

96

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

1. Original Application No. \_\_\_\_\_

2. M/s Petition No. \_\_\_\_\_

3. Contempt Petition No. \_\_\_\_\_

18/07 in O.A 259/07

4. Review Application No. \_\_\_\_\_

*Notice*

Applicant(s) ... Md. *Najip Ali* ..... VS Union of India & Ors

Advocate for the Applicants ... *Adil Ahmed* .....

... *Ms. S. Bhattacharya* .....

Advocate for the Respondent(s) ... *Al. H. Ahmed* ... Addl. C.A.

Notes of the Registry	Date	Order of the Tribunal
This contempt petition has been filed along the Counsel for the petitioner W/S 17 of the CAT Act, 1985 praying for punishment of the Contemnor for non-compliance of interim order passed by this Hon'ble Court on 10.11.2007 in O.A 259/07 dated 21.9.07.	06.11.2007	Mr. A. Ahmed learned counsel for the applicant has filed a letter of absence. Call this matter on 16.11.07.
I	I	<i>E</i>
I	I	Member(A)
I	I	This Contempt Petition is arising out of O.A. No. 259 of 2007.
I	I	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.
I	I	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.
I	I	Send copies of this order to the Respondents of this Contempt Petition.

Section Officer

*Qd*

16.11.2007.

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.

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

Pl. send order copies to the Respondents & the copies do c.p.  
10.12.2007 Call this matter on 02.01.2008 along with O.A. No.259/2007.

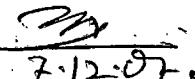
  
(Gautam Ray),  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

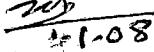
Notice & order set to D/Section for issuing to resp. nos- 1, 2 day regd. A/D post

D/No- 1445, 1446  
C/No- 107. Dt- 20/11/07

① Service report awaited.

  
7.12.07.

② Service report awaited.

  
1.1.08

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.

3.1.08  
Affidavit  
submitted by  
Respondent No. 2.  
Copy served.

RM

Affidavit filed by  
the R. No. 2.  
31.1.08

lm

01.02.2008

Call this matter on 12<sup>th</sup>  
February, 2008 alongwith O.A.259 of 07.

JK  
(Khushiram)  
Member(A)

MR  
(M. R. Mohanty)  
Vice-Chairman

12.02.2008

Call this matter on 17.03.2008  
alongwith O.A.No.259 of 07.

JK  
(Khushiram)  
Member (A)

MR  
(M. R. Mohanty)  
Vice-Chairman

lm

17.03.2008

Call this matter on 24.03.2008  
alongwith O.A.259 of 07.

JK  
(Khushiram)  
Member(A)

MR  
(M. R. Mohanty)  
Vice-Chairman

lm

24.03.2008

Call this matter on 01.04.2008

alongwith O.A.259 of 2007.

25.3.08

lm

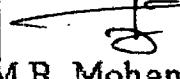
Replies submitted  
by Applicant, copies  
served.

(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

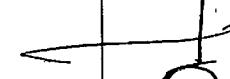
Abidavit filed  
by R. No. 2.

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

Received 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

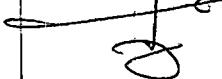
lm

22.7.08  
Copy of the Judgment  
sent to the parties  
especially the parties  
alongwith the copy to the H.Adr.  
from 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

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/Contemnners.

(By Advocate: Ms. Usha Das)

\*\*\*\*\*

*My cause*

ORDER (ORAL)  
08.07.2008

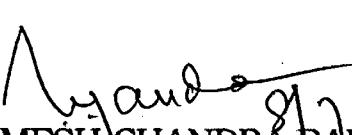
**DR. RAMESH CHANDRA PANDA, ADMINISTRATIVE MEMBER:**

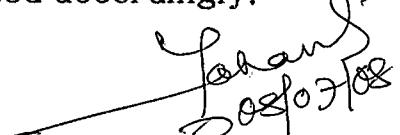
This contempt petition was moved by the Applicant in O.A.259 of 2007 against the Respondents/Contemners alleging non-compliance of the interim order dated 21.09.2007 passed by this Tribunal in the said O.A.

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 outcome 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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

CP No 18/2007

In OA No 259/2007

MD Nafil 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 ..... 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

Revd 1  
J.S.  
(Advocate)  
Advocate  
5.7.08

filed by  
the respondent No. 1  
through  
Advocate  
Azad Sameer  
Date 10/08/08

(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

*Azad Sameen*

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.

✓ Agaaf Sameer

- 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 outrightly 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 Saneer

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

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 to 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

Usha Das  
Advocate

Azad Sameer

✓ DEPONENT

A

Sana Ayudh Corps (1<sup>st</sup> Light Horse) Army Ordnance Corps (1<sup>st</sup> Light Horse) Post Box No 3, Mysore, Post - 500 015

47621/522/1209/12-8

10:29 99

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222 (1801)  
S/2 (uncorred)

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rel  $\frac{1}{\text{Km}}$

2. Refer to this office letter no 27521/SC/732/Rec/15-5 dated 11-11-90 and 2-621/103/Rec/CL-5 dated 03-09-90.

3. Copy of Army HQ (CL-5)(i) letter no 00912/SC/Policy/03-00(i) dated 07-07-89 is forwarded herewith for your strict compliance.

(Agent Inv.) 2  
Major  
Officer, Chief Record Officer  
for OIC Records

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1. Reference DOPCP C.M. No 5.01/2/96-Eatt(Res) dated 02 Jul 97, is circulated vide Army M. letter No 00092/SC/P/Policy/ 08-02(i) dated 06 Dec 97.

2. A number of queries have been received from various District/PSU 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 final 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, percentage, an example is furnished under 'Measure I' to Appendix 'A'. Likewise, how the actual roster is to be prepared, has been illustrated

Attested  
Bisho San  
Advocate

APPENDIX 'A' to Army HQ letter  
No 80992/SCT/Policy/OS-OC(1)  
dated 21 Feb 98

CLARIFICATION 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 ~~APPENDIX 'A' to Army HQ letter No 80992/SCT/Policy/OS-OC(1) dated 21 Feb 98~~ 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/Goa are to be worked out in such a fashion that they should match the figure by applying the percentage factor in the total authorized strength for the particular post. A summary of authorisation and holding against each category will be made and attached with the roster. This summary will indicate, at any point of time, the exact percentage of roster for a particular post and will be reviewed whenever a fresh recruitment is conducted and it will be modified 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 MOC (Recruit).
- (f) There is no reservation for the OBC category. The reservation percentage for SC & ST categories for all posts filled by promotion (Centrally as well locally controlled) is 15% and 7-1/2% respectively.
- (g) Reserve category candidates, selected through direct recruitment on the basis of open merit are not to be counted against reserved points. Selection in open merit implies that a candidate of reserved category has competed alongwith general candidates and has also not availed any relaxations for employment as applicable to reserved categories. However, reserved category candidates, selected on open merit, will be subsequently considered for promotion against reserved category. They will be placed in the roster against the points earmarked for General category. However, their caste status is to be mentioned against their names in the roster with the remarks - "selected on merit of General category."

After 5d  
Bishan  
Advocate

- 11 -

(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. Moreover, 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 existing under a particular method of appointment.

(l) In case in Depots/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 prescribed in DOP&T'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 Castes & 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'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.

.. P/3..

*Attested  
Alsha Dan  
Adwani*

(iii) Another method is being devised by Army HQ/AC's Branch in consultation with DOP&T for implementing post based revised rosters for small cadre, 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 equal to 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 O/H 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 affected 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 deconal 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.

(b) 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 spread 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/4..

Attested  
for  
Advocate

41

- 13 -

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(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. Alongwith 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/ODC/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/ODC 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 03-09-93 (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 ODCs are to be counted against reservation of OBCs in a cadre and adjusted against OBC points in the roster.

(s) A Summary containing total authorised strength, held strength and total points for each category, i.e., SC/ST/ODC/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 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/ODC/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/ODC/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/S:

(o)

*Atul Das  
Lokha  
Advocate*

1h -

1/18

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 concerned 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 updated regularly, the position with regard to excess holding of any category will also be clearly visible from the summary.

(u) In case there is excess representation of any category or ~~50%~~ limit for reservation in a financial/calendar year on 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-SERVICE PERSONNEL

Conn. P. 6

date : It is reiterated that in compliance with Army HQ letter No 80992/Rectora/OS-SC(1) dated 24 Jan 76, the rosters of the Depots/Units including CODs 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 79.

Attested  
G. S. Bhasandas  
Advocate

## RESERVATION IN RECRUITMENT

1. <sup>Army</sup> Reference this HQ letter No 80992/SCT/Policy/05-8C(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 roaster 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

Serial P/2

Para 2 (w),(x) & y added in the Army HQ letter No 80992/SCT/Policy/05-8C(i) dt- 16 Feb 2000. (P. No. 196) Vol III

Attested  
Usha Dev  
Advocate

ANNEXURE I to A.Y. 1991-92  
 Army HQ Letter No. 1991  
 GOI/Policy/OS-SC(i) 1991  
 03 Feb. 92

MODEL ROSTER FOR DETERMINING RESERVATION POLICY  
 (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%	ST 9%	OBC 27%	
1.	0.07	0.09	0.27	UR
2.	0.14	0.18	0.54	UR
3.	0.21	0.27	0.81	UR
4.	0.23	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	ST-1
12.	0.84	1.08	3.24	OBC-3
13.	0.91	1.17	3.51	UR
14.	0.98	1.26	3.78	SC-1
15.	1.05	1.35	4.05	OBC-4
16.	1.12	1.44	4.32	UR
17.	1.19	1.53	4.59	UR
18.	1.26	1.62	4.86	UR
19.	1.33	1.71	5.13	UR
20.	1.4	1.8	5.4	UR
21.	1.49	1.89	5.67	P/2..

Attested  
 Disha Dan  
 Advocate

22.	1.54	1.90	5.94	UR
23.	1.61	2.07	5.81	ST-2
24.	1.6	2.15	5.45	OBC-6
25.	1.77	2.35	6.75	UR
26.	1.82	2.51	7.02	OBC-7
27.	1.71	2.45	7.29	UR
28.	1.96	2.52	7.55	UR
29.	2.03	2.61	7.85	SC-2
30.	2.1	2.7	8.1	SC-3
31.	2.17	2.79	8.57	SC-4
32.	2.23	2.88	8.64	UR
33.	2.31	2.97	8.91	UR
34.	2.33	3.06	9.13	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	3.76	11.34	UR
43.	3.01	3.87	11.61	SC-5
44.	3.08	3.96	11.88	UR
45.	3.15	4.05	12.15	ST-4
46.	3.22	4.14	12.42	OBC-12
47.	3.29	4.23	12.69	

Attested  
Alberio Sars  
Advocate

ANNEXURE II to APPX 1A  
ADM HQ letter No 80992/  
SC/Policy/OS-SC(i) dated  
08 Feb 99.

ROSTER FOR POST  
(DIRECT RECRUITMENT/PROVISIONAL)

UNIT :

Space for pasting summary (Annexure III)

POST/ AUTH	SC	ST	OPC	GEN	TOTAL
	03	04	13	30	50

SI No	Marked for category	T.No & Name of the employee	Category belongs to	Date of Recrt	Remarks
1.	UR	2724 SIRI XYZ	UR		
2.	UR		UR		
3.	UR		UR * SC		SELICED ON MERIT OF GEN CATEGORY
4.	OPC-1		OPC		
5.	UR		UR		
6.	UR		UR		
7.	UR		UR		

P/2...

Attested  
Abhishek Das  
Advocate

3/2  
19/2

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2

03C-2	.....	03C	--
UR	.....	UR	--
UR	.....	UR	--
UR	.....	UR	--
ST-1	.....	ST	--
03C-2	.....	03C	--
UR	.....	UR	--
SC-1	.....	SC	--
00 SO ON.....			

Attested  
Abha San  
Advocate

ANNEXURE III to APPENDIX A to  
Army HQ letter No 50992/SC/1  
Policy/OS-3C(i) dated  
06 FEB 1999

UNIT :

SUMMARY SHOWING STATUS OF REPROVATION SC/ST/OPC  
AS ON.....

NAME OF POST.....

	SC	ST	OPC	GR	TOTAL
POST AGENCIES	03	01	15	30	49
PERIOD	-	-	-	-	-

Date :.....

Sig of Edn Officer

Attested  
Kishor Das  
Advocate

Annexure IV to APPENDIX A to  
Army HQ letter No 30992/  
SC/7 Policy/OS-SC(i) dated  
03 Feb 1999

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EXCERPT OF RECRUITMENT  
FOR THE 2001 CSE

SC

SI No. & Name of the Candidate Date of Recruitm.

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

ST

SI No. & Name of the Candidate Date of Recruitm.

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

OBC

SI No. & Name of the Candidate Date of Recruitm.

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

GEN

SI No. & Name of the Candidate Date of Recruitm.

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

Attested  
Usha Devi  
Advocate

Encl 2  
C. U. 2

CATION FOR MAZDOOR

Annexure B

22

To,  
The Admin. Extra  
222 ABOD,  
C/O 99 APO

1. Name in full (in block letters) : MD. NAFUL ALI
2. Father's Name : MD. NAFUL BUR. ALI
3. Post applied for : MUSLIM & DRAFT MAN
4. Date of birth : 21/11/85
5. Present Age (as on 01 Sep. 2007) : 23 Yrs. 9 Months 60 Days
6. Address in Full:  
a) Permanent : VILL-AMSTING, TARBAT, INT. THE. MUL (NEAR LIVES)  
MOUZA - PANBART  
P.S. - NOONMATTI  
POST OFFICE - SATGROAN - Ghy
- b) Present (Correspondence) : 11/11/07  
D.D.
7. Whether PH or Ex-Servicemen : Ex-Serviceman  
(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 stamp envelope.
15. The candidates are required to bring the supporting documents as required in the application form in 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 there 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.

Davp 10202/11/0081/0708

Signature of the Applicat

MD NAFUL ALI

Attested  
Abha Das  
Advocate

100% HIGH QUALITY  
PRINTED PAPER

222 Adv Base Ord Depot  
PIN - 709222  
C/O 99 APO

1523/Rect/ADRP/ /Civ Est

04 Sep 2007

1114

MD NAEFUL ALI  
S/D MD NAZIBUR ALI

VILL - AMSING JORABAT NINE MILE  
NEAR - 41 VEC COY PO - SATHARU  
MOUZA - PANGARI, PS - NOONMUTHI

G/HY CALL LETTER FOR RECRUITMENT OF MAZDOOPS

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 4- 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

केंद्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal  
1  
- 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. Naiful Ali  
... Petitioner/Applicant.

-VERSUS.-

The Union of India & Others.

...Respondents/ Contemnors.

- AND -

IN THE MATTER OF :

Md. Naiful 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

12x  
FILED BY  
Md. Naiful Ali through  
Advocate  
L.J. [ ] (Adv. A4168)  
Advocate

Naiful Ali

केन्द्रीय नियन्त्रित  
Central Administrative Tribunal  
संवादात्ती ५.८८८८  
Guwahati-781027  
- 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."

Court of Law

ગુજરાત રાજ્ય  
ગૃંભાન્ધ બંધ

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 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

Reproduces a Conference Note dated 2002.06.12 between the Ministry of Internal Affairs and the Ministry of Justice, concerning the preparation of a Conference Note on the Protection of Personal Data in the Field of Justice.

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.

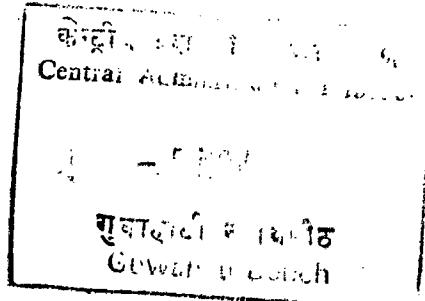
In the premises aforesaid, it is, most humbly and respectfully prayed that Your Lordships may be pleased to admit this petition and issue contempt notice to the Respondents/Contemnors to show cause as to why they should not be punished under Section 17 of the Administrative Tribunals Act, 1985 or to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

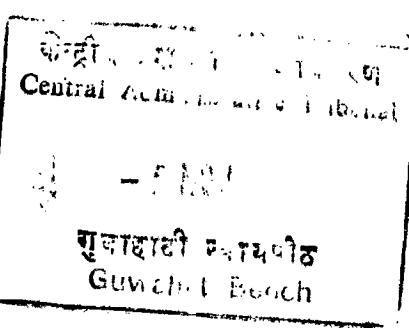
Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 21-09-2007 passed in O. A. No. 259 of 2007, the Respondents/Contemnors may be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not

be punished under the Contempt of Court Act.

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

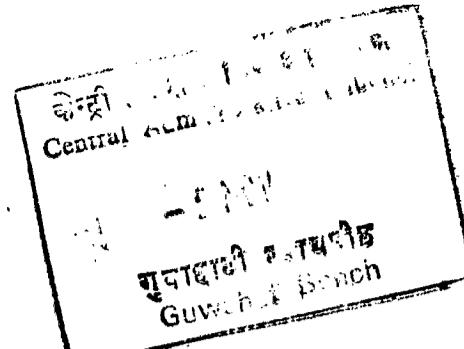
...Draft Charge





### 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.



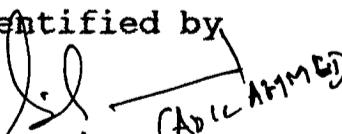
## AFFIDAVIT

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.

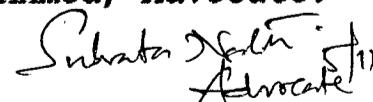
And I put my hand hereunto this affidavit on this 5th day of November 2007 at Guwahati.

Naiful Ali

Identified by  
  
 Advocate (Adil Ahmed)

### DEPONENT

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

  
 Subrata Naskar  
 Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERS SHEET

1. Original Application No. 259/07
2. Mise Petition No. \_\_\_\_\_
3. Contempt Petition No. \_\_\_\_\_
4. Review Application No. \_\_\_\_\_

Applicant(s) Md. Nazirul Ali -vs- Union of India & Ors

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

Advocate for the Respondents:- CAS

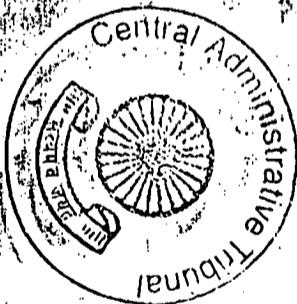
Notes of the Registry	Date	Order of the Tribunal
	21.9.07	

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

— 9 —

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 by 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.

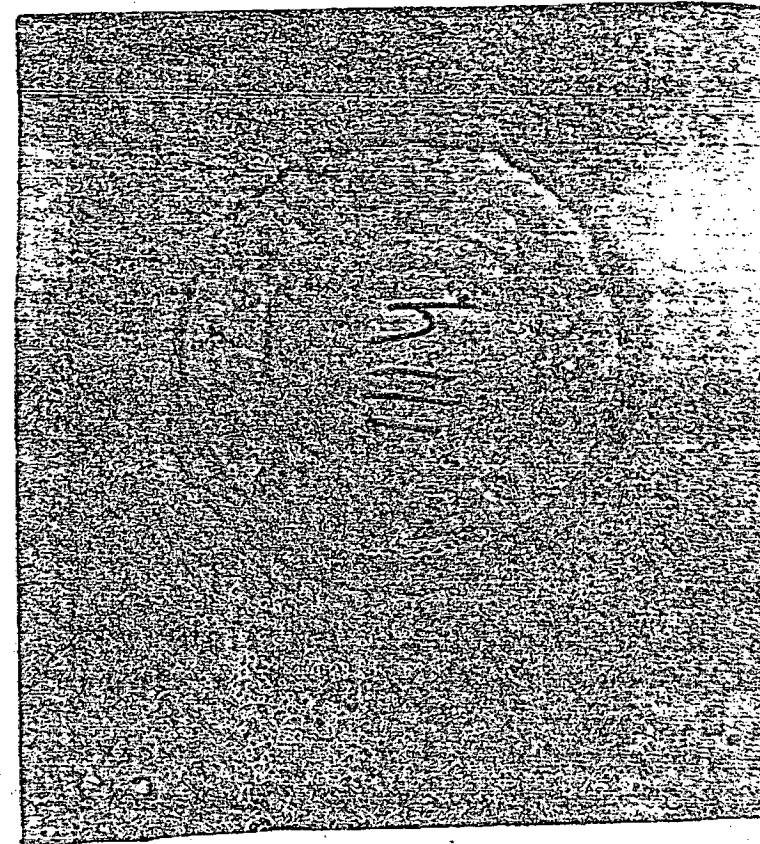
S/ VICE CHAIRMAN

**ATTESTED**

**ADVOCATE**

ANNE XURE--B  
M<sup>6</sup>

- 16 -



ATTTESTED  
J. J. H.  
ADVOCATE

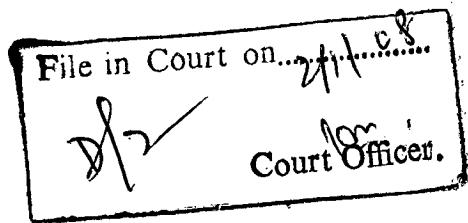
ANNEXURE-- C

LIST OF SELECETED CANDIDATES : 22L ABC

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	PANITA BK SAIKIA	613
11	Md JAINAL ALI	455
12	RATNESH KUMAR	456
13	SANJEEP KUMAR	516
14	RAM KUMAR RAI	1060
15	SUNIL SINGH BORA	389
16	Md RAHIM ALI	584
17	SANJEEB KUMAR RAI	12
18	SURENDRA RAI	1033

(P.O)

ATTESTED  
[Signature]  
ADVOCATE



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

CP No 18/2007

In OA No 259/2007

MD Nafiu 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)

..... Singh Rawat, Commandant, 222 ABOD  
..... C/o 99 APo..... That I am Col. Rajender

..... 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.

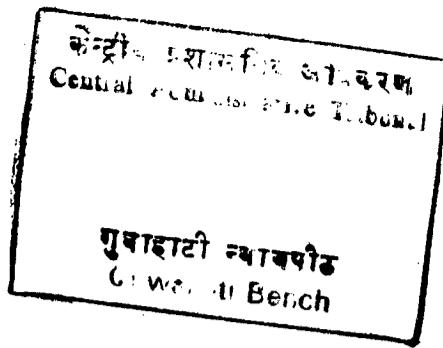
(b) The application is filed unjust and unsustainable as to both facts and in law.

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

Received  
JL  
COPY  
(Policeman)  
21.1.2008

Rajender Singh Rawat

Filed by Respondent No. 2  
the through  
Alphaz Date  
Add Date  
02/11/08  
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File in Court on.....

Court Officer.

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

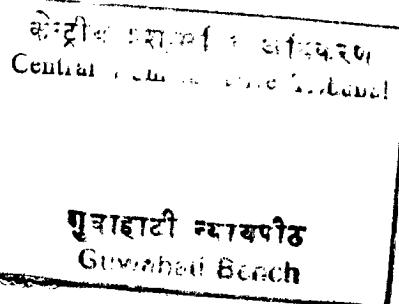
(e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicants had suffered from vice of illegality.

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.

*Rapender Singh Rawat*



File in Court on.....

Court Officer.

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- 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

*Kapender 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 Rawat*

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 outrightly 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. Orthopedically 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

Reyender Singh Rawat

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

*Rependent Singh Ram*

पुस्तकालय संदर्भ  
Library Reference

7

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 Rawat*

केन्द्रीय प्रशासन व अधिकारी  
Central Administrative Service

File in Court on.....

गुवाहाटी न्यायालय  
Guwahati Bench

8 -  
AFFIDAVIT

Court Officer.

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

Alsha Das

Addl Ensc.

Rajender Singh Rawat  
R S Rawat  
DEPONENT Colonel  
Commandant

7832100

REGISTERED SDS/POST

9-Annexure-A

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

27621/SCT/Misc/CA-6

10 Mar 99

196  
vol 1/1

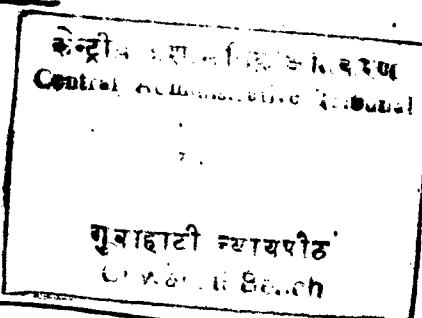
222 ABOD  
12 99 ABOD  
(Unit concerned)

IMPLEMENTATION OF POST BASED REVISED RESERVATION  
POWER AS PER DOP&T INSTRUCTIONS ISSUED CONSEQUENTLY  
TO THE SUPREME COURT JUDGEMENT IN THE CASE OF  
RK SIDHUWAL VS STATE OF PUNJAB

File in Court of

Court Officer

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



  
(Anant Rawat)  
Major  
Officer Chief Record Officer  
for OIC Records

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

AS ABOVE

1. Reference DOP&T O.M No 36012/2/96-Estt(Res) dated 02 Jul 97, circulated vide Army HQ letter no 30992/SCT/Policy/OS-3C(i) 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.e.f 02 Jul 97, as per DOP&T's instructions under reference. Clarifications in detail on various aspects on 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 rosters are to be determined on the basis of regional percentages, an example is furnished under Annexure I to Appendix 'A'. Illustration how the actual roster is to be prepared, has been illustrated.

Attested

D. S. Officer  
Personnel Officer

..../2..

File in Court

14)

Court Officer. 2

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through a model roster alongwith a 'Summary' in Annexure II and Annexure III to Appendix 'B' 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/06-3C(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 96.

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 (Fors.)  
for Director General Ordnance Services

Enclos... as above

Internal

Inspector AOC (OS-13)

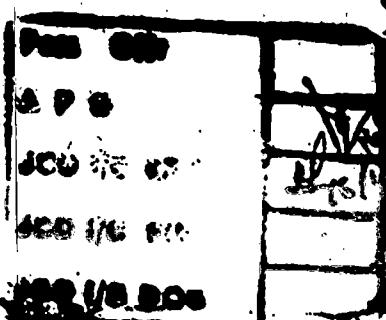
- for info. The aspect of "Post Based Reservation Rosters" may please be included in your inspections.

Director Adm

- for info.

Dir OS - Inspection

- for info.



Int Madras  
2. recd & spk  
3. 16/1

File in Court on.....

Court Officer

Appendix 'A' to Army HQ Letter  
No 80992/SCT/Policy/OS-OC(1)  
dated 08 Feb 99

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Officer

CLARIFICATIONS REGARDING POST BASED RESERVATION ROSTER १५८  
गुवाहाटी न्यायालय  
Gauhati Bench

(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 DOPAT OH No. 36012/1998 dated 04.02.98 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 ADC (Records).

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

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

Attested  
S/

Personal  
Officer

(h) The SC/ST candidates, who are placed in the select, 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/calender 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/calender 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 prescribed in DOP&T's OM No 42/21/9-ICS dated 28.1.1952 and subsequent orders reproduced at page 70 to 74 of the Brochure on Reservation for Scheduled Caste & Scheduled Tribes (Eight Edition).

File in Court on.....

Court Officer.

(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-Extt(Ros) 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.

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

### Preparation of Roster

(n) While preparing post based reservation roster, it has to be kept in view that the points of reservation applicable to 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 O/L dated 02 Jul 97. In case the roster has not been prepared so far for a 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 posts will be deemed vacant and are to be filled as explained later under the heading "Initial Operation of Roster". 200 points roster for direct recruitment enclosed with DOP&T letter, dated 02 Jul 97, is only an example, when total posts auth for a particular post are 200 and the recruitment process is on all India basis and not on regional basis. The roster will be first prepared on the basis of the percentages of reservation for the reserved categories in respective States/Territories for direct recruitment process. However, for promotional posts, the example given in DOP&T letter dated 02 Jul 97 may be followed.

(n) After putting the serial number as per authorisation in a post, the points for respective categories in the roster will be determined as per reservation percentage applicable in the respective state. 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.

केंद्रीय प्रशासन एकाई  
Central Administrative T. B. U.

गुवाहाटी न्यायालय  
Gauhati Bench

(e) 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. Alongwith name, the date of recruitment is also to be mentioned.

#### Initial Operation of Roster

(p) Once the roster is prepared as explained above, the existing strength of personnel in that post is to be adjusted in the roster. A list of existing personnel will be prepared per seniority i.e., date of recruitment/promotion to the post. The personnel belonging to different categories i.e., SC/ST/OBC/Gen will be placed exactly in descending order of seniority against the points pertaining to their respective categories. The senior most employee of any category will occupy the first point pertaining to his respective category and so on. For example, in the model roster given at Annexure II to this Appendix, the senior most SC candidate is to occupy the first point earmarked for SC category i.e., SC-I, 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 cadre and adjusted against OBC points in the roster.

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

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

File in Court on.....

Court Officer.

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 maintained regularly, the position with regard to excess holding of a category will also be clearly visible from the summary.

(u) In case there is excess representation of any category or 50% limit for reservation in a panjal/calendar year or if 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.

गुवाहाटी न्यायालय  
Guwahati Bench

#### Reservation for Physically Handicapped and Ex-Servicemen

(v) In the DOPT's inid Q.M dated 02 Jul 97, it is not clarified as to how the reservation for Physically Handicapped persons and 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 is vertical fashion. If there is no vacant post in view, then the reservation for Physically Handicapped and Ex-servicemen, respectively, will be carried forward. However any vacancies are to be filled, the vacancies will be first earmarked for the Physically Handicapped and Ex-servicemen at the laid-down percentage. Recruitment for the Ex-servicemen/ Physically Handicapped will be completed prior to recruitment for other vacancies including reserve categories i.e., SC/ST/ODC. Physically Handicapped and Ex-servicemen, thus selected, would be placed against respective categories posts (SC/ST/ODC/GEN) 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 30992/SCT/Policy/OS-SC(i) 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 30992/SCT/Policy/OS-SC(i) dated 02 Jan 96, in which mention is made that the letter dated 18 Oct 95 was circulated to all HQ Commands.

Contd. 1. 6

Note : It is reiterated that in compliance with Army HQ letter No 30992/Rosters/OS-SC(i) dated 21 Jan 96, the rosters of the Depots/Units including CQDs 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.

Ann. EX-13, IV to APPA (A)  
Army HQ letter No. 3099  
SC/Policy/OS-2 (1) dated  
03 Feb 1999

File in Court on.....

Court Officer.

EXCESS APPRECIATION  
FOR THE POST OF.....

SC

Sl. No. & Name of the Candidate Date of Recruitment

1.  
2.  
3.  
4.

केंद्रीय शासनिक अधिकारी  
Central Administrative Officer

गुराहाटी न्यायालय  
Gauhati Bench

ST

Sl. No. & Name of the Candidate Date of Recruitment

1.  
2.  
3.  
4.

OBC

Sl. No. & Name of the Candidate Date of Recruitment

1.  
2.  
3.  
4.

GEN

Sl. No. & Name of the Candidate Date of Recruitment

1.  
2.  
3.  
4.

Attested

Personal Officer

11/2/99  
C. H. 22  
11/2/99  
11/2/99

ANNEXURE A  
Army EO Letter No.  
SC/Policy/03-03(i)  
03 Feb 90

17-  
181  
Court Officer.

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

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

केंद्रीय सार्वजनिक अधिकारण  
Central Government of India

Sl No of Post	Share of Entitlement			Category for which the post should be earmarked
	SC 7%	ST 9%	OBC 27%	
1.	0.07	0.09	0.27	UR
2.	0.14	0.13	0.54	UR
3.	0.21	0.21	0.31	UR
4.	0.23	0.36	1.03	OBC-1
5.	0.35	0.45	1.55	UR
6.	0.42	0.54	1.62	UR
7.	0.49	0.63	1.39	UR
8.	0.55	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.	1.49	1.89	5.67	UR

Attested

2  
Personal Officer

P/2..

22.	1.54	1.93	2.24	
23.	1.61	2.07	2.21	UR
24.	1.6.	2.15	6.48	ST-2
25.	1.73	2.25	6.75	ODC-6
26.	1.82	2.34	7.02	UR
27.	1.89	2.43	7.29	ODC-7
28.	1.96	2.52	7.57	UR
29.	2.03	2.61	7.85	ODC-8
30.	2.1	2.7	8.1	ODC-9
31.	2.17	2.79	8.37	ODC-10
32.	2.25	2.88	8.64	UR
33.	2.31	2.97	8.91	UR
34.	2.39	3.06	9.18	ST-1
35.	2.45	3.15	9.45	ODC-11
36.	2.52	3.24	9.72	UR
37.	2.59	3.33	9.99	UR
38.	2.66	3.42	10.26	ODC-12
39.	2.73	3.51	10.53	UR
40.	2.8	3.6	10.8	UR
41.	2.87	3.69	11.07	ODC-13
42.	2.94	3.78	11.34	UR
43.	3.01	3.87	11.61	ODC-14
44.	3.08	3.96	11.88	UR
45.	3.15	4.05	12.15	ST-2
46.	3.22	4.1	12.42	ODC-15
	3.29	4.2	12.69	

File in Court on.....  
Court Office

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LINEWORKER II to APPX 141, t2  
Army HQ letter No 20992/  
SC/Policy/OS-SC(i), dated  
08 Feb 92

File in Court on.....

UNIT :

ROSTER FOR ! POST  
(DIRECT, MANAGEMENT/PROMOTIONAL)

Court Officer.

Space for posting summary (Annexure III)

ROSA AUTH	SC	ST	OBC	GEN	TOTAL
	05	01	13	30	50

Sl No	Marked for date-copy	Total Name of the employee	Category belongs to	Date of Recd	Remarks
1.	UR	2724 SRI YMA	UR	—	मुंद्री, न्यायालय अधिकारी Central Administrative Tribunal
2.	UR	.....	UR	—	गुवाहाटी न्यायालय Guwahati Bench
3.	UR	.....	UR * SC	—	SELECTED ON MERIT OF GEN CATEGORY
4.	OBC-1	.....	OBC	—	
5.	UR	.....	UR	—	
6.	UR	.....	UR	—	
7.	UR	.....	UR	—	

Attested  
Personal offic

...P/C...

48.	3.36	4.52	12.96	UR
49.	3.43	4.41	13.23	OBC- 10 13
50.	3.5	4.5	13.5	UR 10 13 *(Relating to converting the auth. at post percentage)

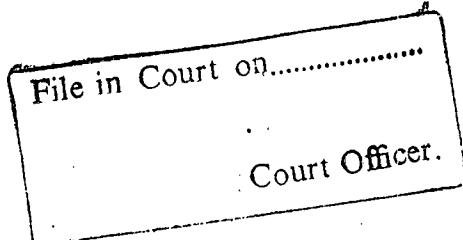
## SUMMARY

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

Note:

② Percentage of reservation to be taken as applicable in particular State/Union Territory.

③ Number of points will be equal to the authorization of employees for a particular post.



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18

ANNEXURE II to APPX 14 to  
 Army HQ letter No 80992  
 SC/Police (Sect 1(i) dated  
 08 Feb 19

ROSTER FOR 1 POST  
 (DIRECT RECRUITMENT/PROMOTIONAL)

F

Court Officer.

UNIT :

Space for pasting summary (Annexure III)

	SC	ST	OBC	GEN	TOTAL
ROSTER AUTH	03	04	13	30	50

Sl No	Marked for category	T. No & Name of the employee	Category belongs to	Date of Recrt	Remarks
1.	UR	2724 SARI XYZ	UR		
2.	UR		UR		
3.	UR		UR * SC		
4.	OBC-1		OBC		
5.	UR		UR		
6.	UR		UR		
7.	UR				

केन्द्रीय प्रशासनिक अधिकारी  
 Central Administrative Tribunal

गुराहाटी न्यायालय  
 Gauhati Bench

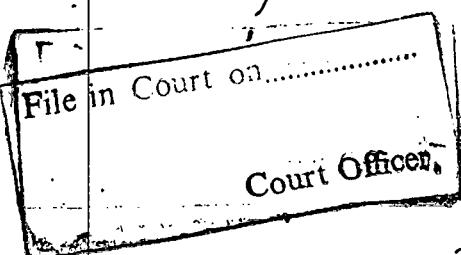
'SELECTED ON  
 MERIT OF GEN  
 CATEGORY'

Attested

J  
 Personal Officer

3/2  
 19/2  
 P/2...

159



22

2

ODC-2 ..... ODC --

.....  
.....  
.....

UR ..... UR --

.....  
.....  
.....

JR ..... UR --

.....  
.....  
.....

JR ..... JR --

.....  
.....  
.....

ST-1 ..... ST --

.....  
.....  
.....

ODC-2 ..... ODC --

.....  
.....  
.....

UR ..... UR --

.....  
.....  
.....

SC-1 ..... SC --

.....  
.....  
.....

AND SO ON.....

- 23 -

1602

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

UNIT :

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

File

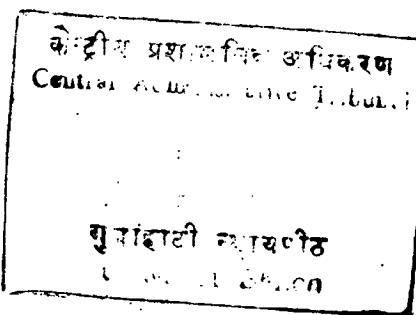
Court Officer.

NAME OF POST.....

	SC	ST	OBC	GEN	TOTAL
POST NAME	03	04	13	30	50
EXD	-	-	-	-	-

Sig of Lt Officer

Date : .....



Attested

Personal Officer

CATION FOR MAZDOOR

Annexure B

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

N(13) 2h  
File in Court on.....  
Court Officer.



161

1. Name in full (in block letters) : MD. NAFFUL ALI
2. Father's Name : MD. NAZIBUR ALI
3. Post applied for : MUSDR. AND DRAFT MAN
4. Date of birth : 24.11.85
5. Present Age (as on 01 Sep. 2007) : 23 Yrs. 9 Months 20 Days
6. Address in Full:
  - a) Permanent : अंबिंगी तराबत नैन मठ (NEAR 41 VEC COY)  
केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative T. bus.  
MUNZA - PANBARI  
P.S. NOONMATI  
POST OFFICE - SATGHOAN - 610002
  - b) Present (Correspondence) : गुराहाटी न्यायपीठ  
C. W. B. E. B. C. H.
7. Whether PH or Ex-Servicemen : Ex-Serviceman
8. Category (ST/OBC/Gen) : OBC
9. Nationality : INDIAN
10. Religion : MUSLIM
11. Educational Qualification : EIGHT PASS NINE READING
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 in original at the time of interview. In case any candidate fails to submit the documents in original at the time of interview he/she shall not be considered for the interview.
16. Any incomplete/blank information will render the application as rejected.
17. Declaration: a) I hereby certify that these are no criminal cases pending against me. (b) I hereby certify that all the particulars mentioned above are correct and true to the best of my knowledge. (c) If particulars mentioned above by me are found to be false at any stage, I shall be held responsible and my selection be treated as invalid.

Date 10202/11/0081/0708

Attested  
By  
Personal Officer

MD. NAFFUL ALI

Signature of the Applicant

# Annexure 'C'

1114

- 25 -

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

✓

1523/Fact/ADRP/ 1Civ Est

04 Sep 2007

MD NAFLUL ALI  
S/D MD NAZIBUR ALI

VILL - AMSING JORAI SAT NINE MILE  
NEAR - 41 VEC COY PO - SARHATON  
MOUZA - PAMBARI, PI - NOONMOTI

File in Court of.....

Court Officer.

## G/H 4 CALL LETTER FOR RECRUITMENT OF MAZDOORS

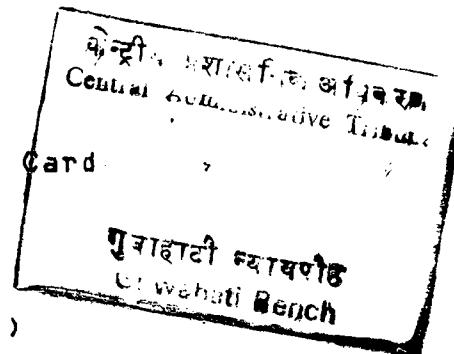
1. Refer your application for the subject post.  
2. Your name has been recommended by the Selection Board. You are required to appear for physical test and interview on 4- Sep 2007 at 0800h at 222 ABCD Football ground alongwith the call letter.

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.



(Rajiv Vaid)  
Lt Col  
Adm Officer  
for Commandant

Attested  
R  
Personal Officer