

98

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application NO. \_\_\_\_\_
2. Misc Petition No. \_\_\_\_\_
3. Contempt Petition No. 18 / 07 in O.A 259/07
4. Review Application No. \_\_\_\_\_

Applicant(S)... Noted Notified Ali ..... VS-Union of India & Crs

Advocate for the Applicants... Adil Ahmed .....  
Ms. S. Bhattacharya .....

Advocate for the Respondent(S)... M. U. Ahmed Add. Case .....

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

This Contempt  
petition has been  
filed by the  
Counsel for the petitioner  
U/S 17 of the CAT Act,  
1985 praying for  
punishment to the  
contemners for non-compliance  
of interim order passed  
by this Hon'ble Court  
in O.A 259/07 dated  
21.9.07.

beid before the  
Hon'ble Court for  
further orders.

Secretary

06.11.2007

Lm

Mr.A.Ahmed learned counsel for the  
applicant has filed a letter of absence. Call this matter  
on 16.11.07.

Member(A)

This Contempt Petition is arising out of  
O.A.No.259 of 2007.

Mr.Adil Ahmed, learned counsel for  
the Applicant is present. Ms.Usha Das,  
learned Addl. Standing Counsel for the  
Union of India is also present.

Compliance of the order dated  
21.9.2007 of this Tribunal rendered in  
O.A.No.259 of 2007 is subject matter of  
allegations in this Contempt Petition  
No.18 of 2007. However, call this matter  
on 10.12.2007; to which date the  
O.A.No.259 of 2007 is posted.

Send copies of this order to the  
Respondents of this Contempt Petition.

c.p. 18/07

16.11.2007.

This Contempt Petition is arising out of O.A.No.259 of 2007.

99

Mr.Adil Ahmed, learned counsel for the Applicant is present. Ms.Usha Das, learned Addl. Standing Counsel for the Union of India is also present.

Non-Compliance of the order dated 21.9.2007 of this Tribunal rendered in O.A. No.259 of 2007 is subject matter of allegations in this Contempt Petition No.18 of 2007. ~~However~~ Call this matter on 10.12.2007; to which date the O.A.No.259 of 2007 is posted.

Send copies of this order to the Respondents of this Contempt Petition, alongwith the copies of the Contempt Petition No.18 of 2007.

(Khushiram)  
Member(A)

(M.R.Mohanty)  
Vice-Chairman

19.11.07.

Lm

10.12.2007

Call this matter on 02.01.2008 along with O.A. No.259/2007.

(Gautam Ray)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

Notice & order sent to D/Section for issuing to resp. nos.

1,2 day regd. A/D Post

D/No-1445, 1446

Dt- 20/11/07

Service report awaited.

7.12.07.

Service report awaited.

1.08

C.p.18 of 07

02.01.2008

In this case Ms.Usha Das, learned Addl. Standing Counsel appearing for the Union of India has entered appearance for the opposite parties and she has filed 'Vakalatnama'. She also undertakes to file reply to the C.P. in course of the day.

Call this matter on 01.02.08

alongwith O.A.No.259 of 07.

(Khushiram)  
Member(A)

(M.R.Mohanty)  
Vice-Chairman

lm

01.02.2008

Call this matter on 12<sup>th</sup>

February, 2008 alongwith O.A.259 of 07.

(Khushiram)  
Member(A)

(M.R.Mohanty)  
Vice-Chairman

12.02.2008

Call this matter on 17.03.2008

alongwith O.A.No.259 of 07.

(Khushiram)  
Member (A)

(M.R.Mohanty)  
Vice-Chairman

Lim

17.03.2008

Call this matter on 24.03.2008

alongwith O.A.259 of 07.

(Khushiram)  
Member(A)

(M.R.Mohanaty)  
Vice-Chairman

lm

3.1.08

Affidavit  
submitted by  
Respondent No.2.  
Copy served.

(A.S.)

Affidavit filed by  
the R.No.2.  
31.1.08.

24.03.2008

Call this matter on 01.04.2008  
alongwith O.A. 259 of 2007.

(M.R. Mohanty)  
Vice-Chairman

01.04.2008

Call this matter on 29.04.2008  
alongwith the O.A.

(Khushiram)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

nkm

Abidavit filed  
by R. No. 2.

3.6.08

04.06.2008

Call this matter on 10.06.2008  
alongwith the O.A.

(Khushiram)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

nkm

Returned by  
N. Ahmed  
18/7/08

10.06.2008

Call this matter on 08.07.2008 along  
with O.A.

(Khushiram)  
Member(A)

(M.R. Mohanty)  
-Chairman

Lm

22.7.08  
Copy of the order  
sent to the office for  
execution. The line to  
the parties along-  
with copy to the H.A.  
for the parties.

08.07.08

Heard Mr A. Ahmed, learned  
counsel for the Applicant and Miss U.  
Das, learned counsel for the  
Respondents. Hearing concluded. In  
terms of the order recorded separately  
the C.P. is closed.

(R.C. Panda)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

102

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Contempt Petition No.18 of 2007  
in  
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  
Resident of 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. Brig. Azad Sameer  
Commander  
Head Quarter, 51 Sub Area  
Narengi Cantt. P.O: Satgaon  
Guwahati-781 027.
4. Col. R. Singh Rawat  
Commandant  
222 ABOD  
C/o 99 APO.

... Respondents/Contemners.

(By Advocate: Ms. Usha Das)

\*\*\*\*\*

*Usha Das*

103

ORDER (ORAL)  
08.07.2008

DR. RAMESH CHANDRA PANDA, ADMINISTRATIVE MEMBER:

This contempt petition was moved by the Applicant in O.A.259 of 2007 against the Respondents/Contemners alleging non-compliance of the interim order dated 21.09.2007 passed by this Tribunal in the said O.A.

2. This Tribunal vide its interim order dated 21.09.2007 passed in O.A. No.259 of 2007 directed 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."*

3. We have heard Mr. Adil Ahmed, learned counsel for the Petitioner and Ms. Usha Das, learned Advocate for the alleged Contemners. We find that the Contemners have permitted the Petitioner to appear in the examination and the Petitioner was also put to selection process. The order dated 21.09.2007 having been implemented by the Respondents, the Contemners are discharged of the contempt and notices issued stand withdrawn.

4. The Contempt Petition is closed accordingly.

  
(RAMESH CHANDRA PANDA)  
ADMINISTRATIVE MEMBER

  
(MANORANJAN MOHANTY)  
VICE-CHAIRMAN

/bb/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

CP No 18/2007  
In OA No 259/2007  
MD Nafiul Ali  
.....Applicants

-Versus-  
Union of India & others  
.....Respondents

-AND-  
IN THE MATTER OF

Affidavit submitted by the Respondent No 1

WRITTEN STATEMENT :

The humble answering respondents submitted his affidavit as follows:

1 (a) That I am .....  
Brig Azad Sameer, Commander  
Headquarters, 51 Sub Area

..... and respondent No 1 ..... 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 affidavit, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.

(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.

Azad Sameer

Filed by  
the respondent No. 1  
through  
Alaha Das Das  
Advocate.  
08/7/08

Recd  
AS  
(Advocate)  
8.7.08

(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.

2. That before submission of the parawise reply the deponent would like to give preliminary objections in the present case.

### PRELIMINARY OBJECTION

A) Md Nafiul Ali (the applicant) has filed the instant Contempt petition impleading me as one of the respondents/contemnors which is not understood. Basically I am not related with the subject recruitment process for the post Mazdoor in 222 ABOD, C/O 99 APO. As such there is no justification to implead me as one of the contemnors since I am not involved in any way in the recruitment process. In view of the above, I pray to the Hon'ble Court to drop my name from the instant Contempt petition.

3) That with regard to the statement made in paragraph 1 of the Contempt Petition, the deponent while denying the statement made therein begs to submit that as per 100 point roster maintained by this depot as per Integrated HQ of Ministry of Defence (Army) letter No 80992/SGT/Policy/OS-8C (i) dated 08 February 1999 there existed vacancy of physically handicapped persons of ST category only which are required to be filled up and accordingly the advertisement was published. It may be mentioned that vacancy for physically handicapped persons belonging to OBC & UR have already been filled up and only the vacancy for ST category of persons belonging to handicapped remains vacant for the post of Mazdoor in this depot. The copy of Integrated HQ of Ministry of Defence (Army) letter is annexed as **Annexure -A**. Thus the respondent authorities have acted as per the policy issued by the Integrated HQ of Ministry of Defence (Army) and have in no way tried to deprive

Agad Sameer



any category of persons. Further, it is stated that the applicant had applied for the post of Mazdoor in the Ex-servicemen category and not for physically handicapped category. Since the applicant has not applied in the Physically Handicapped category, the OA as well as the Contempt Petition do not hold any relevance and merit dismissal. The copy of application for the post of Mazdoor submitted by the petitioner is annexed herewith and marked as **Annexure-B**. On scrutiny of the application it was revealed that the petitioner is the son of an Ex-serviceman and not an Ex-serviceman himself and belongs to OBC. However, since the petitioner was employed as a casual labour in this depot, the depot authorities were aware that he is a physically handicapped person and thus allowed him to appear in the recruitment procedure. Since for the post of Mazdoor he had already been called for the interview vide this depot letter No 1523/Rect/ADRP/X/Civ Est dated 04 Sep 2007, it is not understood by the respondent authorities as to why OA and the CP has been submitted by the petitioner. The advertisement was published inviting application for the post of Mazdoor in this depot amalgamating ST category with the handicapped category, as the vacancy for physically handicapped category was unfilled only in ST category. There is no malafide intention to deprive a certain category of person belonging to handicapped category. As prayed by the petitioner there is no logical ground for advertising afresh. As per the policy direction issued by the Higher Headquarters, required formalities have been complied with in notifying the advertisement for the post of Mazdoor by this depot. The prayer made by the petitioner through the para is denied.

The copy of Integrated HQ of Ministry of Defence (Army) letter is annexed as Annexure-A The copy of the application for the post of Mazdoor submitted by the petitioner is annexed herewith and marked as Annexure -B. A copy of the letter dated 04 Sep 2007 is annexed herewith and marked as Annexure-C.

✓ Azad Sameer

- 16X
- 4) That with regard to the statement made in paragraph 2 of the Contempt Petition, the answering deponents beg to submit that the deponent offers no comment to the opening part of this paragraph. With regard to the latter part of this para, it is stated that the petitioner was called for recruitment vide our letter No 1523/Rect/ADRP/1114/Civ Est dated 04 September 2007 before issuing the order dated 21 Sep 2007 passed by the Hon'ble CAT, Guwahati. Thus the order of the Hon'ble Tribunal has already been complied with. The petitioner could not qualify in the interview/physical test as conducted by the depot authorities. As per standard operating procedure to be adopted for direct recruitment of group 'C' and 'D' categories in ordnance depot/units received vide integrated HQ of Ministry of Defence (Army) letter No A/23801/32/Policy/OS-8C (i) dated 23 April 2007 the selected panel list to be displayed on the notice board of unit/establishment and the selected candidates are also to be intimated about their selection. However the appointment letters of the selected candidates have not been issued by this depot till date. As indicated in the order dated 21 Sep 2007 passed by the Hon'ble CAT, Guwahati, the procedure for recruitment of Mazdoor cannot be stopped for only one person principally. Since the petitioner has not been selected despite giving a fair chance to him, the contempt petition holds no relevance as the outcome of OA has already been revealed. Hence the contention made by the petitioner is denied as the court order has been fully complied with.
- 5) That with regard to the statement made in paragraph 3 of the Contempt Petition, the deponent begs while denying the contentions made therein to submit that the petitioner did not apply in the physically handicapped category and rather applied in the Ex-servicemen category. As per the application submitted by the petitioner, he cannot claim any relaxation in the physical test/interview. Rather his application was liable to be out rightly rejected. However, since he had worked with this depot as Casual labour, he was given a chance to appear in the recruitment procedure. It is further submitted that the petitioner is deaf and dumb person and not orthopedically challenged. His other limbs

✓ Azad Sameer

function well as he has been performing casual labour duties in the depot and in principle he can participate in the physical test along with other candidates. It may be mentioned that Mazdoors are selected for appointment based on the performance in the physical tests and interview only. Orthopediacally handicapped persons are exempted from physical test. Since the petitioner is a deaf and dumb person, he has been exempted from appearing in the interview/viva voce test. It is reiterated that the petitioner is a speech and hearing impaired person as such he may be exempted from appearing in the oral and not in the physical test. The limbs of the petitioner other than the speech and hearing are well functional and as such he was asked to appear in the physical test along with other candidates. At the time of physical test the petitioner did not raise any objection and willingly participated in the physical test. The petitioner could not qualify in the physical test as conducted by the depot authorities, which is a mandatory requirement for the post of MAZDOOR. The petitioner applied for the post of Mazdoor under Ex-servicemen quota and not against physically handicapped category. Since the petitioner had applied under Ex-servicemen quota he is not entitled to the concessions and facilities provided to the physically handicapped persons in principle. The petitioner had unnecessarily filed the instant contempt petition without any valid ground to delay the recruitment procedure and malign the fair image of the respondents due to reasons best known to him. The false and baseless allegations made by the petitioner on the respondents are denied.

- 6) That with regard to the statement made in paragraph 4 of the Contempt Petition, the answering deponent begs to submit that the petitioner has applied under Ex-servicemen category and not under physically handicapped category. However, he was allowed to appear in the physical test and interview in spite of wrong information furnished by the petitioner. It may be mentioned that respondent can not stop the

✓ Azad Sameer

proceedings for recruitment for only one person in principle who is also not a genuine case as he had submitted the application giving wrong information and was liable to be outrightly rejected, hence the respondents have published the result of the selected candidates. However, the appointment letter for the selected candidates has not been issued. Further, there is no vacancy for physically handicapped persons of OBC category and as such the petitioner could not have qualified in this category. The petitioner was given a chance to compete with other candidates in order to give him a fair chance to compete with OBC and general category and secure a place based on merit. Since the petitioner gave false information in the application submitted and has tried to mislead the Hon'ble Tribunal to gain advantage, the petition is liable to be dismissed with cost.

- 7) That with regard to the statement made in paragraph 5 of the Contempt Petition, the answering deponent begs to submit that the petitioner has applied for the post of Mazdoor under Ex-servicemen quota and not physically handicapped category. In spite of furnishing wrong and misleading information on the application, the petitioner was called for recruitment, the petitioner could not qualify in the physical test and interview and as such he was not selected. The respondents can not stop the recruitment process for a single person who also has furnished wrong and misleading information on the application. It may be mentioned that our depot is facing acute shortage of Mazdoors and due to the increased workload, the depot authorities are unable to perform the day to day activities. Owing to the urgent requirement of manpower for performing the routine work, the employment of Mazdoors by this depot was badly needed and with a view to cope with the requirements the respondents published the list of selected candidates. The respondent authorities are compelled to hire casual labour for day to day functioning as there are only 319 Mazdoors posted in this depot against the authorization 536 Mazdoors. Accordingly the case for recruitment was taken up with Integrated HQ

✓ Azad Suneer

Ministry of Defence (Army) and the same was sanctioned vide Integrated HQ of MOD (Army) letter No A/23018900/ADRP/2003-04/OS-8C (i) dated 21 March 2007. As per Integrated HQ of MOD (Army) letter No 15972/ADRP/NAA/OS/2003-04/MP-4 (Civ) (b) dated 17 March 2007 the recruitment procedure was to be completed by 17 Nov 2007. Since the petitioner had not qualified in the recruitment, the entire procedure can not be stalled and as such there was no question of disrespect, disregard and disobedience to the interim order of the Hon'ble Tribunal.

- 8) That the deponent begs to submit that it is thus clear that OA and CP hold no value as entire case is fully devoid of any merit. Despite submission of wrong details in the application the petitioner was given a fair chance to participate in the recruitment procedure. The petitioner only wants to get recruited by any way without merit. The case seems to be full of malafide intention of thwarting the recruitment procedure and tarnishing the fair image of 222 Advance Base Ordnance Depot. It is pertinent to mention here that respondent No 2 is himself a physically handicapped person with 90% disability and uses an artificial limb and has always tried to help the petitioner. The respondent No 2 had only employed the petitioner as casual labour on daily wages. The petitioner is trying to gain advantage by misleading the Hon'ble Tribunal and delaying the recruitment procedure and thereby causing loss to the state. It is, therefore, prayed that the instant Contempt petition be dismissed and closed with costs.
- 9) That the deponent begs to submit that there is no violation of the Hon'ble Tribunal's interim order. The deponent tenders unconditional and unqualified apology before the Hon'ble Tribunal for any kind of disregard or disrespect shown by the deponent without knowledge. The deponent is a responsible officer of the Govt of India hence can not even think of showing disrespect to any court of law while discharging official duties. Based on the submission made above the Hon'ble Tribunal may be pleased to dismiss the petition with cost.

✓ Azad Sameer

- 8 -

AFFIDAVIT

I Shri Brig Azad Sameer  
at present working as Commander  
at Headquarters, 51 Sub Area who  
is Respondent No1 in the present Contempt Petition and hence Competent to sign this  
Affidavit, do hereby solemnly affirm and state that the statement made in paragraph  
1 & 9 are true to my  
knowledge and belief, those made in paragraph 2 to 8 being  
matter of records, are true to my information derived there from and the rest are my  
humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this affidavit on this 4 th day of Feb 2008 at Guwahati

Identified by

Alsha Das  
Advocate

Azad Sameer

DEPONENT

A

10 24 99

222 ABOD  
c/2 ) 2 18'0  
(unconcerned)

	f	h
rel 196		
rel 196		

1. PLEASE INDICATE IF THE FIELD ADVISED RE: RELATION  
NO. OF, AND TYPE OF, CONTACTS OF INTEREST OF SUBJECT  
TO THE FOLLOWING: (a) INDIVIDUALS IN THE STATE OF  
ALABAMA; (b) INDIVIDUALS IN OTHER STATES;

1. Refer to this office letter # 27521/402/732/43cc/01-5 dated 21 Jul 90 and 2-621/402/43cc/01-5 dated 09 Sep 90.
2. Copy of Army HQ (01-2)(1) letter # 30932/304/Policy/OS-00(1) dated 04 Sep 89 is forwarded herewith for your strict compliance.

(Lieutenant General)

ג. כח

Offg. Chief Record Officer  
for OIC Records

COPY OF ARMY HQ (DS-40) (1) 11-11-99 00992/001/20101/20-00(1)  
 DATED 03 FEB 99

55-55072

1. Reference DOPAP O.M. No 3-014/2/96-Instt(Res) dat 02 Jul 97, circulated vide Army H. letter No 60992/SGP/Policy/OS-22(i) dated 06 Dec 97. &

2. A number of queries have been received from various DOPGT/DOPT Units, for clarification from this HQ regarding Post/Basic revised rosters, which were required to be prepared and maintained, u.e.f 02 Jul 97, as per DOPGT's instructions under reference. Clarifications in detail on various aspects of how to prepare and maintain the said 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'. Likewise, how the actual roster is to be prepared, has been illustrated.

Attested  
Lisha Das  
Advocate

- 10 -

113

Appendix 'A' to Army HQ letter  
No HQ992/SCT/Policy/03-0C(1)  
dated 01 Feb 92

CLARIFICATION REGARDING POST BASED RESERVATION ROSTER

(a) For the purpose of reservation in respect of direct recruitment for Cp 'C' and 'D' posts, the regional percentages earmarked for respective States/Union Territories as given in HQS 1001/2/22/92 dated 29-12-91 circulated vide HQS 1001/2/22/92 dated 29-12-91 are to be followed by the Depots/Units while preparing rosters.

(b) After preparing rosters 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 authorization 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.

(c) For all direct recruitment Cp '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 OBC promotion. The reservation percentage for SC & ST categories for posts filled by promotion (Centrally as well as 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 along with 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 the remarks - "selected on merit of General category."

p/2..

*Attested  
Alshon  
Advocate*



(h) The SC/ST candidates, who are placed in the select panel by virtue of seniority and fitness would be promoted against the quota of general category, in spite of excess 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 excess list of the respective reserve category and adjusted in the roster in future.

(j) While filling up the reserved category post (SC/ST/ODC) 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/ODC 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/ODC, 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 DOPAT's OM No 42/21/49-NGS dated 20.1.1952 and subsequent orders reproduced at page 70 to 74 of the Brochure on Reservation for Scheduled Caste & Scheduled Tribes (19th 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 DOPAT OM No 36012/2/96-Ext(Res) dated 02 Jul 97 may be followed. The principles of preparing these rosters are explained in the explanatory notes in the Appendices to Annexure II, III and IV to DOPAT's ibid OM. However, while following the model roster given in Appendices to DOPAT'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 DOPAT'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.

.. P/3..

*Attested  
Abha Ban  
Advocate*

(iii) Another method is being devised by Army HQ/AG's Branch in consultation with DOP&T for implementing post based revised rosters for small cadres, which will be communicated subsequently.

#### Preparation of Roster

(a) While preparing post based reservation roster, it has to be kept in view that the points of roster have to be based on the number of posts authorized to respective depots/units. Roster were required to be prepared immediately after the issue of the letter of DOP&T OM 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 on 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 post, the example given in DOP&T letter dated 02 Jul 97 may be followed.

(n) After putting the serial number as per authorization 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 stage 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.

.. P/A..

Attested  
Lisha San  
Advocate

116

(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 I to this Appendix. Minimum 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. Along 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 as 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, at Srl No 15.

(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 caste status will be mentioned against their name 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 authorized 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 posted 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 posted at 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 ascending order of seniority. Excess list for all the categories will be invariably attached with respective rosters. 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 senior most excess employees in the excess list for that particular category will be first adjusted against the vacant point in the roster as per seniority.

..P/5..

(b)

*Attested by  
Lisha Das  
Advocate*

11/2

Reservation for Physically Handicapped and Ex-Servicemen

Contd. P. - 6

Attested  
Asha Das  
Advocate

RESERVATION IN RECRUITMENT

1. Reference this <sup>Army</sup> HQ letter No 80992/SCT/Policy/OS-8C(i) dated 08 Feb 1999.
2. In Appendix 'A' to Army HQ's letter under reference, under group heading 'Reservation for Physically Handicapped and Ex-Servicemen' after sub para (i) add sub paras (w), (x) and fresh group heading and sub para (y) as under:-

(w) This HQ (OS-8) shall maintain a separate 100 point roster for Gp 'C' and 'D' separately, in which each cycle of 100 points shall be divided into three blocks, comprising the following points :-

- (i) 1<sup>st</sup> Block - Point No 1 to Point No 33
- (ii) 2<sup>nd</sup> Block - Point No 34 to Point No 67
- (iii) 3<sup>rd</sup> Block - Point No 68 to Point No 100

Contd P/2

\* Para 2 (w), (x) & y added vide Army HQ letter No 8/23801/-  
32/Policy/OS-8C (i) dt- 16 Feb 2000. (P. No. 196)  
Vol VII.

Attested  
Usha Das  
Advocate

- 16 -

119

ANNEXURE I to ARMY HQ  
Army HQ Letter No. 1299  
PST/Police/OS-SC(I) dated  
03 Feb 90

**MODEL ROSTER FOR DETERMINING RESERVATION POLICIES  
(FOR DIRECT RECRUITMENT POSTS)**

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% 6/	ST 9% 11/	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  
Lisha Dan  
Admoral

P/2..

22.	1.54	1.90	5.94	UR
23.	1.61	2.07	6.21	SC-2
24.	1.6	2.15	6.40	OBC-6
25.	1.77	2.35	6.75	UR
26.	1.32	2.31	7.02	OBC-7
27.	1.30	2.45	7.29	R
28.	1.26	2.52	7.55	UR
29.	2.03	2.61	7.85	SC-2
30.	2.1	2.7	8.1	OBC-2
31.	2.17	2.70	8.37	UR
32.	2.23	2.38	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	9.51	OBC-9
36.	2.52	3.24	9.72	UR
37.	2.59	3.33	9.99	UR
38.	2.66	3.42	10.26	OBC-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	3.70	11.34	UR
43.	3.01	3.87	11.61	SC-3
44.	3.03	3.96	11.80	UR
45.	3.15	4.05	12.15	ST-4
46.	3.22	4.16	12.42	OBC-12
47.	3.30			

Attested  
 Isha Das  
 Advocate

18 -

121

ANNEXURE II to APPX 'A' to  
 ARMY HQ letter No 80992/  
 SGP/Policy/OS-SC(i) dated  
 08 Feb 99.

**ROSTER FOR POST  
 (DIRECT RECRUITMENT/PROMOTIONAL)**

UNIT :

Space for pasting summary (Annexure III)

	SC	ST	ODC	GEN	TOTAL
POST AUTH	03	04	13	30	50

Sr No	Marked for category	T.No & Name of the employee	Category belongs to	Date of Rectt	Remarks
1.	UR	2724 SARI XYZ	UR		
2.	UR	.....	UR		
3.	UR	.....	UR * SC		'SELECTED ON MERIT OF GEN CATEGORY'
4.	ODC-1	.....	ODC		
5.	UR	.....	UR		
6.	UR	.....	UR		
7.	UR	.....	UR		

..P/2..

*Attested*  
*Abhishek*  
*Advocate*

32  
 192



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

OBC --

UR .....  
.....  
.....  
.....

UR --

UR .....  
.....  
.....  
.....

UR --

UR .....  
.....  
.....  
.....

UR --

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

ST --

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

OBC --

UR .....  
.....  
.....  
.....

UR --

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

SC --

NO SO ON.....

Attested  
Jisha Das  
Advocate

ANNEXURE III to APPX 'A' to  
Army HQ letter no 80992/SC/2/  
Policy/OS-3C(1) dated  
06 FEB 1999

UNIT :

SUMMARY SHOWING STATUS OF RESERVATION SC/ST/OTC  
AS ON.....

NAME OF POST.....

	SC	ST	OTC	GRN	TOTAL
POST ARMY	03	04	13	30	50
TOTAL	-	-	-	-	-

Date :.....

Sig of Adm Officer

Attested  
Elsha Das  
Advocate

129

## SC

1

3.

3.

•

## 57

1.

2.

3.

•

03C

1.

2.

3.

4

## 35.1

1.

2.

3

4

6/11  
6/12  
6/13  
6/14

44-117-11

Attended  
Lisha Das  
Advocate

# CATION FOR MAZDOOR

Annexure B

To,  
The Adm. Officer  
222 ABOB,  
C/O 99 APO

12(12)

22-



125

1. Name in full (in block letters) : MD. NAFTUL ALI
2. Father's Name : MD. NAFTUL BUR. ALI
3. Post applied for : MAZDOR AND DRAFT MAN
4. Date of birth : 21.11.85
5. (Supporting documents duly certified attached)
6. Present Age (as on 01 Sep. 2007) : 23 Yrs. 9 Months 20 Days
7. Address in Full:
  - a) Permanent : VIL-AMSTING, TORABAI, NINGMILE (NEAR LIVES COY)  
MOUZA - PANBART  
P.S. - NOONMATTI  
POST OFFICE - SATMOAN - Ghy
  - b) Present (Correspondence) : DO
7. Whether PH or Ex-Servicemen : Ex-Servicemen
8. (Supporting documents duly certified attached)
9. Category (ST/OBC/Gen) : OBC
10. Nationality : INDIAN
11. Religion : MUSLIM
12. Educational Qualification : EIGHT PASS, NINE READING
13. (Supporting documents duly certified attached)
14. a) Copy of domicile certificate and ration Card duly certified should be enclosed with application.
15. b) Employment Exchange Card duly attested by a Gazetted Officer.
16. Personnel already in Govt. employment should bring NO OBJECTION CERTIFICATE from employer.
17. Three copies of passport size photograph of the candidate duly attested by Gazetted Officer should be enclosed with the application along with self addressed stamp and envelope.
18. 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.
19. Any incomplete/blank information will render the application as rejected.
20. 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.

Dayp 10202/11/0081/0708

MD NAFTUL ALI

Signature of the Applicant

Attested  
Abha Das  
Advocate

4971 4/11/11 11:11 AM (11/11/11)

1114

23

~~Amir~~ C.C.

222 Adv Base Ord Depot  
PIN - 909222  
C/O 99 APO

1523/Rect/ADRP/ /Civ Est

04 Sep 2007

~~MD NAEIUL ALI~~

~~S/D MD NAZIBUR ALI~~

~~VILL - AMSING JORABAT NINE MILE~~  
~~C WEAR - 41 VEC COY) PO - SATHACN~~

~~MOUZA - PANBARI, PS - NODONMOTI~~

~~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 04 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 or after 11 Aug 2007.

(Rajiv Vaid)  
Lt Col  
Adm Officer  
for Commandant

Attested  
Usha Das  
Advocate

5 NOV 2007

गुवाहाटी न्यायपीठ

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 18 OF 2007

IN

O. A. NO.259 of 2007

IN THE MATTER OF:

A Petition under Section 17 of  
the Administrative Tribunals  
Act, 1985 praying for  
punishment of the Contemnors/  
Respondents for non-compliance  
of Interim Order passed by the  
Hon'ble Tribunal in O.A.  
No.259 of 2007 dated  
21.09.2007.

- AND -

IN THE MATTER OF:

Md. Naifful Ali

... Petitioner/Applicant.

-VERSUS-

The Union of India & Others.

...Respondents/ Contemnors.

- AND -

IN THE MATTER OF :

Md. Naifful 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

...Petitioner

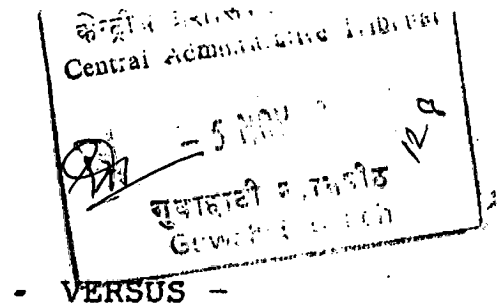
FILED BY

12x  
Md. Naifful Ali through

(Adv. A. H. M. S. P.)

Advocate

Naifful Ali



- VERSUS -

1. Brig. Azad Sameer  
Commander,  
Head Quarter, 51 Sub Area  
Narengi Cantt.  
Post Office- Satgaon,  
Guwahati-781027
2. Col. R. Singh Rawat  
Commandant  
222 ABOD  
C/o 99 APO.

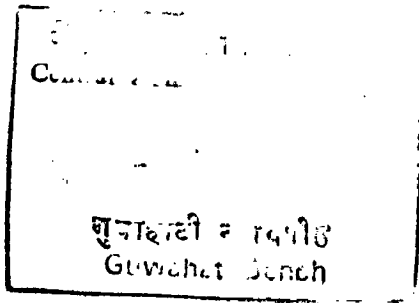
...Respondents/Contemnors

The humble Petition of the  
above named Petitioner:

MOST RESPECTFULLY SHEWETH:

1. That your humble Petitioner had filed the Original Application No.259 of 2007 before this Hon'ble Tribunal against the Impugned advertisement for recruitment to the post of Mazdoor in the Office of the Respondent No. 2 (i.e. Respondent No. 4 of the O.A.) and also seeking a direction from this Hon'ble Tribunal to direct the Respondents to advertise afresh the post of Mazdoor as per the existing policy and guideline enumerated under 'The Persons with disabilities (equal opportunities, protection of rights and full participation) Act'1995.

2. That your Petitioner begs to state that the aforesaid case came up for admission on 21-09-2007 before this Hon'ble Tribunal. The Hon'ble Tribunal was pleased to issue notice to the Respondents and in the meantime, the Respondents were directed to permit the Applicant to appear in the examination on 24-09-2007. However, the result of this category shall be subject to the outcome of the O.A."



Photocopy of Order dated 21-09-2007 passed in O.A.No.259 of 2007 is annexed herewith and marked as ANNEXURE- A.

3. That your petitioner begs to state that as per the Direction of this Hon'ble Tribunal vide order dated 21-09-2007 passed in O.A. No. 259 of 2007, the Respondents had permitted the Applicant to appear in the said examination and also issued Admit Card No. 1114. It may be stated here that though the Applicant was allowed to appear in the said examination he was asked to appear for the <sup>Physical</sup> examination along with the General candidates and not <sup>As</sup> under the Physically Handicapped category. It is to be stated that the Respondents / Contemnors intentionally conducted the examination of the Applicant along with general category candidate and not in the Physically Handicapped similarly situated candidates.

Photocopy of the token issued by the Respondents to the Applicant is annexed herewith and marked as ANNEXURE-B.

4. That your Petitioner begs to state that in spite of the Hon'ble Tribunal's Interim Order dated 21.09.2007 the Respondents / Contemnors has published the result of the total selected candidates including Physical Handicapped category. As such, the Petitioner is compelled to file this Contempt Petition.

Photocopy of the Select List is annexed herewith and marked as ANNEXURE- C.

5. That your Petitioner begs to state that the Respondents/Contemnors have shown disrespect, disregard



Photocopy of Order dated 21-09-2007  
passed in O.A.No.252 of 2007 is  
annexed herewith and marked as

ANNEXURE-A.

3. That your Petitioner begs to state that as per the  
direction of this Hon'ble Tribunal vide order dated 21-09-  
2007 passed in O.A. No. 252 of 2007, the Respondents had  
permitted the Applicant to appear in the said examination  
and also issued Admit Card No. 1116. It may be stated here  
that though the Applicant was allowed to appear in the  
said examination he was asked to appear for the  
examination along with the General candidates and not  
under the Physically Handicapped category. It is to be  
stated that the Respondents & Contemners intentionally  
conducted the examination of the Applicant along with  
general category candidate and not in the Physically  
Handicapped category.

Photocopy of the token issued by  
the Respondents to the Applicant is  
annexed herewith and marked as

ANNEXURE-B.

4. That your Petitioner begs to state that in spite of  
the Hon'ble Tribunal's Interim Order dated 21-09-2007 the  
Respondents & Contemners has published the result of the  
total selected candidates including Physically Handicapped  
category. As such, the Petitioner is compelled to file  
this Contempt Petition.

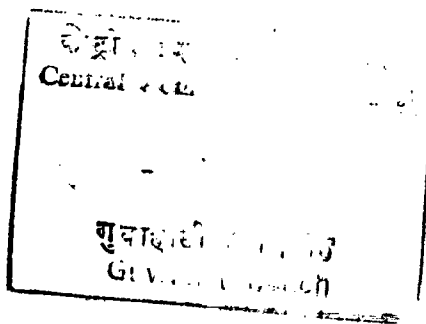
Photocopy of the Interim Order  
annexed herewith and marked as

ANNEXURE-C.

5. That your Petitioner begs to state that the  
Respondents/Contemners have shown disrespect, disregard

and disobedience to the Interim Orders of this Hon'ble Tribunal dated 21.09.2007. The Respondents/Contemnors deliberately with a motive behind have not complied with the Hon'ble Tribunal's Order dated 21-09-2007 passed in O.A. No.259 of 2007. As such, the Respondents/Contemnors deserve punishment from this Hon'ble Tribunal. It is a fit case where the Respondents/Contemnors may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

5. That this Petition is filed bonafide to secure the ends of justice.



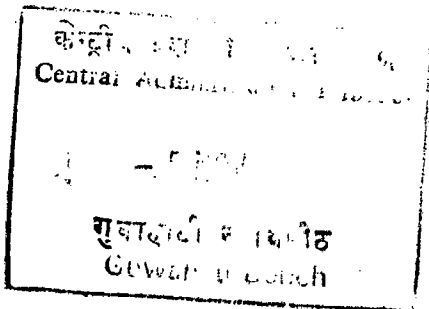
In the premises aforesaid, it is, most humbly and respectfully prayed that Your Lordships may be pleased to admit this petition and issue contempt notice to the Respondents/Contemnors to show cause as to why they should not be punished under Section 17 of the Administrative Tribunals Act, 1985 or to pass such appropriate order or orders as this Hon'ble Tribunal may deem fit and proper.

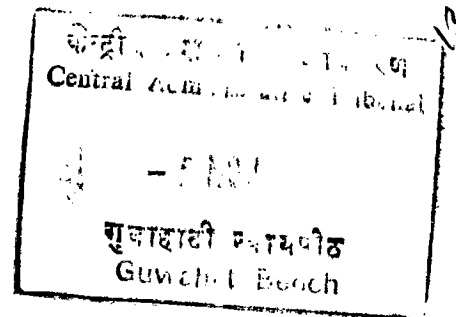
Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 21-09-2007 passed in O. A. No. 259 of 2007, the Respondents/Contemnors may be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not

be punished under the Contempt of Court Act.

And for this act of kindness your Petitioners as in duty bound shall ever pray.

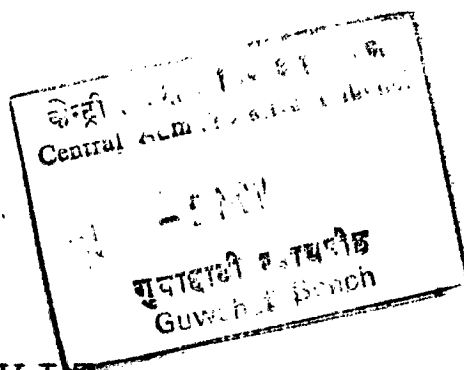
...Draft Charge





DRAFT CHARGE

The Petitioners are aggrieved for non-compliance of the Interim Order dated 21-09-2007 passed by this Hon'ble Tribunal in O.A No. 259 of 2007. The Contemnors/Respondents have willfully and deliberately violated the Interim Order dated 21-09-2007 passed by this Hon'ble Tribunal. Accordingly, the Respondents/Contemnors are liable for Contempt of Court proceedings and severe punishment thereof as provided to appear in person and reply to the charges leveled against them before this Hon'ble Tribunal.



# AFFIDAVIT

I, Md Naiful Ali, Son of Ex-Hav. Md. Nazibul Ali, aged about 22 years, resident of Amsing Jorabat, near 41 Vehicle Company, Police Station- Noonmati, by religion Muslim, do hereby solemnly affirm and state as follows:


1. That I am the Applicant in O. A. No.259 of 2007 and also Petitioner in the instant petition and as such, I am fully acquainted with the facts and circumstances of the case.

2. That the statements made in paragraph Nos. 1, 5 — of the Contempt Petition are true to my knowledge, those made in paragraph Nos. 2, 3, 4 — of the petition being matters of records are true to my information, which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

And I put my hand hereunto this affidavit on this 5th day of November 2007 at Guwahati.

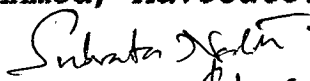
Nat'ul Ali

Identified by

  
Advocate (Adil Ahmed)

DEPONENT

Solemnly affirmed before me by the Deponent who is identified by Adil Ahmed, Advocate.

  
Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

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

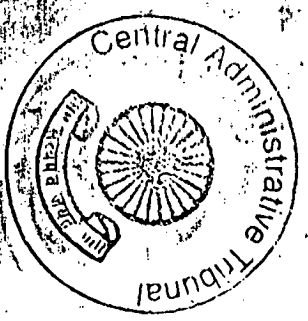
Applicant(S) Md. Nafinul Ali -VS- Union of India & Ors

Advocate for the Applicants:- Sd/- Sh. S. Bhattacharya

Advocate for the Respondents:- CASE

Notes of the Registry	Date	Order of the Tribunal
	21.9.07	

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/-

**ATTESTED**

[Signature]  
**ADVOCATE**

21.9.07

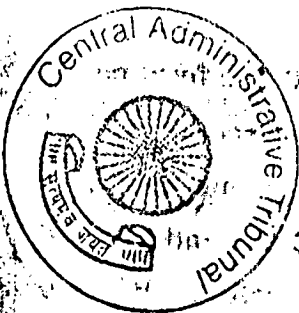
percent, for persons or class of persons with disability of which one percent each shall be reserved for persons suffering from

- 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 outcome 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.

SG/ VICE CHAIRMAN

ATTESTED

ADVOCATE

9<sup>th</sup>

ANNEXURE--B

— 16 —



ATTESTED  
*[Signature]*  
ADVOCATE



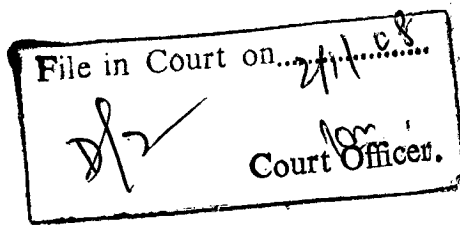
# ANNEXURE-- C

## LIST OF SELECETED CANDIDATES : 222 ARSO

S.NO	NAME	APPL NO
1	BIJOY RABHA	42
2	GANESH BASUMATRY	250
3	JIRAN CH BONGJANG	1085
4	NK BK BORA	19
5	JOGESWAR DAS	425
6	CHIRANJIT SINGHA	176
7	MAHENDRA	354
8	RAJU PACHANI	367
9	SUNIL KUMAR RAI	77
10	PANJAB K SAIKIA	613
11	Md JAINAL ALI	455
12	RATNESH KUMAR	456
13	SANJEEP KUMAR	515
14	RAM KUMAR RAI	1060
15	SUNIL SINGH BORA	389
16	Md RAHIM ALI	584
17	SANJEEB KUMAR RAI	12
18	SULENDE RAI	1033

(Po)

ATTESTED  
ADVOCATE



Filed by  
The Respondent No. 2  
through  
Usha Das  
Advocate  
02/1/08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

CP No 18/2007  
In OA No 259/2007  
MD Nafiul Ali  
.....Applicants

-versus-  
Union of India & others

.....Respondents

-AND-  
IN THE MATTER OF

Affidavit submitted by the Respondent No 2

WRITTEN STATEMENT :

The humble answering respondents submitted his affidavit as follows:

1(a) That I am Col. Rajender Singh Rawat, Commandant, 222 ABOD, C/o 499 APO

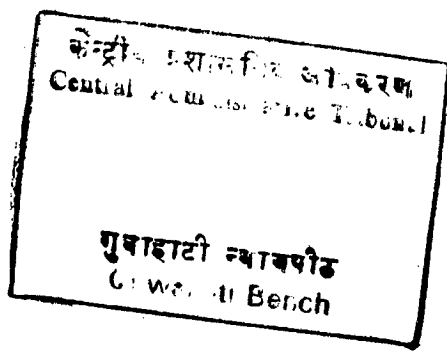
..... and respondent No 2 in the above case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this affidavit, rests may be treated as total denial. The statements, which are not borne on records are also denied and the applicant is put to the strictest proof thereof.

(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.

Received (copy)  
JH  
(for Admin)  
2-1-2008

Rajender Singh Rawat



2

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

139

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

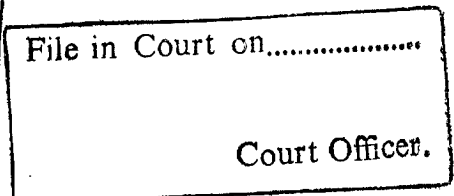
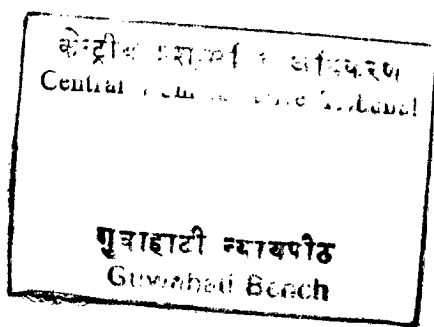
(e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicants had suffered from vice of illegality.

2. That before submission of the parawise reply the deponent would like to give preliminary objections in the present case.

#### PRELIMINARY OBJECTION

A) Md Nafiul Ali (the applicant) has applied for the post of Mazdoor in 222 ABOD, C/O 99 APO in response to the advertisement published in the Newspapers in Ex Servicemen category. His application for the post of Mazdoor is wrong and liable for rejection since he furnished wrong and misleading information showing his category as "Ex servicemen". On scrutiny it has been revealed that the applicant is only 23 years old and he is the son of an Ex Serviceman and belongs to OBC category. It may be mentioned that there is no vacancy for physically handicapped candidates belonging to OBC category. There existed vacancy for physically handicapped candidates belonging to ST category only. Accordingly, the advertisement was published amalgamating the physically handicapped category with ST candidates. It is reiterated that there is vacancy for physically handicapped candidates belonging to ST Category and the advertisement was published accordingly. The petitioner has filed the instant Contempt Petition with malafide intention to stall the recruitment process thereby causing financial loss to the state.

Rajender Singh Rawat



3

- B) The applicant has no valid ground to interfere in the recruitment process of 222 ABOD, C/O 99 APO. On scrutiny of his application for the post of Mazdoor it is revealed that he belongs to OBC category. In fact, there is vacancy for physically handicapped candidates belonging to ST category only. As such, he has no moral right to challenge recruitment procedure. The depot authorities have given advertisement for the recruitment in the light of the 100 point roster maintained by this depot. The petitioner has not fulfilled the required criteria as per 100 point roster maintained by depot. Moreover, the petitioner had submitted wrong and misleading information on the application showing his category as "Ex-servicemen". In spite of the fact that his application had wrong information he was called for appearing in the physical test and interview vide this office letter No 1523/Rect/ADRP/X/Civ Est dated 04 Sep 2007. Further, it is stated that the petitioner is not an orthopaedically handicapped person and as such he was asked to participate in the physical test along with other candidates. The depot authorities have not committed any error in allowing the petitioner to participate in the physical test along with other candidates in principle. In fact proficiency in physical work is the mandatory requirement for the post of Mazdoor. The petitioner had failed in physical test and interview and as such he was not selected. Other qualifications like painting and Art have no relevance to the post of Mazdoor.
- 3) That with regard to the statement made in paragraph 1 of the Contempt Petition, the deponent while denying the statement made therein begs to submit that as per 100 point roster maintained by this depot as per Integrated HQ of Ministry of Defence (Army) letter No 80992/SGT/Policy/OS-8C (i) dated 08 February 1999 there existed vacancy of physically handicapped persons of ST category only which are required to be filled up and accordingly the advertisement was published. It may be mentioned that vacancy for physically handicapped persons belonging to OBC & UR have already been filled up and only the vacancy for ST category of persons belonging to handicapped remains vacant for the post of Mazdoor in this depot. The copy of Integrated HQ of Ministry of Defence (Army) letter is annexed as **Annexure -A**. Thus the respondent authorities have acted as per the policy issued by the Integrated HQ of Ministry of Defence (Army) and have in no way tried to deprive

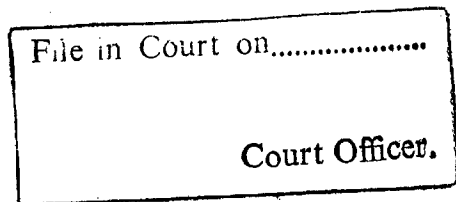
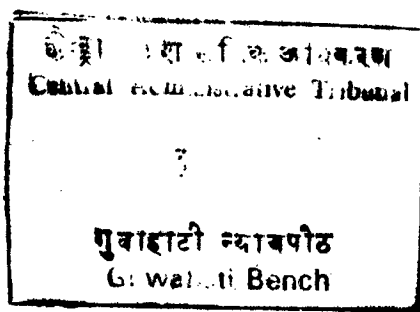
Rajender Singh Rawat

any category of persons. Further, it is stated that the applicant had applied for the post of Mazdoor in the Ex-servicemen category and not for physically handicapped category. Since the applicant has not applied in the Physically Handicapped category, the OA as well as the Contempt Petition do not hold any relevance and merit dismissal. The copy of application for the post of Mazdoor submitted by the petitioner is annexed herewith and marked as **Annexure-B**. On scrutiny of the application it was revealed that the petitioner is the son of an Ex-serviceman and not an Ex-servicemen himself and belongs to OBC. However, since the petitioner was employed as a casual labour in this depot, the depot authorities were aware that he is a physically handicapped person and thus allowed him to appear in the recruitment procedure. Since for the post of Mazdoor he had already been called for the interview vide this depot letter No 1523/Rect/ADRP/X/Civ Est dated 04 Sep 2007, it is not understood by the respondent authorities as to why OA and the CP has been submitted by the petitioner. The advertisement was published inviting application for the post of Mazdoor in this depot amalgamating ST category with the handicapped category, as the vacancy for physically handicapped category was unfilled only in ST category. There is no malafide intention to deprive a certain category of person belonging to handicapped category. As prayed by the petitioner there is no logical ground for advertising afresh. As per the policy direction issued by the Higher Headquarters, required formalities have been complied with in notifying the advertisement for the post of Mazdoor by this depot. The prayer made by the petitioner through the para is denied.

The copy of Integrated HQ of Ministry of Defence (Army) letter is annexed as Annexure-A. The copy of the application for the post of Mazdoor submitted by the petitioner is annexed herewith and marked as Annexure -B. A copy of the letter dated 04 Sep 2007 is annexed herewith and marked as Annexure-C.

- 4) That with regard to the statement made in paragraph 2 of the Contempt Petition, the answering deponents beg to submit that the deponent offers no comment to the opening part of this paragraph. With regard to the later part of this para, it is stated that the petitioner was called for recruitment vide our letter No 1523/Rect/ADRP/1114/Civ Est dated 04 September 2007 before issuing the order dated 21 Sep 2007 passed by the Hon'ble CAT, Guwahati. Thus the order of the Hon'ble Tribunal has already been complied with. The petitioner could not qualify in the interview/physical test as conducted by the depot

Rajender Singh Ramak

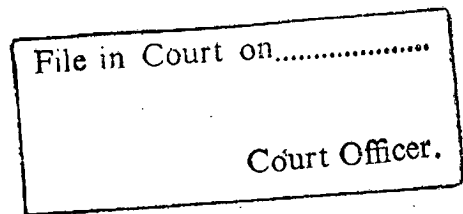
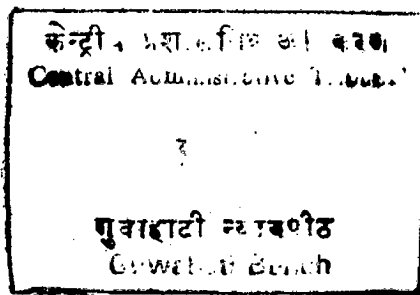


5

authorities. As per standard operating procedure to be adopted for direct recruitment of group 'C' and 'D' categories in ordnance depot/units received vide integrated HQ of Ministry of Defence (Army) letter No A/23801/32/Policy/OS-8C (i) dated 23 April 2007 the selected panel list to be displayed on the notice board of unit/establishment and the selected candidates are also to be intimated about their selection. However the appointment letter of the selected candidates have not been issued by this depot till date. As indicated in the order dated 21 Sep 2007 passed by the Hon'ble CAT, Guwahati, the procedure for recruitment of Mazdoor cannot be stopped for only one person principally. Since the petitioner has not been selected despite giving a fair chance to him, the contempt petition holds no relevance as the outcome of OA has already been revealed. Hence the contention made by the petitioner is denied as the court order has been fully complied with.

- 5) That with regard to the statement made in paragraph 3 of the Contempt Petition, the deponent begs, while denying the contentions made therein, to submit that the petitioner did not apply in the physically handicapped category and rather applied in the Ex-servicemen category. As per the application submitted by the petitioner, he cannot claim any relaxation in the physical test/interview. Rather his application was liable to be out rightly rejected. However, since he had worked with this depot as Casual labour, he was given a chance to appear in the recruitment procedure. It is further submitted that the petitioner is deaf and dumb person and not orthopedically challenged. His other limbs function well as he has been performing casual labour duties in the depot and in principle he can participate in the physical test along with other candidates. It may be mentioned that Mazdoors are selected for appointment based on the performance in the physical tests and interview only. Orthopediacally handicapped persons are exempted from physical test. Since the petitioner is a deaf and dumb person, he has been exempted from appearing in the interview/viva voce test. It is reiterated that the petitioner is a speech and hearing impaired person as such he may be exempted from appearing in the oral and not in the physical test. The limbs of the petitioner other than the speech and hearing are well functional and as such he was asked to appear in the physical test along with other candidates. At the time of physical test the petitioner did not raise any objection and willingly participated in the physical test. The petitioner could not qualify in the physical test as conducted by the depot authorities, which is a mandatory requirement for the post of MAZDOOR. The petitioner applied for the post of Mazdoor under

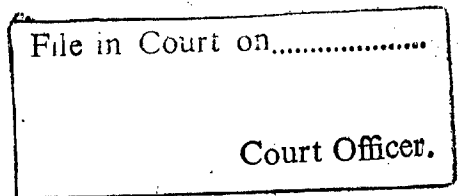
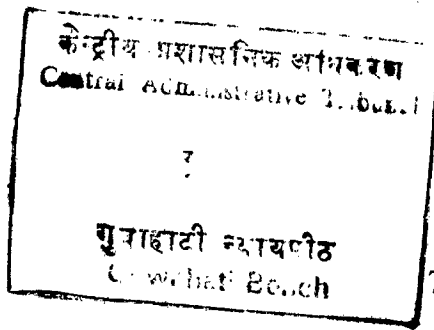
Deepender Singh Rana



Ex-servicemen quota and not against physically handicapped category. Since the petitioner had applied under Ex-servicemen quota he is not entitled to the concessions and facilities provided to the physically handicapped persons in principle. The petitioner had unnecessarily filed the instant contempt petition without any valid ground to delay the recruitment procedure and malign the fair image of the respondents due to reasons best known to him. The false and baseless allegations made by the petitioner on the respondents are denied.

- 6) That with regard to the statement made in paragraph 4 of the Contempt Petition, the answering deponent begs to submit that the petitioner has applied under Ex-servicemen category and not under physically handicapped category. However, he was allowed to appear in the physical test and interview in spite of wrong information furnished by the petitioner. It may be mentioned that respondent can not stop the proceedings for recruitment for only one person in principle who is also not a genuine case as he had submitted the application giving wrong information and was liable to be outrightly rejected, hence the respondents have published the result of the selected candidates. However, the appointment letter for the selected candidates has not been issued. Further, there is no vacancy for physically handicapped persons of OBC category and as such, the petitioner could not have qualified in this category. The petitioner was given a chance to compete with other candidates in order to give him a fair chance to compete with OBC and general category and secure a place based on merit. Since the petitioner gave false information in the application submitted and has tried to mislead the Hon'ble Tribunal to gain advantage, the petition is liable to be dismissed with cost.
- 7) That with regard to the statement made in paragraph 5 of the Contempt Petition, the answering deponent begs to submit that the petitioner has applied for the post of Mazdoor under Ex-servicemen quota and not physically handicapped category. In spite of furnishing wrong and misleading information on the application, the petitioner was called for recruitment, the petitioner could not qualify in the physical test and interview and as such he was not selected. The respondents can not stop the recruitment process for a single person who also has furnished wrong and misleading information on the application. It may be mentioned that our depot is facing acute shortage of Mazdoors and due to the increased workload the depot authorities are unable to perform the day to day activities. Owing to the urgent

Rajendra Singh Rana

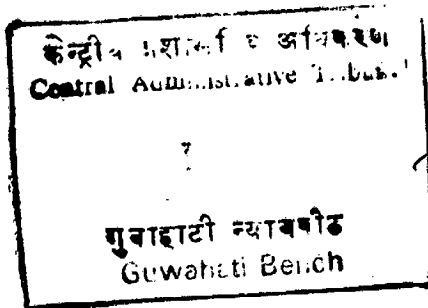


requirement of manpower for performing the routine work, the employment of Mazdoors by this depot was badly needed and with a view to cope up with the requirements the respondents published the list of selected candidates. The respondent authorities are compelled to hire casual labour for day to day functioning as there are only 319 Mazdoors posted in this depot against the authorization 536 Mazdoors. Accordingly the case for recruitment was taken up with integrated HQ Ministry of Defence (Army) and the same was sanctioned vide integrated HQ of MOD (Army) letter No A/23018900/ADRP/2003-04/OS-8C (i) dated 21 March 2007. As per integrated HQ of MOD (Army) letter No 15972/ADRP/NAA/OS/2003-04/MP-4 (Civ) (b) dated 17 March 2007 the recruitment procedure was to be completed by 17 Nov 2007. Since the petitioner had not qualified in the recruitment, the entire procedure can not be stalled and as such there was no question of disrespect, disregard and disobedience to the interim order of the Hon'ble Tribunal.

- 8) That the deponent begs to submit that it is thus clear that OA and CP hold no value as entire case is fully devoid of any merit. Despite submission of wrong details in the application the petitioner was given a fair chance to participate in the recruitment procedure. The petitioner only wants to get recruited by any way without merit. The case seems to be full of malafide intention of thwarting the recruitment procedure and tarnishing the fair image of 222 Advance Base Ordnance Depot. It is pertinent to mention here that respondent No 2 is himself a physically handicapped person with 90% disability and uses an artificial limb and has always tried to help the petitioner. The respondent No 2 had only employed the petitioner as casual labour on daily wages. The petitioner is trying to gain advantage by misleading the Hon'ble Tribunal and delaying the recruitment procedure and thereby causing loss to the state. It is, therefore, prayed that the instant Contempt petition be dismissed and closed with costs.
- 9) That the deponent begs to submit that there is no violation of the Hon'ble Tribunal's interim order. The deponent tenders unconditional and unqualified apology before the Hon'ble Tribunal for any kind of disregard or disrespect shown by the deponent without knowledge. The deponent is a responsible officer of the Govt of India hence can not even think of showing disrespect to any court of law while discharging official duties. Based on the submission made above the Hon'ble Tribunal may be pleased to dismiss the petition with cost.

Rajender Singh Rana





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

8 -  
AFFIDAVIT

I Shri Col Rajender Singh Rawat

At present working as Commandant

at 222 ABOD c/o 99 APO who is

Respondent No. 2 in the present Contempt Petition and hence Competent to sign this Affidavit, do hereby solemnly affirm and state that the statement made in paragraph 1, 8, 9

are true to my knowledge and belief, those made in paragraph 2, 3, 4, 5, 6 & 7 being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this affidavit on this 29 th day of December 2007 at Guwahati

Identified by

Asha Das  
Add ensc.

Rajender Singh Rawat  
R S Rawat  
DEPONENT Colonel  
Commandant

7332100

SENSE AYUDH CORPS ABHILEKH KARYALAYA  
ARMY ORDNANCE CORPS RECORD OFFICE  
POST BOX NO 3  
TRIMULGHORRY POST  
SECUNDERABAD - 500 015

27621/SCT/Misc/CA-6

10 MAR 99

TAT CLK

11

12

222 ABOD

12 99

(Unit concerned)

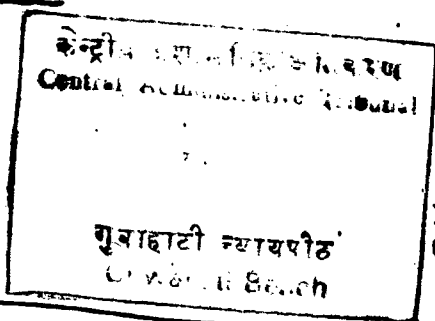
156

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

File in Court of

Court Officer

1. Refer to this office letter No 27621/SCT/732/Misc/CA-5 dated 21 Jul 98 and 27621/SCT/Misc/CA-5 dated 03 Sep 98.
2. Copy of Army HQ (OS-3C)(1) letter No 30992/SCT/Policy/OS-3C(1) dated 06 Feb 99 is forwarded herewith for your strict compliance.



(Anant Rao)

Major

Offg Chief Record Officer  
for OIC Records

COPY OF ARMY HQ (OS-3C)(1) LETTER NO 30992/SCT/POLICY/OS-3C(1)  
DATED 06 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 Annexure I to Appendix 'A'. How the actual roster is to be prepared, has been illustrated.

...../2..

Attested

Personal Officer

File in Court Officer. 2

147  
Court Officer. 2

10

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 No 80992/Roster/OS-3C(2) dated 24 Jan 76, the roster of the Depots/Units, including CQDs, are required to be inspected/scrutinized by the liaison officers nominated at HQ Commands, who will submit the consolidated report to this HQ by 31 Mar 99.

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 97, 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 (Pz)

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.

Gen Sec	
Asst Sec	
Asst Sec	
Asst Sec	
Asst Sec	
Asst Sec	

*Sub Manager*  
*22/10/97*  
*16/11*

File in Court on.....

Court Officer

Appendix 'A' to Army HQ letter  
No 80922/SCT/Policy/OS-SC(1)  
dated 08 Feb 99

केन्द्रीय प्रशासनिक आचार्य,  
Central Administrative Tribunal

148

गुवाहाटी न्यायाधीश  
Guwahati Bench

CLARIFICATIONS REGARDING POST BASED RESERVATION ROSTER

- (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 Annexure II of DEPOT OM No. 35012/27/98, dated 04.12.98, circulated vide ~~Depot OM No. 35012/27/98, dated 04.12.98~~ 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 authorised for each category, i.e., SC/ST/OBC/Goa are to be worked out in such a fashion that they should match the figure by applying the percentage factor to the total authorised 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.
- (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 on 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 the "selected on merit of General category."

Attested

*[Signature]*

Personal

Officer

(h) The SC/ST candidates, who are placed in the roster by virtue of seniority and fitness would be promoted against the quota of general category, in spite of excess 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 excess list of the respective reserve category and adjusted in the roster in future.

(j) While filling up the reserved category post (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 prescribed in DOP&T's OM No 42/21/9-MS dated 23.1.1952 and subsequent orders reproduced at page 70 to 74 of the Brochure on Reservation for Scheduled Caste & Scheduled Tribes (Eight 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 DOP&T 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 DOP&T's ibid OM. However, while following the model roster given in Appendices to DOP&T'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 DOP&T'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.

File in Court on.....

Court Officer.

(iii) Another method is being devised by Army HQ/49's Branch in consultation with DOP&T for implementing post based revised rosters for small cadres, which will be communicated subsequently.

केन्द्रीय प्रशासकिय अधिकारी  
Central Administrative Tribunal

### Preparation of Roster

(a) While preparing post based reservation roster, it has to be kept in view that the points of ~~reservation~~ ~~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 on 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.

गुवाहाटी न्यायपीठ  
Guwahati Bench

(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. Minimum 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. Along 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 as 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, at Srl No 15.

(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 caste status 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 authorized strength, hold 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 rosters. 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 senior most excess employee in the list for that particular category will be placed against the vacant point in the roster as per seniority.

File in Court on.....

Court Officer.

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 holding of a category will also be clearly visible from the summary.

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal

गुवाहाटी न्यायपीठ  
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 SC/ST/ODC/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/ODC in vertical fashion. If it is kept in view that the reservation for Physically Handicapped and Ex-servicemen is to be effected in horizontal fashion, 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 reserved categories i.e., SC/ST/ODC. Physically Handicapped and Ex-servicemen, thus selected, would be placed against respective categories points (SC/ST/ODC/SPH) in the roster, wherever applicable, and thereafter the balance reserve vacancies for SC/ST/ODC 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/SC/Policy/OS-SC(1) dated 11 Sep 96 may be referred to. Similarly, with regard to percentage of reservation for Ex-servicemen, attention is invited to Army HQ letter No 80992/SC/Policy/OS-SC(1) dated 11 Sep 96. The roster for the year 1997-98 is being prepared and will be submitted to the HQ by 31 Mar 99.

Note : It is reiterated that in compliance with Army HQ letter No 80992/Rosters/OS-SC(1) dated 24 Jan 76, the rosters of the Depots/Units including COBs are required to be inspected/scrutinised by the liaison Officers nominated at HQ Commands, who will submit the consolidated report to this HQ by 31 Mar 99.



ANNEXURE IV to APPX IAI  
Army HQ letter 30995/  
SC1/Policy/OS-3(1) dated  
03 Feb 1999

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

EXCESS REPRESENTATION  
FOR THE POST OF

SC

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

- 1.
- 2.
- 3.
- 4.

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal  
  
पुनराहादी न्यायपीठ  
Appeal Bench

ST

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

- 1.
- 2.
- 3.
- 4.

OPC

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

- 1.
- 2.
- 3.
- 4.

CDI

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

- 1.
- 2.
- 3.
- 4.

Attested  
Personal Officer

11  
11/11/99  
11/11/99

11/11/99  
11/11/99

ANNEXURE I OF ARMY  
Army HQ Letter No. 1016  
SOT/Pol:cr/OS-SC(1)  
03 Feb 90

Court Officer.

**MODEL ROSTER FOR DETERMINING RESERVATION POINTS  
(FOR DIRECT RECRUITMENT POSTS)**

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

के.टी. शर्मा वी. अश्विनी  
Central Administrative Tribunal  
महाराष्ट्र न्यायपीठ  
Central Bench

Sl No of Post	Share of Entitlement			Category for which the post should be earmarked
	SC 7% 6%	ST 9% 11%	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.		1.89	5.67	UR

Attested  
Personal Officer

22.	1.54	1.53	3.04
23.	1.61	2.07	5.21
24.	1.6	2.15	6.45
25.	1.75	2.35	6.75
26.	1.32	2.34	7.02
27.	1.36	2.13	3.54
28.	1.06	1.52	2.58
29.	2.03	2.61	7.65
30.	2.1	2.7	5.1
31.	2.17	2.75	5.37
32.	2.23	2.36	5.64
33.	2.31	1.97	3.91
34.	2.33	3.65	6.15
35.	2.45	3.1	6.55
36.	2.52	3.24	6.72
37.	2.59	3.33	9.99
38.	2.66	3.42	10.25
39.	2.73	3.51	10.55
40.	2.8	3.6	10.8
41.	2.87	3.69	11.07
42.	2.94	3.75	11.35
43.	3.01	3.87	11.61
44.	3.03	3.96	11.85
45.	3.15	4.05	12.15
46.	3.22	4.1	12.42
47.	3.3	4.2	12.7

UR

ST-2

OBC-6

UR

OBC-7

R

UR

SC-2

OBC-8

UR

UR

UR

ST-1

OBC-9

UR

UR

OBC-10

UR

UR

OBC-11

UR

SC-3

UR

ST-4

OBC-12

File in Court on.....

Court Officer

ANNEXURE II to APPX I to  
Army HQ letter No 8992/  
SC/Policy/OS-SC(d) dated  
03 Feb 99

File in Court on .....

Court Officer.

ROSTER FOR : POST  
(DIRECT / NORMAL / PROMOTIONAL)

UNIT :

Space for posting summary (Annexure III)

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

Sr No	Marked for category	Task & Name of the employee	Category belongs to	Date of Rett	Remarks
-------	---------------------	-----------------------------	---------------------	--------------	---------

1.	UR	2724 SRI YZA	UR		
2.	UR	.....	UR		
3.	UR	.....	UR * SC		
4.	DEC-1	.....	DEC		
5.	UR	.....	UR		
6.	UR	.....	UR		
7.	UR	.....	UR		

केन्द्रीय प्रशासनिक आयोग  
Central Administrative Tribunal  
गुवाहाटी न्यायपीठ  
Guwahati Bench

SELECTED ON  
MERIT OF GEN  
CATEGORY

Attested  
Personal offic

157

- 20 -

3

48.	3.36	4.52	12.96	UR
49.	3.43	4.41	13.23	ONC - 12 13
50.	3.5	4.5	13.5	UR 120-14

• (Deduction to  
cover the  
auth. of post  
percentage)

SUMMARY

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

Note

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

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

File in Court on.....

Court Officer.

- 21 -

ANNEXURE II to APPX I to  
Army HQ letter No 80992/  
SCS/Police S-2(1) dated  
08 Feb 99

158

**ROSTER FOR POST  
(DIRECT RECRUITMENT/PROMOTIONAL)**

Court Officer.

UNIT :

Space for pasting summary (Annexure III)

	SC	ST	ODC	GEN	TOTAL
POST AUTH	03	04	13	30	50

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

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

केन्द्रीय प्रशासनिक अपील  
Central Administrative Tribunal  
  
गुवाहाटी न्यायपीठ  
Guwahati Bench

SELECTED ON  
MERIT OF GEN  
CATEGORY

*Attested*

*Personal Officer*

32  
192

159

- 220

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

2

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

OBC ---

UR .....  
.....  
.....  
.....

UR ---

UR .....  
.....  
.....  
.....

UR ---

UR .....  
.....  
.....  
.....

UR ---

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

ST ---

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

OBC ---

UR .....  
.....  
.....  
.....

UR ---

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

SC ---

AND SO ON.....

ANNEXURE III to APPX 'A' to  
Army HQ letter No 80992/SC/ST/  
Policy/OS-8C(1) dated  
03 FEB 1999

UNIT :

SUMMARY SHOWING STATUS OF RESERVATION SC/ST/OBC  
AS ON.....

File .....  
Court Officer.

NAME OF POST.....

	SC	ST	OBC	GBA	TOTAL
POST AVALI	03	04	13	30	50
TOTAL	-	-	-	-	-

Sig of Adm Officer

Date :.....

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
  
गुवाहाटी न्यायपीठ  
Guwahati Bench

Attested  
Personal Officer



# APPLICATION FOR MAZDOOR

Annexure B

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

File in Court on.....

Court Officer.

1. Name in full (in block letters) : MD. NAFTUL ALI
2. Father's Name : MD. NAZIBUR ALI
3. Post applied for : MUSDUR 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 :
 

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative T. Bldg.

 AMBING, TORBAT NINE MILE (NEAR LIVES COY)  
MOUZA - PANBARI  
P.S. - NOONMATTI  
POST OFFICE - SATMOAN - Ghg
  - b) Present (Correspondence) :
 

गुराहाटी न्यायपीठ  
C. W. P. Esch

 11-50
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 any selection be treated as invalid.

Attested  
Personal Officer

MD. NAFTUL ALI

Signature of the Applicant

Day 10202/11/0081/0708

1114

25-  
Annexure (C)  
222 Adv Base Ord Depot  
PIN - 909222  
C/O 99 APO

1523/Fact/ADRP/ /Civ Est

04 Sep 2007

MD NAEIUL ALI

S/D MD NAZIBUR ALI

VILL - AMSING JORASAT NINE MILE

WEAR - 41 VEC (04) PO - SARHAN

MOUZA - PANGARI, PS - NODNMOI

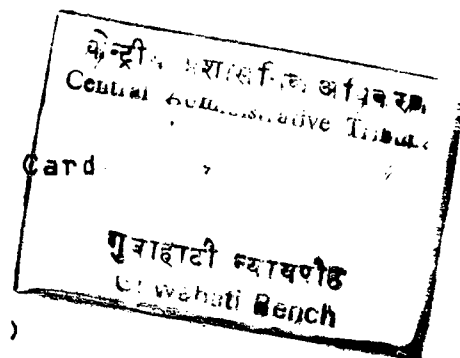
GHY CALL LETTER FOR RECRUITMENT OF MAZDOORS

File in Court of.....

Court Officer.

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 ABCD 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