the then UP, HP, parts of

(Signature)

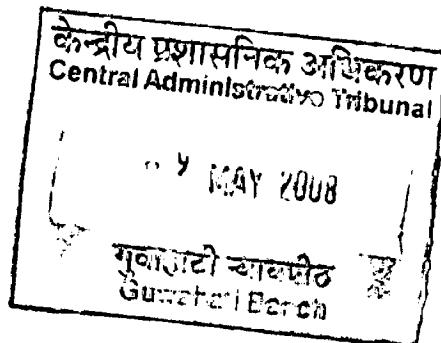
Dy Inspector General
Ftr. HQ. SSB, (MHA)
Guwahati.

Punjab, Ladakh area of J & K and subsequently its activities were extended to other border areas in Manipur, Tripura, Meghalaya, Sikkim, Rajasthan, Gujarat, Mizoram, South Bengal, Nagaland and some areas of J & K. The role of SSB in its earlier set up was to inculcate a sense of security, consciousness among the people of border areas generating mass support in the border Areas through NIP programmes and welfare activities, organizing and preparing border population to resist enemy and perform 'Stay Behind' role during invasion/occupation and countering enemy propaganda through Psychological war operations and awareness campaigns.

The SSB consists of two wings viz. Area Wing (Non Uniformed) who are governed by the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and Battalion Wing, (Uniformed) whose personnel up to rank of Inspector are governed under Central Reserve Police Forces Act, 1949 and the Central Reserve Police Force Rules, 1955 whereas officers of the rank of Assistant Commandant and above for disciplinary matters are covered by the CCS (CCA) Rules, 1965.

On 15th January 2001, the Administrative Control of SSB was transferred to the Ministry of Home Affairs, in pursuance of the recommendations of the Group of Ministers (GoM) on reforming the National Security System. The Group of Ministers (GoM) recommended the principle of one border, one Force for better accountability and for comprehensive border management including management of Indo-Nepal and Indo-Bhutan Borders. Accordingly, the Ministry

Gurukul
Dy. Inspector General
Ftr. HQ. SSB, (MHA)
Guwahati.

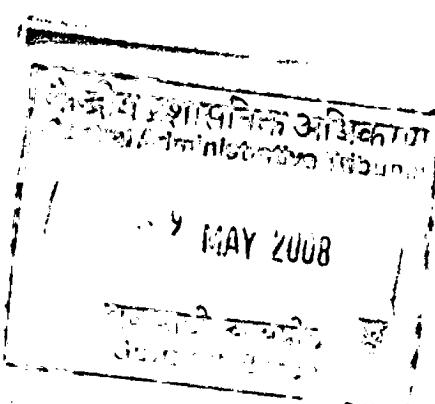


of Home Affairs entrusted to the SSB the role of guarding Indo Nepal Border w.e.f June 2001 and Indo-Bhutan Border w.e.f. March 2004.

After transfer of SSB to MHA, both the uniformed and non-uniformed wings of the Force are existing and functioning, however as per the policy decision of the Ministry of Home Affairs, the Area Wing (non-uniformed) component of the SSB shall be phased out systematically on account of promotion or retirement etc. and vacancies arising thereof shall be filled up by the corresponding combatised personnel on the base posts. For the purpose of governance of the non-uniformed civilian component the same shall continue to be dealt with under the relevant Central Government Rules till they are phased out. However, due to this decision, there will be no adverse impact on promotions/pay/privileges of the non-uniformed component.

After the administrative control of the Force was transferred to MHA the Old Areas of Operations were closed and new offices were opened along the Indo-Nepal and Indo-Bhutan borders. The role of the Force was transformed from the 'Stay Behind' role to that of a 'Border Guarding Force'. With the change in role of the organisation BOPs were created all along the borders, which are still in the process of establishment and various other changes are effected in the Force. A dog squad was also sanctioned in each Battalion for operational and security effectiveness. Both the combatised as well as the civilian personnel are actively involved in the border guarding duties.

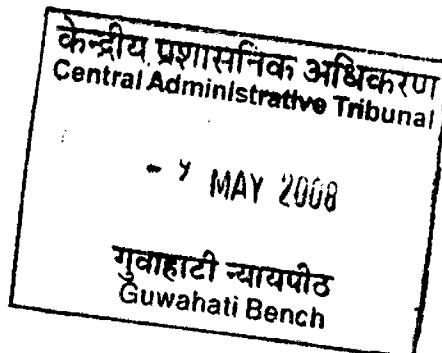
Gurkha
Dy Inspector General
Ftr. HQ. SSB, (MHA)
Guwahati.



Further, the Group of Ministers on National Security had recommended for keeping a provision for posting of one Medical Assistant in each BOP and one Medical Officer in each Coy in inaccessible areas and accordingly as per the directive of Ministry of Home Affairs (MHA) Director General, SSB in his capacity as the Head of the Force on the recommendation of the GoM in the overall welfare of the Force personnel reallocated the present applicants to the BOP for providing immediate and necessary medical aid to the force personnel deployed on the border.

It is pertinent to mention here that SSB has a professionally trained medical cadre, which is headed by the officer of the rank of Inspector General (Medical). The present applicants are also trained in providing medical aid. It is clarified herewith that neither applicant's cadre has been changed nor they have been converted to the combatised set up. They have only been posted to the Bns/BOPs to perform their duties in the respective Bns/BOPs where they have been posted. They will be drawing the same pay which they were drawing earlier. The SFA (M) is one of the lowest medical functionary in SSB. They belong to the Civilian Cadre and will also be promoted to the next higher civilian posts as per the hierarchy available in the cadre. Though there is a proposal to combatise the civilian cadres in the phased manner but the same is still under process of implementation. This combatisation will be effected only with regard to willing individuals as per their option.

Dy. Inspector General
Ptn. HQ SSB, (MHA)
Guwahati.



Hence, this is not case where the applicants have been combatised.

In SSB both the combatised as well as the non-combatised officers/officials are working under respective combatised or non-combatised officers but this does not mean that if a non-combatised official/officers is working under a combatised officer he becomes a combatised individual.

Hence, the allegation of the applicants that the policy decision of the respondents is unreasonable and unfair and is totally misconceived and devoid of merit as for providing medical aid to the force personnel deployed on the BOPs who are actively associated in protecting the borders of the country immediate medical facilities have to be provided to the force personnel. It is essential for the SFAs(M) who are fully trained Para medical cadre to provide medical aid in the BOPs in national interest for overall welfare of the Force personnel and for operational requirements.

Gurahati
Dy. Inspector General
Ftr. HQ. SSB, (MHA)
Gurahati.

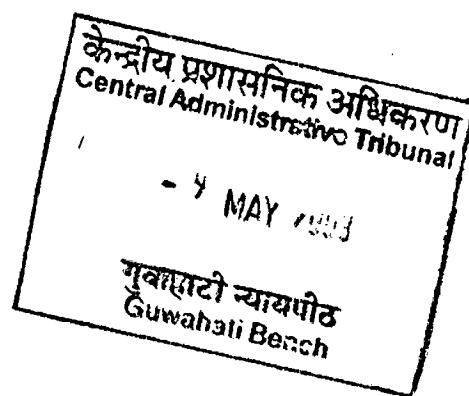
PARAWISE COMMENTS: -

2. That with regard to the statements made in paragraph III, IV, V, VI (1) (2) (3), VI (6), VI (15), VIII and IX of the application, the answering respondents do not admit anything contrary to the records of the case and the applicants are put to the strictest proof thereof.

However the necessary instructions (as regards to Para III) for lady SFAs (M) on retention and adjustment in Battalion Hospital/MI Rooms have been issued and they will not be deployed in BOPs.

3. That with regard to the statement made in paragraph VI(4) of the application, the answering respondents partially admitted, the matter of records only. The respondents would like to clarify that the role of SSB has been changed from stay behind role to Border Guarding Force and a Lead Intelligence Agency on Indo-Nepal and Indo-Bhutan border on shifting its administrative control from Cabinet Secretariat to MHA.

4. That with regard to the statement made in paragraphs VI(5) of the application, the answering respondents beg to submit that the SFAs(M) are responsible to render First Aid and elementary medical treatment and its related duties in their Area of Operation. After deployment on the BOPs they will be discharging the same duties as usual they are rendering and there is no violation of any rule and regulation under which they are presently governed. However,



Guruka
Dy. Inspector General
Fr. HQ. SSB, (MHA)
Guwahati.

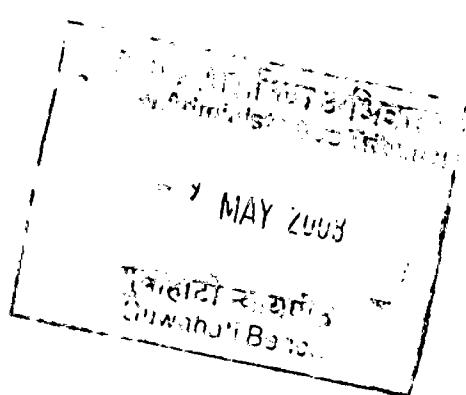
lady SFAs(M) will not be deployed on the BOPs and necessary instructions in this regard have already been issued.

5. That with regard to the statements made in paragraph VI(7) of the application, the answering respondents beg to submit that the position with respect to the issued agitated have already been clarified in the reply furnished in the brief background history of the case and the same are reiterated herein, however, necessary instructions for not deploying lady SFAs(M) on the BOPs have already been issued.

6. That with regard to the statement made in Paragraph VI(8) of the application, the answering respondents beg to submit that in Areas and Circles only 2nd Saturday and Sundays in a month are observed as holidays and the norms of duty Hrs. will not be changed on their posting in BOPs, however, necessary instructions for not to deploy lady SFAs(M) on the BOPs has already been issued.

7. That with regard to the statements made in paragraph VI(9 to 11) of the application, the answering respondents beg to submit that the position with respect to the issued agitated have already been clarified in the reply furnished in the brief background history of the case and the same are reiterated herein. However, necessary instructions for not to deploy lady SFAs(M) on the BOPs has already been issued.

Gurukul
Dy. Inspector General
Ftr. HQ. SSB, (MHA)
Guwahati.



8. That with regard to the statement made in Paragraph VI (12) of the application, the answering respondents beg to submit that the orders of re-allocation have been passed as per the recommendations of GoM on National Security in overall welfare of the Force personnel posted in BOPs. After deployment in the BOPs they will be discharging the same duties as usual they are rendering and there is no violation of any rule and regulation under which they are presently governed. Further, it is not a case where the applicants are for the first time being placed under Commandants. Earlier also, they were discharging duties under the Commandants in locations where the Single Chain of Command existed.

9. That with regard to the statement made in Paragraphs VI(13) of the application, the answering respondents beg to submit that the orders of re-allocation is bad in law and liable to be set aside and quashed is denied being factually incorrect. There is no violation of any rule and regulation under which they are presently governed. However, necessary instructions for not to deploy lady SFAs(M) on the BOPs has already been issued.

10. That with regard to the statement made in paragraph VI(14) of the application, the answering respondents beg to submit that the respondents would like to clarify with respect to this Para that necessary instructions for lady SFAs(M) on retention and adjustment in Battalion Hospital/MI Rooms have been issued and they will not be deployed in BOPs.

Guwahati
Dy. Inspector General
Ftr. HQ. SSB, (MHA)
Guwahati.



11. That with regard to the statement made in Paragraph VII of the application, the answering respondents beg to submit that the position with respect to the instant grounds have already been clarified in the reply furnished in the brief background history of the case and the same is reiterated herein. However, necessary instructions for not to deploy lady SFAs(M) on the BOPs has already been issued.

12. In the light of the foregoing submissions it is most respectfully prayed that the instant OA is devoid of any merit and not based on any legal foundation and as such the OA be dismissed as necessary orders with regard to posting of lady SFAs(M) other than the BOPs have since been issued. It is also most respectfully prayed that the interim order dated 11-05-07 be vacated and the applicants be directed to comply the order of Force Headquarters, SSB.

Guwahati
Dy Inspector General
Ftr. HQ. SSB, (MHA)
Guwahati.

VERIFICATION

I G.N. Deka son of Late Bella Ram Deka aged about 59 years at present working as Dy. Inspector General at Frontier Headquarter, SSB, Zoo Road, Uday Path, Guwahati 24 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 & 10 are true to my knowledge and belief, those made in paragraph 1 are derived from the records/facts etc, and the rest are my humble submissions before this Hon'ble Court. I have not suppressed any material fact.

And I sign this verification on this the 30th day of January 2008 at Guwahati.

(Signature)

DEPONENT

Dy Inspector General
Ftr. HQ. SSB, (MHA)
Guwahati.

