

4

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

✓  
O.A/T.A No. 135/2007

R.A/C.P No.

E.P/M.A No.

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16. Counter Reply.....

SECTION OFFICER (Judl.)

Shalita  
03.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL  
COMPLAINT NO.

ORDER SHEET

1. Original Application No. 135/07

2. Misc Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(S) Pradip Basak & Ors VS Union of India & Ors

Advocate for the Applicant(S) J. L. Sarkar, M. Chanda  
S. Nath, Ms. M. Datta...

Advocate for the Respondent(S) Adv. CGSC: M. A. Ahmed

Notes of the Registry	Date	Order of the Tribunal
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This application is in form  
is filed/C.F. for Rs. 50/-  
deposited vide IPO/DO  
No. 246/653657  
Dated 11.5.07

30.5.2007

The Applicants, who were originally appointed as Constable GD on different dates from 1983 to 1987, are presently working as Sr. Field Assistant (Veterinary) under the Respondents. Their grievance is that as per the impugned order dated 9.4.2007 at Annexure-6 they are likely to be deployed in operational duties and responsibilities without taking their options, which according to them is unjustified.

Heard Dr.J.L.Sarkar, learned counsel assisted by Mr.M.Chanda, learned counsel for the Applicants. Dr.Sarkar submitted that vide Annexure-9 willingness has been called for by the Department to which the Applicants have expressed their unwillingness and their apprehension is that despite their unwillingness they will be deployed for

Contd...P/2

29.5.07  
Dy. Registrar

Petitions filed for  
some notices are  
received.

29/5/07

-2-  
O.A. 135/2007

Contd.  
30.5.2007

operational duties and responsibilities. Therefore, he prayed for an interim order. Opposing the interim prayer, Mr.M.U.Ahmed, learned Addl.C.G.S.C. representing the Respondents submitted that unless the service conditions are changed Applicants have no legal right to challenge the Annexure-6 order.

This Tribunal had occasion to consider a dog handling case in O.A. No.116/2005 & Series and vide its order dated 21.03.2007 held that the Applicants therein were not appointed as Dog Handler but were being sent for training for better performance of their duties and Applicants' claim that they will be entrusted the job of Dog Handler was an apprehension only and in that line the O.A.s were dismissed. Learned counsel for the Applicants submitted that in the instant case that apprehension has been made concrete by the issuance of Annexure-6 order and at any time they may be deployed as Dog Handlers against their service conditions.

Considering the issue involved issue notice to the Respondents, returnable within six weeks.

Post the case on 16.07.2007. In the interest of justice the status quo as on today in so far as the Applicants are concerned shall be maintained till the next date.

Vice-Chairman

/bb/

Notice & order sent to  
D/Section for issuing  
to resp. nos- 1, 2, 3  
by regd. A/D post.


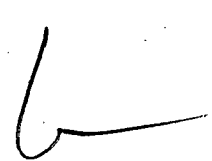


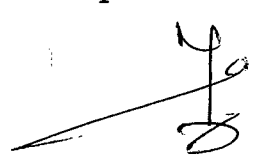
(cas) D/No - 576 to 578

12/6/07. Dt = 14/6/07.

① Service report  
awaited.

*my*

19.7.07.

Notes of the Registry	Date	Order of the Tribunal
<p>19.7.07 Pl. Comply. ↓ order dt. 17/7/07 issuing to both the parties.</p>	<p>17.7.2007</p>	<p>Four weeks time is granted to Mr.M.U.Ahmed, learned Addl. C.G.S.C. for filing of reply statement.</p> <p>Post on 17.8.2007. Interim order shall continue till such time.</p> <p> Vice-Chairman</p>
<p>17/7/07 Notice duly served on R-1, 2.</p>	<p>/bb/ 11.9.07</p>	<p>At the request of learned counsel for the respondents four weeks time is granted to file written statement. Post the matter on 10.10.07. Interim order shall continue.</p> <p> Vice-Chairman</p>
<p>27/8/07 Wks not filed. 29/10.9.07.</p>	<p>10.10.07.</p>	<p>Call this matter on 07.11.2007.</p> <p> (Khushiram Member(A))</p> <p> (M.R. Mohanty) Vice-Chairman</p>
<p>11.9.07. Please comply. Wks not filed. 3/10.10.07. order dt. 11/9/07 issuing to both the parties. 15/10/07. Wks not filed. 3/12.11.07. Wks not filed. 13.12.07.</p>	<p>13.11.07.</p>	<p>No written statement has been filed in this case as yet by the Respondents. Mr.M.U.Ahmed, learned Addl. Standing Counsel for the Union of India, undertakes to file appearance memo in this case and to file Written Statement within three weeks. Prayer is allowed.</p> <p>Call this matter on 14.12.2007, awaiting reply from the Respondents.</p> <p> (M.R. Mohanty) Vice-Chairman</p>



OA-135/07

14.12.2007

No written statement has been filed in this case as yet. Mr.M.U.Ahmed, learned Addl. learned Addl. Standing counsel appearing for the Respondents seeks extension of time to file written statement by 10.01.2008.

Call this matter on 10.01.2008.

Interim order which was passed earlier in this case shall remain in force till the next date.

Dt. 14.12.07.

Pl. comply

17/12/07

  
(Gautam Ray)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

/bb/

Order Dt. 14/12/07


issuing to learned advocates for both the parties.


Cas 17/12/07 D/No-1840,  
1841  
Dt- 18/12/07.

10.01.2008

Mr.M.U.Ahmed, learned Addl Standing Counsel appearing for the Respondents seeks more time to file written statement in this case.

Call this matter on 1<sup>st</sup> February, 2008 awaiting written statement from the Respondents.

  
(Khushiram)  
Member(A)


  
(M.R. Mohanty)  
Vice-Chairman

01.02.2008

No written statement has yet been filed by the Respondents in this case.

Call this matter on 05.03.2008 awaiting written statement from the Respondents.

  
(Khushiram)  
Member (A)


  
( M. R. Mohanty )  
Vice-Chairman

nkm

9-1-08

no MS filed  
by

MS not filed.

  
31.1.08.

4-3-08  
no MS filed  
by


O.A. 135/07

05.03.2008

Dr.J.L.Sarkar, learned counsel appearing for the Applicant is present. Written statement has not been filed. Mr.M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents seeks four weeks time to file written statement. Prayer is granted.

Application is admitted. Interim order shall continue till the next date.

Call this matter on 07.04.2008 awaiting written statement from the Respondents.

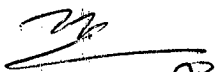
  
(Khushiram)  
Member(A)


lm

W/s not filed.

07.04.2008

Call this matter on 24.04.2008.

  
2.3.08

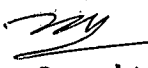
  
(Khushiram)  
Member (A)

  
(M.R.Mohanty)  
Vice-Chairman

/bb/

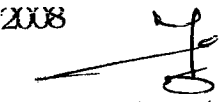
~~W/s not filed.~~

W/s not filed.

  
23.4.08

24.04.2008

Call this matter for being disposed of finally, at the Admission stage on 15.5.2008

  
(M.R.Mohanty)  
Vice-Chairman


W/s not filed.

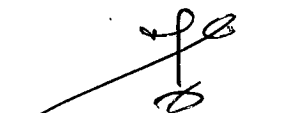
  
14.5.08

lm

15.05.2008

Written statement filed in Court today. Call this matter on 10.06.2008 for hearing alongwith O.A.No.114/2007. Rejoinder, if any, may be filed by 05.06.2008.

  
(Khushiram)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

nkmm

19.5.08

W/s filed by the Respondents. Copy saved.



OA 135/07

10.06.2008

Heard Dr J.L. Sarkar, learned Counsel appearing for the Applicant and Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India, in part.

Call this matter on 13.06.2008 for further hearing.

(Khushiram)  
Member (A)

(M.R. Mohanty)  
Vice-Chairman

nkm

13.06.2008

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

(Khushiram)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

nkm

20.06.08

Judgment pronounced in open court, kept in separate sheets. The application is dismissed.

(Khushiram)  
Member(A)

(M.R. Mohanty)  
Vice-Chairman

pg

Dt. 23.7.08

Original judgment is kept in OA NO. 12/07.

23/6/08

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

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

Date of Order : This the 20<sup>th</sup> Day of June, 2008

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

O.A. 12 OF 2007

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

Applicant

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

-Versus-

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

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



2

9

O.A.120 of 2007

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

Applicant

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

-Versus-

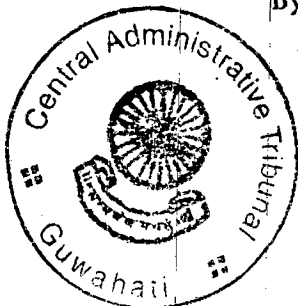
1. Union of India  
Represented by the Ministry of Home Affairs  
Through Secretary to the Government of India,  
New Delhi.
2. The Director General,  
Sashastra Seena Bal East Block-V  
R.K.Puram, New Delhi-1100066
3. The Inspector General  
Frontier Heads Quarter, SSB  
Uday Path, R.G.Baruah Road,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

Respondents

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

O.A. 114 of 2007

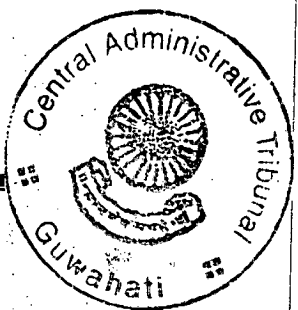
1. Shri Chandan Kumar Sarkar  
S/O Late Anesh Ch. Sarkar  
Posted at A.O. Office, SSB, Rangia  
District Kamrup, Assam
2. Sri Sarkar Pal  
S/O Late Bipin Ch.Pal  
Office of the A.O., SSB Bongaigaon,  
District Bongaigaon, Assam
3. CH Gojendro Singh



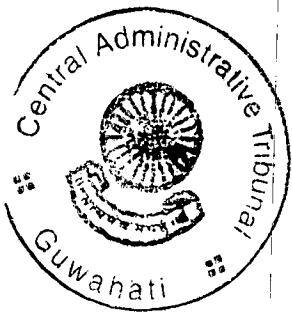
S/O Late CH Budhi Singh  
Posted at A.O., Office, SSB Bongaigaon  
District Bongaigaon, Assam

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

Sumit Poddar



- 4
15. S/O Late S.N. Poddar  
Office of the A.O., SSB Udalguri,  
District Udalguri BTAD, ASSam  
Sri Jaganath Sahoo  
S/O Sri Bhrama Sahoo  
Office of the A.O.,SSB Udalguri
16. Sri Vipin Chandra  
S/O M.D.Harbola  
Office of the A.O., SSB Udalguri  
District Udalguri BTAD, Assam
17. Sri Mritynujoy Roy  
S/O Sri Hemandra Ch.Roy  
Office of the C.O., SSB Bhutankathi/Nikashi  
Under A.O Office, SSB Rangia  
Dist Kamrup, Assam
18. Sri B.K.Baidya  
S/O.Sri S.R.Baidya  
Office of the C.O., SSB Bhutankathi/Nikashi  
Under A.O. Office, SSB Rangia  
Dist Kamrup, Assam
19. Sri Animesh Mukharjee  
S/O Sri Madhusudhan Mukharjee  
Office of the C.O., SSB Darranga/Sashipur  
Under A.O., SSB Rangia  
District Kamrup, Assam
20. Sri Prasad Bhaduri  
S/O Sri Sachindra Nath Bhaduri  
Office of the C.O., SSB Darranga/Sashipur  
Under A.O., SSB Rangia  
Dist Kamrup, Assam
21. Sri K.Tonsing  
Office of the A.O., SSB Bomdila  
Dist.West Kameng  
Arunachal Pradesh
22. Sri R.C.Pant  
Office of the A.O., SSB Bomdila  
District West Kameng  
Arunachal Pradesh
23. SriProbir Kumar Dev  
Office of the Area Organiser SSB,  
Kokrajhar, District Kokrajhar  
Assam
24. Sri Kajal Roy,  
Office of the Area Organiser SSB,  
Kokrajhar District Kokrajhar,  
Assam



*[Handwritten signature]*

25. Sri Madhusudhan Jha  
Office of the Area Organizer, SSB  
Kokrajhar, Dist Kokrajhar,  
Assam
26. Sri Sandip Chatterjee  
Office of the Area Organiser, SSB  
Kokrajhar, Dist. Kokrajhar  
Assam
27. Sri Ram Singh Dhami  
Office of the Area Organiser, SSB,  
Kokrajhar, Dist Kokrajhar,  
Assam.
28. Sri Indrajit Roy Barunja  
Office of the Area Organiser SSB,  
Kokrajhar, District Kokrajhar,  
Assam
29. Sri Anil Kumar Roy  
Office of the Area Organiser, SSB  
Kokrajhar, Dist Kokrajhar,  
Assam.

Applicants

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

Mr.M.Bhattacharjee

---Versus---

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

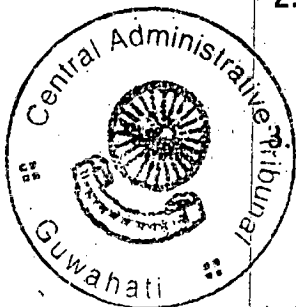
2. The Director General,  
Sashastra Secnabal, East Block-V,  
R.K.Puram, New Delhi-110066

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

Deputy Inspector General  
5.Head Quarters  
SSB Bongaigaon, Assam

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

6. Area Organiser  
SSB Udalguri





-6-

13

-6-

Dist Udalguri, BTAD  
Assam

7. Area Organiser  
SSB Udalguri  
District Udalguri BTAD, Assam

8. Area Organizer  
SSB Rangia  
Dist Kamrup Assam

SSB Bomdila  
Dist West Kameng  
Arunachal Pradesh  
9. Area Organiser  
SSB Bongaigaon  
District Bongaigaon, Assam

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

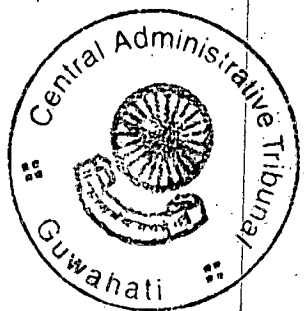
11. Area Organiser  
SSB Kokrajhar,  
District Kokrajhar,  
Assam.

Respondents

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

O.A.135 of 2007

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



7  
7  
Sashastra Seema Bal(SSB)

14  
Applicants.

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

-Versus-

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

Respondents.

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

O.A.42/2008

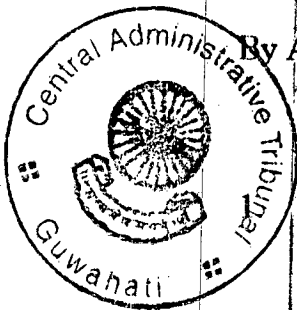
1. Shri Sachi Bhusan Prasad  
S/o Late Shil Pujan Prasad  
Posted at A.O.S.S.B. Udalguri
2. Sri Jayanta Hazarika  
Son of Late Bhola Nath Keot  
Posted at A.O. SSB, Udalguri

..... Applicants

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

-Versus-

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



2. Director General,  
Sashastra Seema Bal, East Block-v  
R.K.Puram, New Delhi-110066
3. Assistant Director (Administration)  
Frontier Head Quarter,  
Sashastra Seema Bal, East Block-V,  
R.K.Puram, New Delhi-110066.
4. Assistant Director (Administration)  
Frontier Head Quarter,  
Sashastra Seema Bal, Uday Path,  
R.G.Baruah Road, Guwahati.  
Pin 781024.
5. The Inspector General,  
Frontier Head Quarter,  
Sashastra Seema Bal, Uday Path,  
R.G.Baruah Road, Guwahati.  
Pin 781024.
6. Deputy Inspector General-5,  
Headquarters, Sashastra Seema Bal,  
Tezpur, Assam
7. Area Organiser, Sashastra Seema Bal,  
District Udalguri, BTAD Assam

.....Respondents

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

O.A.56/2008

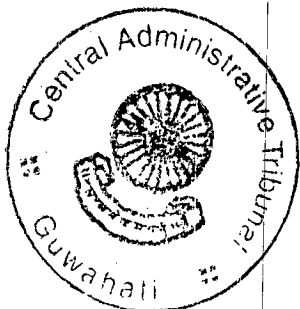
Shri Harendra Chandra Barman,  
Senior Field Assistant (Veterinary)  
Posted at Area Organiser, SSB Kokrajhar  
Post Charaikhola  
Dist. Kokrajhar 783376.

.....Applicant

By Advocate M. Chanda

•Versus•

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



R.K.Puram, New Delhi-110066

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

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

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

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

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

.....Respondents

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

O.A. 58/2008

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

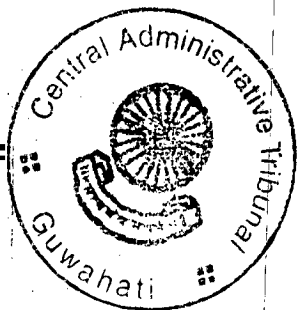
2. Shri Ghanashyam Basak  
Son of Late R.L. Basak  
Posted at A.O. SSB, Kokrajhar

.....Applicants

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

-Versus-

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



2. Director General,  
Sashastra Seema Bal, East Block v  
R.K.Puram, New Delhi-110066
  3. Assistant Director (Administration)  
Frontier Head Quarter,  
Sashastra Seema Bal, Uday Path,  
R.G.Baruah Road, Guwahati.  
Pin 781024.
  4. The Inspector General,  
Frontier Head Quarter,  
Sashastra Seema Bal, Uday Path,  
R.G.Baruah Road, Guwahati.  
Pin 781024.
  5. Deputy Inspector General,  
SSB Sector Headquarters, Tezpur,,  
Assam
  6. Deputy Inspector General,  
SSB Sector Headquarters, Bongaigaon, Assam  
Pin 783380.
  7. Area Organiser, SSB,  
Rangia, Dist. Udalguri, BTAD,  
Assam, Pin 784509.
  8. Area Organiser, SSB,  
Kokrajhar, BTAD,  
Assam, Pin 783370.
- ..... Respondents

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

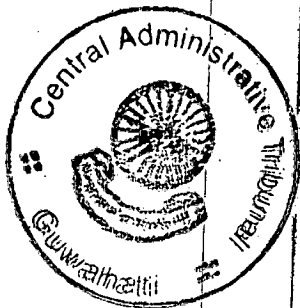
O.A.60/2008

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

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

..... Applicants

By Advocate J.L.Sarkar

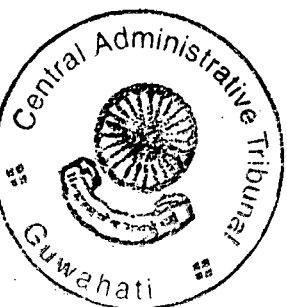


Venue

1. Union of India  
represented by the Secretary to the  
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Ministry of Home Affairs, North Block,  
New Delhi-110001.
  2. Director General,  
Sashastra Seema Bal, East Block-v  
R.K.Puram, New Delhi-110066
  3. Assistant Director (Administration)  
Frontier Head Quarter,  
Sashastra Seema Bal, East Block-V,  
R.K.Puram, New Delhi-110066.
  4. The Inspector General,  
Frontier Head Quarter,  
Sashastra Seema Bal, Uday Path,  
R.G.Baruah Road, Guwahati.  
Pin 781024.
  5. Deputy Inspector General,  
SSB Sector Headquarters, Tezpur,,  
Assam
  6. Area Organiser, SSB,  
Udalguri, BTAD  
Pin 790001.
  7. Area Organiser, SSB,  
West Kameng Bomdila,  
Arunachal Pradesh,  
Pin 790001.
- .....Respondents

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

O.A. 71/2008



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

...Applicants

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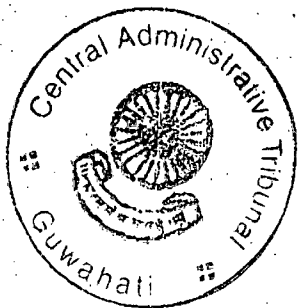
By Advocate Sri J.L.Sarkar & K.Bhattacharjee

-Versus-

1. Union of India  
represented by the Secretary to the  
Government of India  
Ministry of Home Affairs, North Block,  
New Delhi-110001.
2. Director General,  
Sashastra Seema Bal, East Block-V  
R.K.Puram, New Delhi-110066
3. Assistant Director (Administration)  
Frontier Head Quarter,  
Sashastra Seema Bal, East Block-V,  
R.K.Puram, New Delhi-110066.
3. Assistant Director (Administration)  
Frontier Head Quarter,  
Sashastra Seema Bal, Uday Path,  
R.G.Baruah Road, Guwahati.  
Pin 781024.
4. The Inspector General,  
Frontier Head Quarter,  
Sashastra Seema Bal, Uday Path,  
R.G.Baruah Road, Guwahati.  
Pin 781024.
5. Deputy Inspector General,  
Sector Headquarters, Sashastra Seema Bal,  
Bongaigaon, Assam - 783380.
6. Area Organiser, Sashastra Seema Bal,  
District Bongaigaon, Assam  
Pin 783380.
7. Area Organiser, Sashastra Seema Bal,  
District Kokrajhar, Assam  
Pin 783376.

..... Respondents

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



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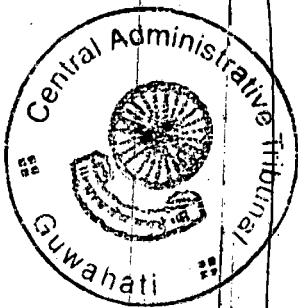
ORDER (ORAL)

KHUSHIRAM, MEMBER(A)

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

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

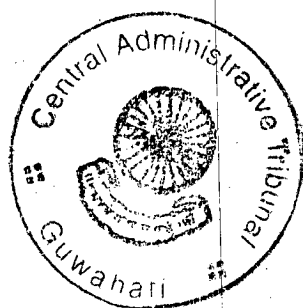
Case No.	Names & Designation of the Applicant	Reliefs sought in the O.A.	Impugned order
O.A.12 of 2007	Jayanta Hazarika Sr.Field Assistant (Veterinary)	The Applicant relief sought in the O.A .to quash the transfer order dated 05.10.2005(Annexure-6) which is changed the nature of duties and change of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



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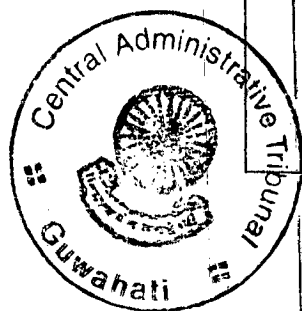


	(veterinary)	<p>33/3507 dated 09.04.2007 (Annexure 6)</p> <p>8.2 That the Hon'ble Tribunal be pleased to direct the respondents not to employ the Applicants in operational job/duties of Dog Handler.</p>	<p>Guarding Force Veterinary doctors &amp; para Veterinary staff who were trained and assigned the duty to look after healthcare, feeding, training, maintenance, handling and operational work of Force dogs. There has been no change to the cadre or post or pay scale but only the responsibility has been changed.</p>
O.a.42/2008	Sri S.B.Prasad & Jayanta Hazarika, AO,SSB	Order dated 19.02.2008 be set aside and quashed in respect of applicants No.6 & 7 and their names may be deleted from the said order.	Order dated 19.02.2008 relates to transfer of SFA(V) wherein Applicants have been transferred from AO Udalguri to 17 Bn Bhairabkunda
O.A.56/2008	Sri Harendra Chandra Barman, SFA(V)	Order No.CR 4344-59 bearing letter No.FC/II/15/07/3475-82 dated 19.02.2008 be set aside and quashed so far the applicant is concerned and allow the applicant to continue as Civilian staff i.e. SFA(Vety).	Order dated 19.02.2008 relates to transfer of SFA(V) wherein Applicants have been transferred from AO Kokrajhar to 16 Bn Kokrajhar
O.A.58/2008	Sri Raj Kanta Barman & Ghanashya m Basak	Order dated 12.03.2008 be set aside and quashed so far the applicant No. 3 & 8 is concerned and their names may be deleted from the said order.	Order dated 12.03.2008 relates to transfer of SFA(M)
O.A.60/2008	Sri J.S.Samual & H.Birmangal Sharma	Order dated 12.03.2008 be set aside and quashed so far the applicant No. 4 & 9 is concerned and their names may be deleted from the said order.	Order dated 12.03.2008 relates to transfer of SFA(M)



*[Handwritten signature]*

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

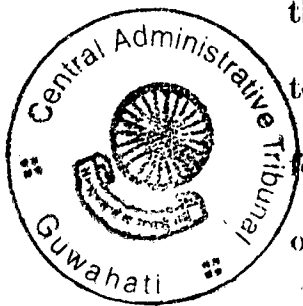


It is alleged that the Applicants have been transferred from non combatised civilian posts to combatised posts in the battalions without obtaining their willingness for the same. Therefore, they have sought cancellation of the transfers/redeployment orders made purportedly as combatised personnel and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

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

*[Handwritten signature]*

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



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

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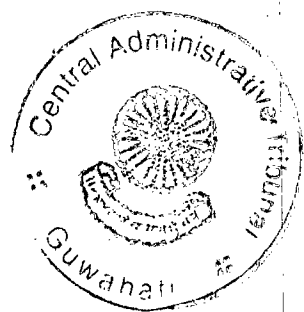
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5. In O.A.120/07 Respondents have issued instruction for not deploying lady SFA on the BOPs though the Applicant will continue to discharge duties as before. Therefore, there is no violation of rules and regulation governing the services of the Applicants.

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

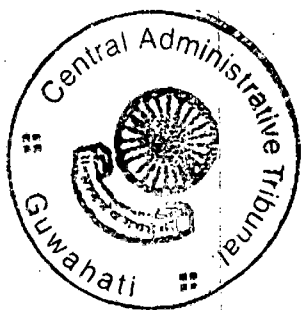
7. Mr G.Baishya, learned Sr. Standing Counsel appearing in O.A.56/08 and Mr M.U.Ahmed, learned Addl. Standing counsel appearing for the Respondents in O.A.Nos.42/08, 58/08, 60/08 & 71/08 have argued that question of combatisation of Applicants without willingness does not arise. With the change of role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

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force and to suit the new task assigned to them. The issue raised in these cases have earlier been adjudicated upon by the Tribunal in O.A.Nos. 116/05, 117/05, 174/05, 269/05, 275/05 and 31/06 which were dismissed on 21.03.2007. They have also stated that SSB Act 2007 has been enacted by the Parliament but under sub-section 2 of Section 1 it is stated that the Act will come into force on such date as the Central Government will notify. But no such notification has been placed before the Tribunal either by the learned counsel for the Applicants or by the learned Standing counsel appearing for the Respondents. Therefore, combatisation of the force has yet to be implemented. Since the Applicants have not exhausted the avenues available for redressal of their grievances within the department before filing of these O.As, the same are premature and should be dismissed.

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

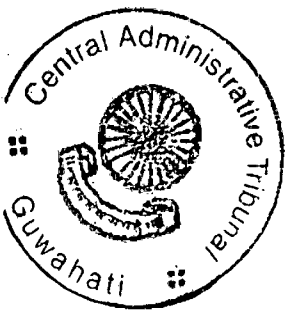


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SCC 405) the Supreme Court held that "transfer is not only an incident of service, but a condition of service as well and is necessary in public interest and efficiency in public administration. No govt. servant or employee of a public undertaking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

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

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



SD- M.R. Mohanty  
Vice Chairman  
Khushiram  
Member(A)

Date of Application : 22.7.08 SD-

Date on which copy is ready : .....

Date on which copy is delivered : .....

Certified to be true copy

Section Officer (Judl) 23/7/08  
C. A. T. Guwahati Bench  
Guwahati-5.

29 MAY 2007

গুৱাহাটী ন্যায়পীঠ  
Guwahati Bench

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH: GUWAHATI

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

O. A. No. 135/2007

Sri Pradip Basak and Ors

-Vs-

Union of India and Others.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

All the applicants are presently working as Sr. Field Assistant (Veterinary) under the administrative control of Inspector General, Frontier Headquarter, Guwahati.

- 18.06.1986- Applicants were initially appointed as Constable/GD on different dated in between 1983-87 under the then D.G. of Security, SSB, Falakata, W.B. (Annexure- 1)
- 10.04.1991- Applicants were appointed to the cadre of SFA (Veterinary) after tendering technical resignation. (Annexure- 2 and 3)
- 19.03.1993- Applicants are serving as civilian staffs and governed by CCS Rules, which is evident from memorandum dated 19.03.99. (Annexure- 4)
- 13.12.2006- Service conditions of civilian staffs working in the field has been clarified vide O.M dated 13.12.06. (Annexure- 5)
- 03.09.2004- Willingness of the incumbents working as SFA (Veterinary) was invited for selection for the post of Dog handler in SSB. (Annexure- 8)
- 17.05.2006- It is intimated to the Guwahati Office by fax message that Army HQ allotted 18 seats in Dog handler course to SSB, therefore willing SFA (Vety) of 45 years of age and below who are medically fit be sent on or before 29.05.06 for finalizing in detail. (Annexure- 9)
- All the applicants submitted their unwillingness to the local authority for training/selection as Dog handler. (Annexure- 8 A series)
- 03.02.2005- Sr. officers conference held at HQ Office, SSB, New Delhi on 16/17.12.04, which was communicated through memorandum dated 03.02.05, wherein it has been stated that the incumbent working in SFA (Vety) be motivated to give their willingness otherwise they may be sent to surplus cell. (Annexure- 10)

Pradip Basak.

It is categorically stated that the applicants are not willing to carry out any operational work as Dog Handler, as such they are otherwise ready to accept the Govt. decision if they are sent to surplus cell.

24.04.2007- Chief Veterinary Officer (SG) issued Fax message to all the Frontier offices directing to collect various explosive samples conditioning sniffer dogs. Therefore it is quite clear that the services of the applicants sought to be utilized as Dog handler in operational duties for detection of narcotics substances, explosive substances etc. (Annexure- 11)

05.10.05/19.01.06- Applicants approached this Hon'ble Tribunal for setting aside transfer order dated 05.01.05/19.01.06 through OA No. 269/05, 275/05 and 31/06, along with others. (Annexure- 12 series)

21.02.2007- Hon'ble Tribunal dismissed those Original Application vide judgment and order dated 21.03.07. (Annexure- 13)

09.04.2007- Office of Respondent No. 2 issued impugned memorandum wherein responsibilities of maintaining a sniffer dog squad in the force is given to Veterinary doctors and para veterinary staffs. It is also pointed out that there is no change in the cadre or post or pay scale but only entrusted with the commitment of the Force.

(Annexure- 6)

Hence this Original Application.

#### PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum No. 30/SSB/FV/2000 (3)/3507 dated 09.04.2007 (Annexure- 6).
2. That the Hon'ble Tribunal be pleased to direct the respondents not to employ the applicants in operational job/duties of Dog handler.
3. Costs of the application.
4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

*Pradeep Basak*



During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to stay operation of the impugned memorandum No. 30/SSB/FV/2000 (3)/3507 dated 09.04.2007 (Annexure- 6).
2. That the Hon'ble Tribunal be pleased to restrain the respondents to employ the applicants in operational job/duties of Dog handler till disposal of the original application.

\*\*\*\*\*

Pradeep Basak.

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

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

**Title of the case** : O.A. No. 135 /2007

**Shri Pradip Basak and Ors.** : Applicant.

-Versus-

**Union of India & Ors.** : Respondents.

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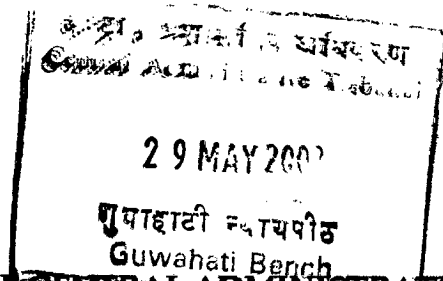
/s/

Date: - 29.05.07

Filed By:

*Anta*  
Advocate

*Pradip Basak.*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 135/2007

BETWEEN:

1. **Shri Pradip Basak.**

S/o- Late Kali Kumar Basak.  
Senior Field Assistant (Veterinary)  
Sashastra Seema Bal (SSB).

2. **Shri Himangshu Roy Poddar.**

Late Khagendra Nath Roy Poddar  
Senior Field Assistant (Veterinary)  
Sashastra Seema Bal (SSB).

3. **Shri Ram Kishore Barman**

S/o- Late Ananta Saran Barman  
Senior Field Assistant (Veterinary)  
Sashastra Seema Bal (SSB).

4. **Shri Ranjit Kumar Saha**

S/o- Sri Kalipada Saha,  
Senior Field Assistant (Veterinary)  
Sashastra Seema Bal (SSB)

5. **Shri Haridas Sarkar,**

S/o- Late Santosh Sarkar,  
Senior Field Assistant (Veterinary)  
Sashastra Seema Bal (SSB)

.....Applicants.

-AND-

1. **The Union of India,**

Represented by the Secretary to the  
Government of India,  
Ministry of Home Affairs,  
East Block- V,  
R.K. Puram, New Delhi-110066.

2. **The Director General,**

Sashastra Seemabal, East Block- V.  
R.K. Puram, New Delhi- 110 066.

Pradip Basak.

Filed by the applicant  
through M. Dutta, advocate  
on 29.05.07

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

..... Respondents.

### DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the impugned memorandum bearing No. 30/VF/2000 (3)/3507 dated 09.04.2007 (Annexure- 6) issued by the office of the Director General, Govt. of India, Ministry of Home Affairs, New Delhi, whereby applicants who are civilian employees working in the cadre of Sr. Field Assistant (Veterinary) in Sashastra Seema Bal (in short SSB) is now sought to be deployed in the operational duties and responsibilities to meet the operational commitment of the force, without taking any option from the applicants and praying for a direction and declaration that applicants be exempted from operational duties and responsibilities as dogs handler.

2. Jurisdiction of the Tribunal:

The applicants declare that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicants further declare that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act 1985.

4. Facts of the case:

- 4.1 That all the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

*Roady Basak*

4.2 That the applicants pray permission to move this application jointly in a single application under Sec 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules' 1987 as the relief's sought for in this application by the applicants are common, therefore, they pray for granting leave to approach the Hon'ble Tribunal by a common application.

4.3 That all the applicants are presently working as Sr. Field assistant (Veterinary), in Sashastra Seema Bal (in short SSB) and all the applicants are posted in different places, such as applicant No. 1 to 4 working at Falakata under the Administrative Control of Inspector General, Frontier Head Quarter, Zoo Road Tiniali, Uday path, Guwahati and applicant No. 5 is presently working at Bongaigaon is also under the Administrative Control of Inspector General, SSB, Guwahati.

4.4 That all the applicants initially appointed as Constable/GD on different dates in between the recruitment year 1983-87 under the then D.G of Security, office of the Commandant, Group Centre, SSB, Falakata. While working as such, the respondent Union of India, following a policy decision of the Govt. of India, created the post of "Senior Field Assistant (Veterinary)" in the department of SSB in the year 1991-1992 and sought option from the willing candidates serving as Constable/GD for selection/appointment to the newly created cadre of Senior Field Assistant (Veterinary). It is relevant to mention here that the applicants were initially appointed as Constable/GD with certain specified condition which would be evident from the copy of the appointment order dated 18.06.86 bearing No. I/D/1 2490.

A copy of the appointment order dated 18.06.86 for example is enclosed herewith for perusal of Hon'ble Tribunal as Annexure-1.

*Prady Basak.*

4.5 That it is stated that the applicants after receipt of the circular for option for appointment to the cadre of Sr. Field Assistant (Veterinary) in the higher scale of pay of Rs. 975-1660/-, the applicants submitted their willingness/option for consideration of their case for recruitment/appointment on transfer basis, since the post of SFA (Veterinary) is higher in the rank and status and also having a higher scale of pay, as such the said option is accepted by the applicants, more so in view of the fact that the nature of duties and responsibilities of the post of SFA are Civil in nature and also in view of the fact that they will be exempted from arduous nature of work which they required to perform, holding the post of Constable as Combatant, at the relevant point of time. In other words it can rightly be said that the applicants have submitted their willingness to get relieved themselves from the nature of Combatant duties and responsibilities. It is also pertinent to mention here that it would be evident from the appointment letter of the applicants that they have been considered for appointment to the cadre of SFA (Veterinary) only after submission of their option/willingness and also after giving an undertaking to the effect that the applicants will undergo veterinary certificate course under the recognized Institute of the State Govt. It appears that for appointment from one cadre to another cadre on transfer basis, detailed system was followed by the department, moreover, the applicants had tendered their technical resignation after selection and appointment to the cadre of SFA (Veterinary). It would be evident from memorandum bearing No. II/2/60/89 (III) dated 10.04.1991 and also from memorandum bearing No. II/2/60/89 (Vol- I) (204) dated 21.03.1992 wherein it has been specifically stated in clause- II that they will not get any pay protection for the service rendered as Constable/GD and their permanent absorption will be made on availability of vacancies.

Copy of memorandum dated 10.04.91 and 21.03.92 are enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 2 and 3 respectively.

*Pradip Basak*

- 4.6 That it is stated that all the applicants after their appointment to the cadre of SFA (V) had undergone necessary veterinary certificate course under the recognized institution of the State Govt. and thereafter they have been allowed to discharge the duties in the cadre of SFA (Veterinary).
- 4.7 That it is stated that Govt. of India, MHA, office of the DC, SSB, New Delhi issued a memorandum bearing letter No. 99/Vet/SSB/2003/VC-339-41 dated 03.09.2004 wherein it has been requested to the IG Frontier Hqrs, Lucknow, Patna, Cuwahati to select and intimate the names of SFA (Vety) working in the respective Frontier, who are relatively young and have aptitude to care and handle dogs for working as Dog Handlers in SSB. It is further stated in the said letter that there was a requirement of 112 Dog Handlers i.e. at the rate of 8 Dog Handlers per Battalion into 14<sup>th</sup> Battalion where the Dog squads would be established in the first phase and the SFA (Vety) would have to undergo 6 months training at BSF Academy, Tekanpur, once the pups are purchased. It is also proposed to impart a preliminary training to the selected SFA (Vety) at a central location by the SSB (Vety) and further direction for conducting the preliminary training would be issued by Force HQ in due course after selection of Dog handlers and further requested to treat the matter as urgent and to deal with the same on priority basis. It is pertinent to mention here that the very subject indicated in the memorandum dated 03.09.04 is to make selection of Dog handlers from the strength of SFA (Vety). Be it stated that job of Dog handler is altogether a different nature of job, but the duties and responsibilities entrusted and discharging by the applicants in the cadre of SFA (Vety) are altogether a different nature of job. The applicants are appointed in the civilian post, in the cadre of SFA (Vety) and basically they are entrusted with the following charter of duties of Para Vety Staff, SFA (Vety) deployed on Border outpost on Indo Nepal Border. The relevant portion of the charter of duties quoted below from the copy of SSB

*Pradeep Basak.*

Directorate memorandum No. 44/Vet/SSB/2001 (14) VC-150-61 dated 22.02.2002.

- (I) To visit remote areas/Border villages falling under deployment of BOP and to render door to door free Veterinary and Animal Husbandry aid and care to the needy livestock/Poultry/owners under overall guidance/instructions of CAS GR-I (Vet)/Sr. Vety Officer deployed in Adhoc Bns.
- II) While visiting villages for extending Veterinary cover, the Para-Veterinary Staff will also deliver talks on various aspects of Animal Husbandry to generate awareness among the local people about scientific management of the livestock for better profitability.
- (III) To assist CAS Gr. 1 (Vet)/SVO in performing/rendering veterinary cover Programme in the BOPs.
- (IV) The Para-Veterinary Staff during deployment in BOPs will also maintain expendable and non-expendable stock of Veterinary Stores/equipments which will be verified by the CAS GR-I (Vet)/SVO/Concerned Supervisory Officer deployed in the Adhoc Bn.
- (V) To strictly follow the instructions and orders of CAS GR-I (Vet) SVO and other Supervisory Officers and to carry out the Veterinary Civic Action Programme accordingly.
- (VI) To administer only those Veterinary drugs/medicine which he has been taught and is authorized to handle and will not administer intravenous injection treatment beyond his skill and competence. In case, of any complication he would

*Pradeep Basak.*



contact CAS GRI (Vet)/SVO in the area of his deployment for guidance.

(VII) To prepare and submit Fortnightly Progress Report in respect of Veterinary Cover render on by him to CAS GRI (Vet) in the time for onward transmission to higher authorities.

(VIII) To perform any other duties assigned to him by his superior authorities from time to time.

On a mere reading of the charter of duties, it appears that the applicants are being deployed in the field areas for taking health care of the animals and for counseling the local people about the scientific management of the livestock for better profitability, to assist Civil Assistant Surgeon (CAS) Gd. I (Vet)/Sr. Veterinary Officer (SVO) in performing/rendering Veterinary Cover programmes. However, it is quite clear that there is no involvement of the applicants in operational duties and responsibilities in course of discharging their duties as SFA (Vety), more so the said post of SFA (Vety) is a civilian post, governed by CCS Rules, which would be evident from memorandum bearing No. 30/SSB/A-2/92 (21) 962 dated 19.03.93 wherein it has been clarified by the SSB Directorate that due to service conditions of civilian staff, serving with Group Centers of SSB (now Battalion), they are not entitled to privileges and facilities like ration money, rent free accommodation, uniform, 60 days earn leave, 15 days casual leave etc. as provided to the Group Center personnel who are governed by CRPF Rules. However it has been stated that officers/staff holding civilian post are entitled to pay and allowances as admissible to the civilian central Govt. employees posted in the field areas while rejecting the claim of one Sri D.R. Sarma, DFO (Med), who claimed facilities and privileges at par with combatant staff working in the Group Centers. It is further confirmed

*Pradeep Basak.*

by the memorandum bearing letter No. E-1/SHQ/BCN/MISC/127/05/11775-80 dated 13.12.06 that the civilian staff in the field are liable to work 6 days in a week and further stated that civilians are entitled to 30 days EL, 8 days CL and 2 days RH in a year, and further they are entitled to facilities of second Saturdays and Sundays with 8 hours duties in per working day. This has been circulated in the field formation where civilians are attached accordingly. Therefore it is quite clear that the civilian employees and Group Centre personnel/combatant are governed by two separate set of Acts and Rules i.e. civilians are governed CCS Rules whereas combatant staffs with uniforms are governed by CRPF Act 1949 and CRPF Rules 1955.

Therefore, it appears that work, nature of duties, responsibilities of the civilian staff and combatant staff of the Group Centre/Battalions are quite separate and distinct. It is pertinent to mention here that the Force personnel of the Battalions with uniform are deployed for operation duties and responsibilities in SSB and such duties of civilian and combatant have already been specifically defined which would be evident from the charter of duties also as indicated in the preceeding paragraphs. Duties and responsibilities of two categories of staffs i.e. Combatant and Civilian cannot be interchangeable under any circumstances.

Copy of memorandum dated 19.03.93 and 13.12.06 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- 4 and 5 respectively.

- 4.8 That it is stated that the applicants are serving as SFA (Veterinary) after passing the required certificate course in Veterinary Science from the recognized Institution of the various State Governments and their power to work in the field of Veterinary Science on the strength of the aforesaid certificate have been specifically defined in Section 30 (b) of the Indian Veterinary Council Act 1984, which provides the minimum required qualification and nature of works to be done by such post.

*Roadey Basak.*

The minimum required qualification of such post is Matriculate with experience, which is defined in Section 30 (b) of the Indian Veterinary Council Act 1984. The relevant portion is reproduced herein below:

**"Sec. 30 (b) Practise Veterinary Medicine in any State: -**

Provided that the State Government may, order, permit a person holding a diploma or certificate of veterinary supervisor, stockman or stock assistant (by whatever name called) of any veterinary institution in India to render under the supervision and direction of a registered veterinary practitioner, minor veterinary services.

**Explanation: -** "Minor Veterinary services" means the rendering of preliminary veterinary aid, like vaccination castration, and dressing of wounds, and as such other types of preliminary aid, like vaccination, castration and dressing of wounds, and such other types of preliminary aid the treatment of such ailments as the State Government may, by notification in the official Gazette, specify in the behalf."

Therefore duties and nature of works of all such posts are to do minor veterinary services provides auxiliary support in veterinary and Animal Husbandry service vaccination, castration and dressing of wounds or treatment of animals etc. As such the applicants services fall under the purview for Section 30 (b) of the Indian Veterinary Council Act 1984 and their nature of duties and responsibilities have been very specifically defined in the explanation note, which falls under the purview of minor veterinary services.

- 4.9 That it is stated that the Office of D.G, Govt. of India, MHA, New Delhi vide memorandum No. 30/SSB/FV/2000 (3)/3507 dated 09.04.2007 issued the impugned memorandum wherein it has been stated that after change of role of SSB border guarding force it was decided that since the

*Randeep B. AR.*

department has a large guarding wing. Therefore responsibilities of maintaining a sniffer dog squads in the force may be given to veterinary wing and it has been further stated that accordingly Veterinary Doctors and para Veterinary staffs were trained and assigned the duty to look after both care, feeding, training, maintenance, holding and operational works of force dogs. It is also pointed out that there is no change in the cadre or post or pay scale but only entrusted with the operational commitment of the Force.

In clause 3 of the memorandum it has further been stated that working hours are also regulated as per the operational needs, as per the daily routine and the extra working hours being shared further and weekly of being regulated and to the affect the instruction have already been issued to the Veterinary Commandant in this regard and in Clause 4 of the impugned memorandum dated 09.04.2007, it has further been stated that individuals may be informed accordingly and advice to give proper attention to their work instead of indulging in fruitless correspondence.

Therefore it is quite clear from the contents of the impugned memorandum dated 09.04.2007 that the applicants who are civilian staffs are now sought to be deployed in operational works as Dog handler in respective Dogs squads. In other words it can rightly be said that the nature of duties and responsibilities of the civilian staffs working in the cadre of SFA (Veterinary) are entrusted with the duties of combatant staff by placing their services in operational works without creating any separate post of "Dog Handler". By no stretch of imagination a Sr. Field Assistant (Veterinary) cannot be entrusted with the operational works as Dog handler. It would further be evident from the news item published in "SSB Samachar", March 2007 in the following style "Role of Dog Squad in Border Management" wherein it has been stated that since the situation is governed due to ISI and other anti India force who adopted Nepal as another safe alternate route to in field trade, terrorism, arms and

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ammunitions, explosives, fake currencies and Narcotics etc. into India. Thus, compelling SSB to supplement its border policing by adopting certain force multipliers of which Dog squad is first foremost. The dog squad armed with trained Sniffer, Tracker, and Guard dogs is supplementing the human security elements successfully in ensuring a safe and secure border.

In view of the prevailing security scenario on Indo-Nepal and on Indo-Bhutan borders, SSB in the year 2004-2005 decided to raise sniffer dog squads which is now playing an important role in the management and policing of porous border of Indo-Nepal and Indo-Bhutan and so to counter drug trafficking, smuggling of arms and explosives etc.

In the said publication made by Dr. Sashi Ranjan, Chief Veterinary Officer [in short CVO (SG)] FHQ, New Delhi, wherein it has been stated that security dog in SSB are being trained in the following trades: -

- 1) Narcotics Detection Dogs.
- 2) Explosives Detection Dogs.
- 3) Mine Detection Dogs.
- 4) Tracker Dogs.

It has further elaborately discussed the nature of operation is carried out with the assistance of the dogs, by the dogs handlers and surprisingly the present applicants sought to be deployed in the operation/works as Dog handler without creating any post of Dog handler and in order to avoid the rigorous process of recruitment of Dog handler in the combatant side. Therefore, malafide intention of the respondent authorities is very clear to put the applicants in operation/to work as Dog handler.

It is pertinent to mention here that in other para military organization in MHA, more particularly BSF, CRPF, ITBP, the operation works of dog handler are being entrusted to the trained combatant personnel. Therefore the respondent Union of India are not legally entitled

*Randip Basak.*

to force the civilian staff working in SSB to undertake operational works as Dog Handler and on that score alone the impugned memorandum dated 09.04.2007 is liable to be set aside and quashed with a further direction to the respondents to exempt the applicants from the operational duties and responsibilities as Dog Handler.

Copy of the impugned memorandum dated 09.04.07 and News item published in SSB Samachar March 2007 is enclosed herewith for perusal of Hon'ble Tribunal as Annexure- 6 and 7 respectively.

- 4.10 That it is stated that vide memorandum bearing No. 99/Vet/SSB/2003/VC-339-41 dated 03.09.2004, whereby willingness of the incumbent working as SFA (Veterinary) was invited for selection for the post of Dog Handler in SSB, wherein it has been stated that in the event of selection, they will have to undergo for 6 months training at BSF Academy, Tekanpur, in the State of Madhya Pradesh. However, none of the applicants submitted their willingness to work as Dog Handler. Thereafter again a Fax message/W.T message was sent to Frontier HQ office, Guwahati, wherein it has been stated that 18 seats have been allotted to SSB by Army HQ in dog handler course to be conducted by R.V.C centre and Meerut college in two batches w.e.f. 03.07.06 to 16.12.06 and 18.01.07 to 23.06.07 and therefore willing SFA (Vety) of 45 years age and below who are medically fit and working in the Frontier be sent on or before 29.05.06 positively for finalizing the detail. It is relevant to mention here that in spite of unwillingness, the applicant No. 1 and 2 have been pressurized by the Authority and they were sent for training at Meerut in spite of their unwillingness for a period of about 6 months. The representations and options submitted by all the 5 applicants expressing unwillingness addressed to the local authority are enclosed for perusal of the Hon'ble Court.

*Pooja Basak.*

Copy of memorandum dated 03.09.04, representations showing unwillingness and Fax message dated 17.05.06 are annexed hereto as Annexure- 8, 8 A (Series) and 9 respectively.

- 4.11 That it is stated that when the willingness of the candidates were invited by the respondent authority from the incumbent working as SFA (Vety) for selection to undergo Dog handler course, therefore the said action of the respondents makes it abundantly clear that the civilian staff working as SFA (Vety) are not duty bound to work as Dog handler and the said job does into fall within the purview of charter of duties and responsibilities vested upon the civilian staff working as SFA (Vety) in other words Dog Handler is not a part of the duties and responsibilities of the present applicant and the correspondences as indicated in the preceeding paragraphs makes it further clear that the nature of job and training sought to be imparted to the present applicants as Dog Handler are in fact and an attempt on the part of the authority to train the civilian staff like SFA (Vety) to utilize the services in operational work. Therefore the seat for training for Dog handler are being allotted by the Army Headquarter which reveals from the correspondences of the Authority. As such the job of the Dog Handler is operational in nature. It would be evident from the New Webster Students Dictionary of the English Language that the very meaning of the 'Handler' is that "one who train certain animals". This job of Dog handler in other para military organization entrusted with the combatant staff after requisite training.

It would further be evident from the minutes of the Sr. officers conference held at HQ Office, SSB, New Delhi on 16<sup>th</sup> and 17<sup>th</sup> December 2004, which was communicated through memorandum bearing No. Meeting/SHQ/BGN/05/454-64 dated 03.02.05, wherein it has been stated that the incumbent working in SFA (Vety) be motivated to give their willingness otherwise they may be sent to surplus cell. It is categorically

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stated that the applicants are not willing to carry out any operational work as Dog Handler, as such they are otherwise ready to accept the Govt. decision if they are sent to surplus cell. It is also relevant to mention here that the Chief Veterinary Officer (SC) issued a Fax message to all the Frontier office directing to collect various explosive samples from CSD&W Bhopal for routine training and sent conditioning snifer dogs. Therefore it is quite clear that the services of the applicants will be utilized in operational duties for detection of narcotics substances and banned drugs, for detection of explosives substances, assignment of duties of convoy protection on Indo-Bhutan border and for tracking criminals and anti-social elements apart from this Dogs to be provided to State Pplice on requisition for security duties. Therefore, it is quite clear that the services of the applicants are now sought to be used as operational duties of Dog handler. In the circumstances stated above the impugned letter dated 09.04.2007 as well as the decision of respondent authorities to obtain willingness of the applicants to work as Dog Handler are liable to be set aside and quashed.

Copy of memorandum dated 03.02.05 and Fax message dated 24.04.07 are annexed hereto for perusal of Hon'ble Tribunal as Annexure- 10 and 11 respectively.

- 4.12 That it is stated that the respondents pursuant to the order bearing No. 4/SSB/A-4/2005 (1)/63-190 dated 19.11.2006 and No. 4/SSB/A-4/2005 (1)-Pl. 6609-6666 dated 05.04.2005 has approved the transfer and posting of the applicants in view of the deployment of Dogs for operational duties with immediate effect in public interest. However, the applicants No. 1 and 2 have been forcibly sent to Meerut at RVC, Army Training Centre for imparting training in Dog handling operational duties. It is relevant to mention here that the applicant No. 1 and 2 in such compelling circumstances attended the training institution at Meerut and completed

Indraj Basak.



the training course against their willingness. However, the applicants No. 3, 4 and 5 in the meanwhile approached this Hon'ble Tribunal by filing OA No. 269/2005 and 275/2005 challenging the approval of the transfer and posting order dated 05.10.05 and by virtue of the interim order passed in the aforesaid O.A, they were not sent in the training institution. It is also relevant to mention here that the applicant No. 1 and 2 had approached this Hon'ble Tribunal through OA No. 31/2006 for setting aside and quashing the impugned transfer order dated 19.01.06. The said Original Applications were contested by the present respondents before this Hon'ble Tribunal, however, the Hon'ble Tribunal after considering the arguments of the parties was pleased to dismiss all the applications vide judgment and order dated 21.03.2007 in OA No. 116/05, 117/05, 174/05, 269/05, 275/05 and 31/05.

Copy of transfer order dated 05.10.05, 19.01.06 and judgment and order dated 21.03.07 are annexed hereto for perusal of Hon'ble Tribunal as Annexure-12 (Series) and 13 respectively.

- 4.13 That it is stated that in the earlier Original Application preferred by the present applicants, more particularly applicant No. 1 and 2 filed OA No. 31/2006 prayed the following reliefs :-

"8. RELIEF SOUGHT FOR

For the reasons stated above, the applicant hereby prays that this Hon'ble Tribunal may be pleased to call the records pertaining to transfer of the applicants from the post of Senior Field Assistant (Veterinary) to a combat post and consequently to ensure that he said post may not be reallocated as a post of Dog Handler which is a combat post and also to declare that the approval order passed by the

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Head Quarters is illegal and void and also to direct the respondents to order dated 19.01.06."

It is relevant to mention here that the applicants at that point of time challenged the transfer and posting order No. 4/SSB/A-4/2005 (1)-163-190 dated 19.01.2006, whereby transfer and posting of the applicants were approved and posting of the applicants were approved for deployment of Dogs for operational duties. The applicant No. 3, 4 and 5 also approached this Hon'ble Tribunal by filing OA No. 269/05 and OA No. 275/05, more or less on the similar prayer and grounds. After filing of the Original Application, the present respondents duly submitted written statements, wherein the respondents more particularly in para 2 have stated as follows: -

**"His service was utilized for treatment of sick and animal and documentation of Veterinary hospital/dispensary works."**

Further in the same paragraph, it is stated as follows: -

**"As the organization has independent veterinary staff, it is primarily, the veterinary staff only who will raise and maintain the Pups and Dogs as primarily, in changed circumstances, the Veterinary Cadre is the most suited and trained staff to look after the health, breeding, training, handling and maintenance of the dogs."**

Moreover, in paragraph 6, it has been stated as follows:

**"6) That with regard to the statement made in paragraph 4. vii of the OA, the respondents beg to state that the order dated 05.10.2005 has been passed in public interest transferring the applicant to Pup Rearing Centre Gorakhpur along with the posts of SFA (V) only and not as Dog Handler, however they have been asked to perform duties related to Dog handling because the applicants are**

*Pradeep Basak.*

part and parcel of the professionally trained veterinary cadre which the Department has as on date."

It is quite clear from the aforesaid statement of the respondents in their written statement that the services of the applicants is sought to be utilized at pup rearing centre, Gorakhpur but the respondents made it clear in para 6 that their services will not be utilized as Dog handler. Considering the above stand of the respondents this Hon'ble Tribunal relied upon the stand taken by the respondents and considering the fact that the said training has been arranged at Gorokhpur for better performance of their duties, as such the Hon'ble Tribunal upheld the contention of the respondents and was pleased to dismiss the Original Applications.

But it appears now, the very contention of the respondents in the written statement in OA No. 269/05 and in other Original Applications are totally false and misleading and contrary to the factual position. It would be evident from the impugned memorandum dated 09.04.2007, and as well as from the minutes of the Sr. Officers conference held at FHQ, SSB, New Delhi on 16/17.12.04, wherein it has been stated that the services of the applicants will be utilized as 'Dog handler' in operational duties for detection of explosives, narcotics drugs and substances for tracking criminals and anti-social elements and for mine detection purposes. In para 6 of the written statement, it has been categorically stated that they will not be utilized as Dog handler, where as it appears from the minutes of the meetings held on 16/17.12.04 that SFA (Veterinary) are selected to work as Dog handler and in the event of their refusal as Dog handler they will be sent to surplus cell. Therefore it is abundantly clear that the services of the applicants are now sought to be utilized for operational duties without creating or recruiting the cadre of Dog handler which are now required in view of the security management in the border areas.

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It appears from the impugned memorandum dated 09.04.07 read with the decision and views of the Sr. Officers expressed in the conference held on 16/17.12.04 that the respondents sought to utilize the services of the applicants in operational duties. As such, even though the applicants are holding civilian posts of SFA (Vety), they are compelled to perform operational duties against their option/willingness, such act on the part of the respondents is unfair labour practice, as such the impugned memorandum dated 09.04.2007 is arbitrary, opposed to the principle of natural justice and violative of Article 14 of the Constitution of India and the same is liable to be set aside and quashed.

4.14 That it is stated that in the changed circumstances, the applicants has no other alternative but to approach this Hon'ble Tribunal for protection of their valuable legal right by passing appropriate order/interim order directing the respondents that the applicants be exempted from operational duties and responsibilities as Dog handler and further be pleased to pass any other order or orders as deem fit and proper.

4.15 That it is stated that the present applicants are apprehending that they may be released at any moment for deployment in operational work as Dog handlers after imparting necessary training in institute. Therefore the Hon'ble Court be pleased to pass appropriate order/interim order to restraining the respondents to work at operational duties as Dog handlers.

It is categorically submitted that the applicants have no objection if any sort of training is imparted to them relating to the requirement of their job presently entrusted with or discharging as SFA (Veterinary). The applicants are also ready to undertake training regarding health care of the pups/dogs, but their services should not be utilized for operational works, as contemplated through impugned memorandum dated 09.04.2007.

4.16 That this application is made bona fide and for the cause of justice.

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5. Grounds for relief (s) with legal provisions:

- 5.1 For that, the applicants are being civilian workers, working in the cadre of SFA (Veterinary) holding the civil post in SSB and governed by CCS Rule, as such the applicants cannot be deployed in operational duties as contemplated by the respondents through impugned memorandum dated 09.04.2007, as such the same is liable to be set aside and quashed.
- 5.2 For that the applicants are not governed by CRPF Act 1949 and CRPF Rules 1955, therefore the applicants cannot be deployed in operational duties as Dog handler, as such the impugned memorandum dated 09.04.07 is liable to be set aside and quashed.
- 5.3 For that, in paragraph 6 and 7 of the written statement filed by the present respondents in OA No. 269/05, it has been categorically stated by the respondents that although the applicants are sought to be posted at Rearing Centre, Gorakhpur along with the post of SFA (Veterinary) but they will not be allowed to work as "Dog handler", whereas such statement or declaration of the respondents appears to be false and misleading which would be evident from impugned memorandum dated 09.04.2007 as well as from the minutes of the meetings of the Sr. Officers held on 16/17.12.2004 at FHQ, SSB, New Delhi which is enclosed with the memorandum dated 03.02.2005 and on that score alone the impugned memorandum dated 09.04.07 is liable to be set aside and quashed.
- 5.4 For that, the learned Tribunal in the earlier occasion relied upon the stand taken by the respondents in their written statement filed in OA No. 269/05, 275/05 and also in OA No. 31/2006 and as such upheld the contention of the respondents dismissing the O.A preferred by the applicants.
- 5.5 For that, in the impugned memorandum dated 04.09.2007, the respondents have declared that the services of the applicants will be

*Indep Basak*

utilized in operational duties which is confirmed by the Chief Veterinary Officer (SG) FHQ, New Delhi in the News item published in SSB Samachar, March 2007, wherein it has been made clear that the applicants will be deployed as Dog handler in operational duties for detection of narcotics drugs, for detection of explosive substances, for mine detection purposes and also for utilizing the dogs for tracking criminals and anti social elements which are operational duties and the applicants being civilian, as such entitled to be exempted from such operational duties.

- 5.6 For that the respondents themselves have denied the privileges and facilities which are provided to the combatant staff who are governed by the CRPF Act and Rules and denied to the applicants since the applicants are governed by CCS Rules, therefore the applicants cannot be compelled to perform at operational duties as Dog handler.

6. Details of remedies exhausted.

That the applicants declare that they have exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicants humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on

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perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum No. 30/SSB/FV/2000 (3)/3507 dated 09.04.2007 (Annexure- 6).

8.2 That the Hon'ble Tribunal be pleased to direct the respondents not to employ the applicants in operational job/duties of Dog handler.

8.3 Costs of the application.

8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to stay operation of the impugned memorandum No. 30/SSB/FV/2000 (3)/3507 dated 09.04.2007 (Annexure- 6).

9.2 That the Hon'ble Tribunal be pleased to restrain the respondents to employ the applicants in operational job/duties of Dog handler till disposal of the original application.

10. ....

11. Particulars of the L.P.O

i) L.P.O No. : 346 653657 -  
 ii) Date of issue : 11.5.07.  
 iii) Issued from : G.P.O. Surahali.  
 iv) Payable at : G.P.O. Surahali.

12. List of enclosures : As given in the index.

Pradeep Basak.

**VERIFICATION**

I, Shri Pradip Basak, S/o- Late Kali Kumar Basak, aged about 43 years, working as Senior Field Assistant (Veterinary), Sashastra Seema Bal (SSB) under the administrative control of Inspector General, Frontier Head Quarter, Zoo Road Tinali, Guwahati, applicant No. 1 in the instant Original Application duly authorized by the others to verify the statements made in the Original Application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 27<sup>th</sup> day of May 2007.

Pradip Basak.

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RPF.





- ii) Submission of declaration in the prescribed form in the event of the candidate having more than one wife living, or being married to a person having more than one wife living the appointment will be subject to her being exempted from the enforcement of the requirement in this behalf.
- iii) Taking of an oath allegiance faithfulness to the Constitution of India (or making of a solemn affirmation with effect in the prescribed form.
- iv) Production of the following original certificates and mark sheet
  - (a) Degree/Diploma/Certificate of educational and other technical qualifications. He must produce educational certificates.
  - (b) Certificate of age.
  - (c) Character certificate in the prescribed form.
    - i) Attested by a District Magistrate/Sub-Divisional Magistrate or any other superior officer in the case of candidate for class III Posts.
  - (d) Certificate in the prescribed form in support of candidate's claims to belong to a Scheduled Caste or Tribe/Anglo Indian Community.  
/from S.D.O
  - (e) Discharge/certificate in the prescribed form of previous employment, if any.

4. It may please be stated whether the candidate is serving or is under obligation to serve another Central Government Department or a State Government or a public authority.

5. If any declaration or information furnished by the candidate proves to be false or if the candidate is found to have willfully suppressed any material information will be liable to removal from service such other action as Government may deem necessary.

6. If Shri Ranjit Kumar Saha accepts the offer on the above terms he should report to the Commandant Group Centre, SSB Palakata on or before 25th July, 1986 positively. no reply is received or the candidate fails to report for duty by the prescribed date the offer will be treated as cancelled.

7. No travelling allowance will be allowed for joining the appointment.

m and wife  
e than  
to his  
require  
training.  
He has to be in service for minimum three years after training. He would like to leave the job before expiry of the aforesaid period. 3 years after training he would be agreeable to pay the entire cost of training.

e Const  
ion to  
es :  
Candidate who is not having original pass certificate will bring original mark sheet and a certificate from the concerned School's Headmaster mentioning that he has passed HS/SE/Madhyamik Examination. 200/-  
He will bring with him Rs. 250/- required in connection with his initial messing and other charges. He will also bring light bedding with him.

nd -  
duce m  
After joining candidate will not be allowed to go home within one month.

18/6/86  
GROUP OFFICER SSB FALAKATA

for  
ss  
Sri Ranjit Kumar Saha  
to  
S Sri Kalipada Saha  
led  
Sri Saradananda Palli  
Post Falakata, PS Falakata  
Post Jalpaiguri(WB)

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by the

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No. 21/2/60/89(111) Dtd. 10-4-91  
Government of India  
Directorate General of Security  
Office of the Divisional Officer, SSB  
North Bengal & Sikkim Division, Siliguri

*For*  
*B. M.*  
MEMORANDUM

Sub : Appointment of CC, SSB, Constables on 'Transfer' to the rank of SFA(Vet) in the SSB(Area Side)

Consequent upon selection of the Group Centre, SSB, Constables on "Transfer Basis" to the rank of SFA(Vet) in the Pay scale of Rs 975-25,1150-EB-30-1650 vide SSB Directorate's Memo No. 6/SSB/A-2/89(9)-541, dtd. 15/29-1-90, the following Constables are posted at the places mentioned below against their names to the rank of SFA(Vet) from the date of their joining the post :-

Sl. No.	Name of the Constables	Present place of posting.	Place of Posting as SFA(Vet.)
1.	No. 76182 CT. Nikunja Kumar Roy Dakua	CC, SSB Baidanga	Division Hqrs., SSB, Siliguri
2.	No. 76276 CT A. Raj Rad	-do-	SAO's Office, Kalimpong
3.	No. 76545 CT Pravin Chhetri	-do-	SAO's Office, Narail
4.	No. 50193 CT Ankaji Sherpa	CC, SSB, Sikkim.	SAO's Office Gangtok.
5.	No. 60188 CT Tekman Sunner	-do-	SAO's Office, Darjeeling.
6.	No. 50241 CT Chandra Prasad Mishra	-do-	SAO's Office, Jalpaiguri.
7.	No. 76152 CT Digen Chandra Debnath	CC, SSB, Malikata	SAO's Office Siliguri.
8.	No. 80059 CT Atul Chandra Barman	-do-	CO's Office Cooch Behar
9.	No. 80571 CT Jamini Kanta Sarma	-do-	SAO's Office Dinhata.
✓ 10.	No. 80590 CT Ram Kishore Barman	-do-	SAO's Office Mathbhanga
11.	No. 80602 CT Haridas Sarkar	-do-	CO's Office Sitalkuchi.
12.	No. 80606 CT Adhir Chandra Paul	-do-	CO's Office. Mal.

2. The terms and conditions of 'Transfer' will be as per...

(3) The salary of the Sr. Field Assistant(Vet) will be regulated in accordance with the orders contained in Ministry of Home Affairs, No. 9/11/55/RPS dated 22.12.1950 and will be below those already...

*Attested*  
*M. S. S.*  
*A. M.*

(11) They would not get any protection or the emoluments drawn by them as Constables. Their pay would be fixed under the normal rules with reference to their pay in the present cadre in the Group Centre.

(111) They would not be made permanent immediately on their transfer as their permanency would be dependent upon their seniority in the grade of Sr. Field Assistant (Veterinary) and availability of permanent posts.

(iv) They will be required to undergo training courses prescribed for the Sr. Field Assistant (Veterinary) by the Department from time to time and complete the same successfully.

(v) Their seniority will be as per the merit drawn by the Selection Board/D.P.C. which is based on the date of their joining SSB as Constable.

3. Before being released from concerned Group Centre, the candidate will submit their "Technical Resignation" to the concerned Commandants. No joining time will be admissible as envisaged under FR 105 read with note below GOI decision (44).

Area (Tegamiser (Stär))  
SSB/SSS Division, Siliguri.

TO

Re: 5192, CR. The above subject.

C/O Group Centre, 403, Palameta

Mr. Tolson, Mr. E. A. Tamm, Mr. Clegg

Copy to :-

1. The Director of Accounts, Cb.Secrariat, New Delhi for information and necessary action.
2. Assistant Director (IA), SSB Directorate, New Delhi w.r.t. their Memo No. S/SB/A2/85(9)-541, -dtd. 15/29-1-90.
3. Area Organiser, SSB/Cochin/Behar/Jalapaiguri/Darjeeling/Sikkim. They will intimate about the date of joining etc. to this Office immediately.
4. Copy to the Commandant, Group Centre, SSB, Calakata/Ranidanga/Sikkim for information. The Commandants should release the concerned Constables immediately with direction to report to their respective places of posting. They will also obtain "Technical Resignation" from the concerned individual before release.
5. To the Veterinary Surgeon, Divisional Organiser's Office, SSB, MB&S Division, Siliguri for information & necessary action.
6. Divisional Hqs., Siliguri for information.
7. The Circle Organiser, SSB, Sikkim/Mal/Cochin/Behar for information.

Area of Interest (Station) 41-4-91

dt. 23/2/91

**FORM OF OPTION**

I do hereby declare that I am willing to join the post of Sr. Field Assistant (Veterinary) on 'transfer basis' as per terms and conditions laid down at para-2 of SSB Dte. Memo No. 6/SSB/A2/-89(9)543 dated 15-29-1991.

I have gone through the para-2 of SSB Dte. Memo No. 6/SSB/A2/-89(9)543 dated 15/29-1-1991, understood and signed this option form as my consent to join the post of Sr. Field Assistant (Veterinary) on 'transfer basis'.

Place.....*Faridabad*.....

*2-3-91*  
(**HARIDAS SARKAR**)  
Signature of candidate.  
Date

**Countersigned**

*[Signature]*  
BY: *[Signature]*  
D. G. S. O. *[Signature]*  
W/T Training Centre,  
B-6, HT Road, Delhi  
110016

*Attended  
Duty  
Adm*

*Recd  
2/3/91*

No. IT/2/60/89(Vol-I) (204)  
Government of India  
Directorate General of Security  
Office of the Divisional Organiser  
SSB, North Bengal and Sikkim Division  
College Para, Post Box - 55,  
Siliguri - 734 401.

Dated the 21/6 March 1992.

Memoandum

Appointment of Group Centre, SSB Constables on  
"Transfer" to the rank of SFA(Vet) in the SSB  
Area Side.

Consequent upon selection of the SSB Group Centre,  
Constables on "Transfer Basis" to the rank of SFA(Vet) in the  
pay scale of ;. 975-24-1150-Lo-30-1660/- vide SSB Directorate's  
Memo No. G/SSB/A2/91(G) - 47CG dated 27-12-91, the following  
Constables are posted at the places mentioned below against their  
names to the rank of SFA(Vet) from the date of their joining the  
post :-

Sl No.	Name of the Constables.	Present place of posting.	Place of posting as SFA(Vet).
1.	2.	3.	4.
1.	No. 80492 Ct. Sunil Chandre Berman	Group Centre, SSB, Palakata.	Circle Organiser's Office, SSB, Mal.
2.	No. 76051 Ct. Parimal Malakar	-do-	CO's Office, SSB, Alibarduar.
3.	No. 76434 Ct. Mantosh Podder	-do-	CO's Office, SSB, Tufanganj.
4.	No. 86478 Ct. Pradip Basak	-do-	CO's Office, SSB, Palakata.
5.	No. 80648 Ct. Bimal Chakraborty	-do-	CO's Office, SSB, Naxalbari.
6.	No. 76351 Ct. Balbehadur Doss	Group Centre, SSB, Ranidanga.	CO's Office, SSB, Kurseong.

2.  
under :-

The terms and conditions of "Transfer" will be as

(i) The seniority of the SFA(Vet) taken on "Transfer"  
will be related in terms of the Orders contained  
in Ministry of Home Affairs O.M. No.9/15/55/RPS  
dated 22-12-59 as amended from time to time  
which envisage that their seniority will be below  
those already recruited.

(ii) They would not get any protection of the emolu-  
ments drawn by them as Constable. Their pay  
would be fixed under the normal rules with refer-  
ence to their pay in the present cadre in the  
Group Centre.

Area Organiser  
SSB, DGS Govt of India  
SILIGURI

(Contd.....)

- (III) They would not be made permanent immediately on their transfer as their permanency would be dependent upon their seniority in the grade of Sr. Field Assistant (Veterinary) and availability of permanent posts.
- (iv) They will be required to undergo training courses prescribed for the Sr. Field Assistant (Veterinary) by the Department from time to time and complete the same successfully.
- (v) Their seniority will be as per the merit drawn by the Selection Board/D.P.C. which is based on the date of their joining SSB as Constable.

2. Before being released from concerned Group Centre, the candidate will submit their "Technical Resignation" to the concerned Commandants. No Joining time will be admissible as envisaged under FR - 105 read with note below GOI decision, - (4).

*S. S. Thakur*  
21.3.92  
(S. S. Thakur)  
Area Organiser (Staff)  
SSB/Siliguri.

10

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Copy to :-

1. The Director of Accounts, C.A. Sectt., R K Puram, New Delhi 66 for information and necessary action.
2. The Assistant Director (EA), SSB Directorate, New Delhi w 1 to their Memo. No. 6/SSB/A2/91 (G) - 4766 dtd. 27-12-91.
3. Area Organiser, SSB, Cooch Behar/Jalpaiguri and Darjeeling. They will intimate about the date of joining etc. to this Office immediately.
4. The Commandants, Group Centre, SSB, Falakata and Ranidanga for information. The Commandants should release the concerned Constables immediately with direction to report to their respective places of posting. They will also obtain "Technical Resignation" from the concerned individual before release.
5. The Veterinary Surgeon, Div. Organiser's Office, SSB, NB&S Division, Siliguri for information and necessary action.
6. The Accounts Officer, Div. Hqrs., SSB, Siliguri for information and necessary action.
7. The Sub Area Organiser, SSB, Siliguri/Darjeeling/Jalpaiguri and Dinhata for information and necessary action.
8. The Circle Organiser, SSB, Mal/Alipurduar/Tufanganj/Falakata/Maxalbari and Kurseong for information.

*attached*

*S. S. Thakur*  
21.3.92



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

Memorandum

Subject :- service conditions of Civilian staff serving with Group Centres of SSB.

-----

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

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

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

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

-----  
Office of the Commandant Group Centre SSB Jaisalmer (Raj)

Endst.No.2/Estt/238/GCJ/93/38223709 dated the 15 th April 1993

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

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

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

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

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

No E-1/SHQ/BGN/MISC/127/05/11775-80.  
Government of India  
Ministry of Home Affairs,  
Office of the Dy. Inspector General  
SSD, SHQ Bongaigaon (Assam).

Date: 13<sup>th</sup> Dec, 2006

MEMORANDUM

Reference your signal U/1808 dated 9/12/2006 regarding availing of second Saturday by Civilian Staff posted at Bn.

The working days of civilian staff in the field is six days in a week. They are entitled 30 days **Earned Leave**, 8 days **Casual** and 2 days **Restricted Holidays** in a year. Therefore they are entitled to get facilities of **second Saturdays** and **Sundays** in every month. Besides, their working hour is 8 hours per day. This may be brought to the knowledge of field formations where civilians are posted/attached accordingly.

12/12/06  
TUM

STAFF OFFICER (ADMIN)  
SHQ (SSB) BONGAIGAON

To  
The Commandant, 16<sup>th</sup> Bn. Malabari.

Copy for information to  
The Commandant, 10<sup>th</sup> 123<sup>rd</sup> 139<sup>th</sup> 131<sup>st</sup> Bn.

9/217-23, 6415/12/14  
STAFF OFFICER (ADMIN)  
SHQ (SSB) BONGAIGAON

Copy to  
(1) all AOs. A, B, C, D, E, F } for information  
(2) Group HQ. } Civilian staff may  
be indicated accordingly

Note: 13/12/06  
13/12/06

Attested  
10/12/06  
A.W.

MHC

15/12/06  
15/12/06  
15/12/06

3

2. Miss Petition No. \_\_\_\_\_/

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

Advocate for the Applicants.....

Advocate for the Respondant(S:.....)

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No..... Dated.....		
Dy. Registrar		

GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
DIRECTORATE GENERAL  
SASHASTRA SEEMA BAL  
EAST BLOCK V, R.K. PURAM  
NEW DELHI-110066

No.30/SSB/A.I/2000(3)

Dated : 9.4.2007

# Memorandum

In reference to the FTR.Lf.SSB.Guwahati  
Memo.No.1(43)JE/FTR-IBB/SFA(V)04/2126-27 Dt.5.2.2007 regarding  
representation submitted by 3 SFA(Vety)

2. After change of role of SSB Border Guarding Force it was logically decided that since we have a large Veterinary wing, hence the responsibility of maintaining the Sniffer Dog Squads in the Force may be given Veterinary Wing. Accordingly, Veterinary doctors and para-veterinary staff were trained and assigned the duty to look after healthcare, feeding, training, maintenance, handling and operational work of Force dogs. There has been no change in the cadre or post or pay scale but only the responsibility have been changed to meet the operational commitment of the force.

3. Working hours were also regulated as per the operational need. As per the daily routine, SFA(Vety) looking after the dogs has to work for 6-1/2 Hrs. on week days and 1-1/2 Hrs on Sundays. Further, ~~against 5 dogs there is a provision of 8 handlers.~~ Thus, these hours are being shared further and weekly off is being regulated. Instructions have already been issued to the Bn. Commandants in this regard.

4. The individuals may be informed accordingly and advised to give proper attention to their work instead of indulging in fruitless correspondence.

(Subhash Kumar)<sup>19</sup>  
Assistant Director(EA-II)

 $\gamma_0$ 

The Area Organiser (Admin)  
File Hq. SSB, Guwahati

OFFICE OF THE INSPECTOR GENERAL, FRONTIER HEADQUARTERS, SSB, GUWAHATI.

ENDST NO. I(43)NGE/1-TR-IBB/SFA(V)/04/18644-45

DATED. 30/04/07

COPY TO :-

1) The Sector Hqr, SSR, Bongaigaon, for information and Necessary action w.r.t. his memo ending No. 618-19 Dated. 22/01/2007.

[illegible]

SECTION OFFICER, SCD,  
FTR HQ, CANTONMENT



## Role of Dog Squad in Border Management



*Dr. Shashi Ranjan, CVO (SG),  
FHQ, New Delhi.*

**P**ursuant to "One border  
One Force" recommendation of Kargil Security Review Committee report, SSB was assigned the responsibility of Indo-Nepal border in 2002. Later, the border security responsibility

was further extended to 699 Kms of Indo - Bhutan border.

The International Border with both countries due to certain peculiar Geo-political considerations necessitated an altogether different border security doctrine. Both the countries is having friendship treaty with India which permits free movement of man and material across the International Border. Presently, there is no visa or permit regime with both the countries. Moreover, lack of any delineating geographical features, coupled with transborder socio - economic

and cultural ties of border population limits the enforcement of border regulations to people friendly border policing.

This situation is further aggravated due to ISI and other anti-India forces who adopt Nepal as another safe alternate route to infiltrate terrorists, arms, ammunitions, explosives, fake currencies and Narcotics etc. into India. Thus, compelling SSB to supplement its border policing by adopting certain force multipliers of which Dog squad is first and foremost. The dog squad armed with trained



*SSB Sniffer dogs sniffing out explosives*



niffer, Tracker, and Guard dogs is supplementing the human security elements successfully in ensuring a safe and secure border.

In view of the prevailing security scenario on Indo - Nepal and on Indo - Bhutan borders, SSB in the year 2004-2005 decided to raise sniffer dog squads which is now playing an important role in the management and policing of porous border of Indo - Nepal and Indo - Bhutan and so to counter drug trafficking, smuggling of arms and explosives etc. ✓

The dogs have many extraordinary qualities, as their sense of smell is 100 times more, sense of hearing is 5 times more, vision is 3 times better than humans and can see an object even in the darkness. Thus, after imparting proper training in a scientific manner dogs are being utilized successfully by the Security Forces all over the world for security and crime detection.

The pups for the purpose has to be purchased from highly pedigreed breed either of German shepherd/ Labrador Retriever/ Doberman and thereafter imparted training in the trades to be utilized. However, Security dogs in SSB are being trained in the following trades:-

1. Narcotics Detection Dogs.
2. Explosives Detection Dogs.
3. Mine Detection Dogs.
4. Tracker Dogs.

**1. Narcotics Detection Dogs:** They are used for

detection of narcotic substances and banned drugs. Dogs of Labrador Retriever and German Shepherd breeds are mainly used for this purpose. However, SSB is using Labrador dogs for this purpose at present. Labrador pups after attaining the age of 6 months are trained in the trade of narcotics detection for a period of 24 weeks before being deployed in Battalions and BOPs for operational duties.

**2. Explosives Detection Dogs:** They are used for detection of explosives substances. Dogs of Labrador Retriever and German Shepherd breeds are used for this purpose. SSB is using Labrador dogs for this purpose. Labrador pups after attaining the age of 6 months are trained in the trade of explosives detection for a period of 24 weeks before being deployed in Battalions and BOPs for operational duties.

**3. Mine Detection Dogs:-** SSB has been assigned the duties of convoy protection on Indo - Bhutan border. For this, SSB requires mine detection dogs for ROP duties. SSB is, therefore, in the process of inducting mine detection dogs in the Force. It has been proposed to procure trained mine detection dogs from the Army, which are likely to be deployed in the next financial year.

**4. Tracker Dogs:-** These dogs are used for tracking

criminals and anti-social elements. Dogs of Labrador and German Shepherd breeds are generally used for this purpose. Pups of 6 to 9 months of age are trained as tracker dogs. The training in this trade is for a period of 36 weeks after which dogs are deployed in Battalions and BOPs for operational duties.

Dog squads are playing an important role in the security management on Indo - Nepal and Indo - Bhutan borders. They are being deployed during nakas and for other operational duties and have contributed markedly in checking smuggling of narcotics, explosives, arms & ammunition from across Nepal and Bhutan.

SSB dogs are also being provided to State Police on requisition for security duties. Recently, SSB dogs were deployed in Sikkim & West Bengal during the visit of Hon'ble President of India and during National Games in Assam.

In view of increased internal security and inter-linked border security compulsions, there is an urgent need for setting up of Dog Breeding and Training Centres by all Para - Military Forces to meet their own requirement of well-trained pedigreed dogs and that of other security establishments and State Police Forces too.

Further to commensurate with the growing demand of dog squads, a corresponding increase in the professional manpower and requisite infra - structure needs to be strengthened by all CPMFs. ■

36

ANNEXURE - 8

(89)

67

Asst

24/9/04

23/9/04

NO.99/Vet/SSB/2003/VC-339-4

Government of India,  
Ministry of Home Affairs,  
O/O the Director General, SSB,  
East Block-V, R.K. Puram,  
New Delhi-66.

Dated:- the 3rd Sept. 2004

MEMORANDUM

Subject -

SELECTION OF DOG HANDLERS (DH) FROM THE  
STRENGTH OF S.F.A.(VET)

It is requested to select and intimate the names of S.F.A.(Vet) working in your Frontier who are relatively young and have an aptitude to care and handle dogs for working as Dog Handlers in SSB.

During the current financial year we have a requirement of 112 Dog Handlers @ 8 Dog Handlers per Battalion x 14<sup>th</sup> Battalions where the Dog Squads will be established in the first phase. These S.F.A.(Vet) will have to undergo six months training at BSF Academy, Tekanpur once the pups are purchased.

It is also proposed to impart a preliminary training in Dog Handling to the selected S.F.A.(Vet) at a central location by the SSB Vets. Further directions for conducting the preliminary training will be issued by the Force HQ in due course after selection of Dog Handlers.

The matter may please be treated as urgent and may be dealt on priority.

Ranjan  
27/9/04

(DR. SHASHI RANJAN)  
Chief Veterinary Officer (SG)

To  
The Inspector General,  
FTR.HQRS. Lucknow/Patna/Guwahati.

AOCs/  
CVO

6mm  
16/9

6687  
20/9/04

6687  
20/9/04

FTO

contd.2

10359  
15/9/04

affected  
units  
down

14



Vety/Mexico - 37 -

1"2"1

68

Memo No.VII/10/TRG/2004-05/302-307

Dated the 21/3/2004.

Copy forwarded to:-

- The Area Organiser, SSB Falakata/Bongaigaon/Kokrajhar/Tamulpur/Dhatrabkunda/Bondila. They are requested to intimate the names of SFA(Vety), who are young, energetic and having interest in pets like dogs, so that they could be put into the course as mentioned above for getting their services in the near future. This may be treated as most urgent.

Borobusky

Area Organiser(HQ),  
FTR HQ SSB Guwahati.

Not willing

Salikha  
31/7/04

(P.C. N/A) (V)  
SFA (V)

2. Not willing

AB2

(ASHISH SARMA)  
SFA (V)

3. Not willing

Borobusky

(Primal Chakraborty)  
SFA (V)

4. Not willing

24/7/04

(P.C. Kojer)  
SFA (V)



38  
Unwillingness to undergo Doghandler Course.

Force HQ Memo No. 99/ret/SSB/2003-VC  
339-41

dated = 03.9.04

SHQ Barauni VII/Ftn - PIN/Dog-H/03/3100-03

Dt 16.9.04

At. T.C. SSB, Barauni //

Date. 16.9.04

Submitted unwillingness  
for Dog handler Course

Haridas Sarker

16/9/04

~~2~~

Checked  
Puthi  
H/W

-39-

To  
The Director General  
SSB : Force HQ  
Block-V (East), R.K. Puram  
New Delhi - 66.

Through Proper Channel

Sub: Request for exemption from "PUPS BREEDING AND REARING" Course  
as well as "DOG HANDLER" Course.

Sir,

With due respect and submission with profound veneration in an unfavourable circumstances I beg to lay down the following few lines on the subject cited above for your sympathetic consideration and favourable action please.

1. That Sir, I had been recruited as Para-Veterinary (Civil) staff. Now I have come to know through reliable source that my name is being sponsored from office of the Area Organizer, SSB, Bongaigaon for "PUPS BREEDING AND REARING" course and after completion of the course I may be detailed for "DOG HANDLER" Course.
2. That Sir, so far I know that the job of "DOG HANDLER" is not related with the Para-Veterinary staff. This is the job of combatised personnel.
3. That Sir, since joining in SSB department as Para-Veterinary assistant i.e. SFA(V) I have been performing the duties of giving treatment to animals individually or under supervision of Veterinary officers (VAS/SVO) or Field Officers. The duties were acceptable to me as the duties were related to the job of Para-Veterinary Assistant.
4. That Sir, I have become surprised with the sponsoring of my name for PUPS BREEDING AND REARING course which is not related with the job of Para-Veterinary cadre / staff. The said course is totally separate from veterinary cadre. But it is trying to attribute the profession on veterinary assistant. It is creating a critical state of mental agony and anxiety and an imbalance in discharging my duties smoothly.
5. That Sir, in this circumstances I beg to state that if I shall be compelled to undertake the course then it will be against of my will.
6. Therefore you are cordially requested for arranging to stop my detailment from this course and I may be allowed to serve my profession as per my recruitment for the post of Para-Veterinary Assistant with full encouragement.
7. That Sir, if there is no other alternative to detail me in the above course, I have to seek the justice of law from the court and for which I may be permitted to take the shelter of court.

I may kindly be excused for the troubles sir.

With best regards,

Yours faithfully

*Deur*  
21-2-05

(HARIDAS SARKAR)

SFA(V)

BONGAIGAN AREA

*Subdtd  
21-2-05  
ASV*

- 40 -

No. 60  
Govt. of India.  
Jlo. Circle Organiser.  
SSB, Kurnasali.  
dated: 20-5-06

To,  
The Area Organiser.  
SSB, Bongaigaon.

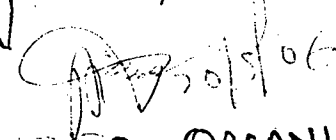
Sub:- Submission of Unwillingness.

Sir,

Ref your kind order No. J/mcd/TRG/AO/BAN/  
05/1000-01 dt. 17-5-06 the Sni. H. D. SARKAR  
SFA (r) is not willing to under go to the  
dog handler course and his appeal is  
forwarded for your kind information  
and favourable action, please.

Encls:- As stated

yours faithfully

  
CIRCLE ORGANISER  
SSB, Kurnasali.

Attested  
by  
SSB  
Kurnasali

The Circle Organiser,  
SSB, Kumarsahi.

Sub:- Unwillingness for dog handler course.

Ref:- Endorsement No. 1/med/Try/AD-BBN/05/1000-01  
Dt. 17-5-06 of AD/SSB/Bongaigaon.

Sir,

I have the honour to inform you  
that I am not willing to undergo for the  
dog handler course.

Thanking you, Sir.

Sir,

Forwarded for info.

20/5/06

(CIRCLE ORGANISER)  
SSB, KUMARSahi  
(at Bongaigaon)

yours faithfully

20/5/06

(S. D. SARKAR)  
SFACV, SSB.

Kumarsahi Circle

Attested  
20/5/06  
SSB

To

-42-

27

The Area Organiser  
SSB/INHA/Calcutta.

sub:- Not willing for pups breeding/rearing  
and dog handler course held at BSF academy,  
at Tatanpur.

Sir,

I have the honour to inform you that  
I am unwilling for pups breeding/  
rearing and dog handler course vide  
message No - U/304-05 dated -02/02/05.

Therefore request your honour  
kindly to accept my unwilling course.  
Please.

yours faithfully,

Basak  
09/02/05.

< PRADIP BASAK SFA(V)  
O/O THE CO/SSB/BIRPARA >

Attested  
by  
[Signature]

[Signature]

①

FAX MESSAGE /WT

TO; COMDTS 10<sup>TH</sup> 15<sup>TH</sup> 16<sup>TH</sup> 23<sup>RD</sup> 30<sup>TH</sup> 31<sup>ST</sup> 17<sup>TH</sup> 32<sup>ND</sup> 33<sup>RD</sup> 34<sup>TH</sup> BNS /ALL AOS (.)

FM SHQS BONGAIGAON/TEZPUR (.)

NO. VII/TRG /VETY /FTR /GHTY / CR NO. 2528-43 DTD. 15-5-06(.)

C.V.O(SG),FHQ FAX MESSAGE NO. 5/VET/SSB/2006/VC-587 DATED 10-5-06 IS

REPRODUCED BELOW (.) QUOTE (.) 18 SEATS HAVE BEEN ALLOTTED TO SSB BY  
ARMY HQR IN DOG HANDLERS COURSE TO BE CONDUCTED BY RVC CENTRE  
AND COLLEGE MEERUT IN TWO BATCHES I.E. W.E.F. 3-7-06 TO 16-12-06  
(6 SEATS ) AND 8-1-07 TO 23-6-07 (12 SEATS ) (.) RQST SEND NAMES OF WILLING  
SFA(VETY) OF 45 YEARS OF AGE AND BELOW WHO IS MEDICALLY FIT FROM  
YOUR FTR. ON OR BEFORE 29 TH MAY 2006 POSITIVELY FOR FINALISING THE  
DETAILMENT (.) UNQUOTE (.) SEND NAMES OF SFA (VETY) OF 45 YEARS OF  
AGE AND BELOW FOR DOG HANDLERS COURSE FOR ONWARD SUBMISSION TO  
FHQ (.) ALL COMDTS PASS THIS MSG TO AO'S PLEASE.(.)

SD/-

### AREA ORGANISER (O& T)

FTR.HQR GUWAHATI

END. NO. I/MED/TRG/AO/BGN/05 1000-01 DTD 17/5/86

Copy to : 1. Shri A.K.Sharma, Circle Organiser, SSB, Koilamoila  
2. Shri B.K.Limbu Circle Organiser, SSB, Rupahi

For information . They are requested to send the names of willing

SFA(V) of 45 years of age and below who is medically fit for further necessary action. The report should reach A.O. Bongaigaon on or before 25<sup>th</sup> May '2006 *positively*

AREA ORGANISER, SSB  
BONGAIGAON

17/05/06

Secret

24

No. Meeting/SHQ/BGN/05/454-64  
 Government of India,  
 Ministry of Home Affairs,  
 O/O the Dy Inspector General,  
 Sector Hqr,SSB, Bongaigaon.

Dated the 3<sup>rd</sup> Feb,05.

Memorandum

Kindly find enclosed herewith the Minutes of the Senior Officers' conference held at FHQ SSB New Delhi on 16<sup>th</sup> and 17<sup>th</sup> Dec,04.

Some of the paras need urgent follow - up action. Action taken report may please be sent to this Hqr by 13/02/05.

Encl: As above

Staff Officer (O&I)  
 SHQ, Bongaigaon.

To,

1. Comdt, 10<sup>th</sup>/15<sup>th</sup>/16<sup>th</sup>/17<sup>th</sup>/23<sup>rd</sup> BN.
2. Area Organiser Falakata/Kokrajhar/Bongaigaon/Rangia/Bhairabkunda/Bomdila.

Attended  
 M. S.  
 Adv

		facilitate our force personnel to make contact with family members and also a good source of fund. In these booth wives/widows of SSB personnel can be employed.
8.	<u>TELECOMMUNICATION AND CIPHER COMPUTER</u>  Establishment of Local Area Network and computerization of important reports/returns, establishment/operational matters and budget allotment at FTR HQ.	IG(AP&W)  Point already covered above under operational matters of FTR LKW.
9.	<u>MEDICAL</u> i) Establishment of 50 bedded composite Hospital in the newly constructed hospital building with additional staff, furniture and fixtures and Hospital equipments with specialized facilities of treatment. A formal proposal to be sent to FHQ.  TC SLB	IG(O&I)  Re-allocation of posts of MOs and para-medical staff has been made keeping in view the requirement of composite hospitals vide order dated 01/12/04.  Construction of 50 bedded hospital with additional staff, furniture etc. will take some time. Therefore, at the present we should make arrangement within our resources. All units have been asked to intimate excess holding of hospital equipments, if any. These equipments will be permanently diverted to needy units. For employment of Specialists on part-time honorarium basis, DIG TC Salonibari may send a proposal to FHQ for approval.  Dir.(Med)
	<u>ESTT. OF BASE HOSPITAL:</u> ii) FHQ have already approved Establishment of Base Hospital at fertilizer residential complex area of SHQ Barauni and Gorakhpur. In the process hospital building and equipment of HFCL corporation have been taken over. The building require extensive repairs and	Point already covered. Regarding serviceability of hospital equipments, it is suggested that a board consisting of specialists from neighbouring health organizations may be constituted to assess the serviceability of equipments. Regarding declaration of the hospital



certification by team of doctors to declare it bacteria free. The serviceability of equipments also need to be checked and certified by specialists. In this connection proceeding of the board has already been sent for obtaining approval which is awaited. Neither funds nor doctors has so far been allotted to start with the functioning of base hospital.

TC BRN

building-bacteria free, it is not possible, however it is suggested that painting, white wash etc can be done. For repair/renovation of the hospital building, proposal may be sent to FHQ.

Regarding supply of medicines by GMSD, DG SSB desired that we should give them some deadline and if they failed to supply medicines within specified date, we should go for local purchase as is being done by other CPFs.

Dir.(Med)

10

VETRY

i) Raising of Dog Squad and Animal Transport

SHQ RDA

Sanction for purchase of 70 Pups in the current financial year has been received. Sanction of Rs 8.80 Lac for purchase of 40 Pups on AC bill has been obtained. The Pups will be purchased in batches of 20 each, commencing from Feb'05.

As regard Animal Transport, the matter was discussed whether we should purchase or hire the mules. After a detailed discussion, it was decided to purchase mules for SSB. CVO(SG) has been asked to work out exact requirement and make proposal.

ii) Establishment of Pup rearing-cum- Dog & Dog handlers training centre at SHQ Gorakhpur is required to be taken up on priority by Engrg Branch to get it completed by March-April 2005 as 1<sup>st</sup> Batch 20-25 Pups are being purchased during Feb., 2005. Till permanent kennels are constructed, pups will be reared in temporary kennels and instructions issued to SHQ Gorakhpur.

IC Lucknow has assured that accommodation for pups has been arranged

iii) Selection of of SFAs (Vety) as Dog Handlers. IsG FIRs are requested that young and medically fit SFAs (Vety.) may be motivated to give their willingness for DH

Some selected SFAs(V) were called at FHQ and interviewed to work as a dog handler. They were also agreed. But later on from the field they sent their unwillingness. In this regard they also

	<p>Course at NTCO, BSF Academy Tekanpur so that their services are utilized as Dog Handlers.</p> <p>iv) Funds under BADP: To undertake perception management programme, FTRs are requested to obtain funds from respective State Govt. so that VCA/MCA and Publicity campaigns are undertaken for the benefit of local population. (Point of CVO.)</p>	<p>sent anonymous letter to H.S. They may be motivated to give their willingness, otherwise they may be sent to Surplus Cell.</p> <p>IsG Fronter Patna and Guwahati have received the fund from State Govts. except Govt. of Bihar Under head 'BADP'. IG Lucknow should also try to get fund under this head.</p>
11.	<p><b>WELFARE</b></p> <p>i) Police welfare grant may be provided so that facilities like cooling material, refrigerator, items of recreation and officers mess facilities etc. are provided in the training centre.</p> <p>TC BRN</p> <p>ii) Life Insurance coverage to SSB personnel.</p> <p>iii) System and Liaison contact with retired SSB Personnel to redress their grievances. (Point of FIHQ.)</p>	<p>CVO</p> <p>These items may be purchased against authorisation of Sector. These can also be purchased against condemned items.</p> <p>IG(PA&amp;W) told that we have been receiving Police Welfare Grant since last 3 years. An amount of Rs.29 lacs was received in the last year which was distributed to all units. He has contacted the concerned Secretary recently and come to know that the grant for this year will be received within this month which will be proportionately distributed to all units including TC Barauni.</p> <p>Regarding insurance coverage to our force personnel, some of the units of SSB are reluctant to this aspect. An amount of Rs 110/- per month will be deducted from salary of the willing person for whole life coverage under this scheme. The matter may be circulated in the Roll Call or holding Sainik Sammelan and feedback may be sent to FIHQ.</p> <p>DG SSB desired that we should contact our retired personnel and their family members to know their difficulties and try to remove their difficulties to the extent possible. We should invite them in our various functions so that they</p>

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ANNEXURE → 11

TO: 0361246263-1

P. 1

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FAX - MESSAGE

To : ISG FTR HQR. LK W/P/CHIT

FM : FHQ

FM CVO (SG) (.) REF. COMMMANDANT CSD&W BHOPAL FAX NO.353 DT 20-04-07 REG AVAILABILITY OF BELOW MENTIONED EXPLOSIVE SAMPLES (.) PARA (.) ONE (.) IGNITOR SET 4 SEC. DELAY (.) TWO (.) IGNITOR SET 7 SEC. DELAY (.) THREE (.) SOAP DISH (.) FOUR (.) BICAT STRIP (.) FIVE (.) FUZE SAFETY NO.11 (.) SIX (.) DETONATOR NO.27 (.) SEVEN (.) DETONATOR NO.33 (ELECTRIC) (.) EIGHT (.) DETONATOR NO.6 (COMMER) (.) NINE (.) IGNITOR S.E. STRIKING (.) TEN (.) IGNITOR S.E. STRIKING (ELECTRIC) (.) ELEVEN (.) CORDEX DETONATING (.) TWELVE (.) G.C. DRY PRIMER (.) THIRTEEN (.) SWITCH NO.4 PULL (WITH SNOUT) (.) FORTY (.) SWITCH NO.4 PULL (W.O. SNOUT) (.) FIFTEEN (.) SWITCH NO.5 PRESSURE (W.O. SNOUT) (.) SIXTEEN (.) SWITCH NO.5 PRESSURE (WITH SNOUT) (.) SEVENTEEN (.) SWITCH NO.6 RELEASE (.) EIGHTEEN (.) SWITCH NO.10 T.P. RED (.) NINETEEN (.) SWITCH NO.10 T.P. BLACK (.) TWENTY (.) PEK 1 (.) IT IS REQUESTED TO DIRECT ALL BTL COMMANDANTS WHERE DOG SQUAD HAS BEEN ESTABLISHED UNDER YOUR FTR. TO COLLECT ABOVE MENTIONED EXPLOSIVE SAMPLES FROM CSD&W BHOPAL FOR ROUTINE TRAINING AND SCENT CONDITIONING OF SNIFFER DOGS (.) MATTER MOST URGENT (.)

File No. 21/VEIT/SSB/2006/- 842

Dated : 24/4/2007

Ranjan

(DR SHASHIRANJAN)

CHIEF TERRITORY OFFICER (SG)

Attested  
By  
[Signature]  
[Signature]

[Signature]

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No.4/SSB/A-4/2005 (1)-Pt. 6662-6666  
Government of India,  
Ministry of Home Affairs,  
Directorate General,  
Sachastan Seema Bldg,  
East Block-V, R.K. Puram,  
New Delhi - 110066.

Dated, the 5/10/05

ORDER

The Director General, SSB has approved the transfer/postings of the following Veterinary Staff alongwith post with immediate effect in public interest. The officials should be relieved immediately so as to report to Pup Rearing Centre, Gorakhpur on or before 24th October, 2005.

Sl. No.	Name and Designation	Present place of posting	New place of posting
1.	B/Shri Haridas Sarkar	AO Bongaigaon	Pup Rearing Centre, Gorakhpur.
2.	Ram Kishore Barman	CO Kumargram (AO Falakata)	do.
3.	Kushal Sahariya	AO Rangin	do.
4.	P.C. Phukan	FTE Gawalhati	do.
5.	Nipen Kakati	AO Rangia	do.
6.	P.K. Sah	AO Falakata	do.
7.	D.S. Manral	CO Sandhapuri (AO. Pilibhit)	do.
8.	Makan Lal	CO Boom	do.
9.	R.S. Karakoti	(AO Tanakpur)	
10.	P.S. Rana	AO Tanakpur	do.
		CO Banbasa	do.
11.	R.C. Bahuguna	(AO Tanakpur)	
		CO Kalapul-I	do.
12.	S.B. Nautiyal	(AO Tanakpur)	
		AO Pithoragarh (S.O. Deatkhola)	do.
13.	Om Raj	CO Chitawa	do.
14.	Parvinder Kumar	(AO Banpara)	
		CO Katarnia Ghat	do.
15.	R. Joy Singh	(AO Banpara)	
16.	Mangal Singh	AO Palia	do.
		CO Gaunphanta	do.
17.	Man Mohan Singh	(AO Palia)	
		CO Chandanchoeki	do.
18.	Kher Singh	(AO Kheri West)	
		CO Falsipur	do.
19.	Jayanta Hazarika	(AO Balrampur)	
20.	Hem Chand	AO Ranidanga	do.
		SHO Baranui	do.

*Attended*  
*Mull*  
*for*

10/10/05

21. T. Hazarika	AO Ranidanga	-do-
22. M. Poddar	CO Banshotey	-do-
23. S.P. Singh	(AO Darjeeling)	-do-
24. J.K. Sarkar	CO Rimbik	-do-
25. H.S. Rawat	(AO Darjeeling)	-do-
26. Brij Lal Chauhan	CO Baingama	-do-
27. Desh Raj	(AO Sitamarhi)	-do-
28. Ganga Ram	CO Sonbarsa-II	-do-
29. Chanda Ram	(AO Sitamarhi)	-do-
30. Bipin Bora	CO Madanpur	-do-
	(AO Valmikinagar)	-do-
	CO Harimand	-do-
	(AO Valmikinagar)	-do-
	CO Gangaur	-do-
	(AO Jaya nagar)	-do-
	CO Jayanagar	-do-
	(AO Jayanagar)	-do-
	CO Araria-II	-do-
	(AO Araria II)	-do-

The compliance of above order be confirmed to Force Hqrs., SSB, New Delhi.

(S.C. Katoch) 2005  
Assistant Director (E.A. IV)

**Distribution.**

1. Controller of Accounts, PAC (SSB), MHA, R.F. Puram, New Delhi.
2. I.G. Frontier Hqrs. Lucknow/Patna/Guyallati.
3. DSG (SHO). Faridkot/Bahadur/Gorakhpur/Muzaffarpur/Bazauri/Ranidanga/Bongaigaon.
4. Chief Veterinary Officer (SG), FHQ., SSB, New Delhi.
5. Area Organiser, SSB, Patheragarh/Patia/Darjeeling/Jayanagar/Palukata/Pilibhit/Tanakpur/Banepur/Kheri West/Sitamarhi/Valmikinagar/Araria II/Bongaigaon/Rangia/Bahrampur/Ranidanga.
6. Assistant Director (E.A. III) FHQ., SSB, New Delhi.
7. Accounts Officer, FHQ., SSB, New Delhi.
8. Officer Concerned, through unit.
9. Office order file.

May 05

No.4/SSB/A-4/2005(1)-163-190  
 Government of India,  
 Ministry of Home Affairs,  
 Directorate General,  
 Sashastra Seema Bal,  
 East Block-V, R.K. Puram,  
 New Delhi -110066.

Dated, the 19/11/06

**ORDER**

The Director General, SSB has approved the transfer/postings of the following Para veterinary Staff along with post in view of deployment of Dogs for Operational duties with immediate effect in public interest. The officials should move to their new place of posting immediately:-

Sl. No.	Name of SFA(VETY)	Present place of posting	New place of posting
1.	Harish Chandra Kandpal	Sitamarhi Area	3 <sup>rd</sup> Bn. Almora
2.	Satish Kumar Bhandari	DTS, Gorakhpur	3 <sup>rd</sup> Bn. Almora
3.	K.P.Tiwari	Maharajganj Area	-do-
4.	Hari Ram	FTR, Lucknow	-do-
5.	Durgaram Chand Negi	Lakhimpur Kheri East Area	-do-
✓ 6.	H.K.Roy Poddar	Falakata Area	15 <sup>th</sup> Bn. Bongaingaon.
✓ 7.	Pradip Basak	Falakata Area	-do-
8.	Pravin Chetri	Dirang Area	-do-
9.	Kanchan Bose	Sikkim Area	-do-
10.	L.Jayanta Singh	Araria-II Area	-do-

2. The compliance of above order be confirmed to Force Hqrs., SSB, New Delhi.

(Subhash Kumar)  
 Assistant Director (EA.IV)

**Distribution.**

1. Controller of Accounts, PAO (SSB), MHA, R.K. Puram, New Delhi.
2. I.G. Frontier Hqrs. Lucknow/Patna/Guwahati.
3. DisG SHQ. Bahraich/Gorakhpur/Muzaffarpur/Barauni/Ranidanga/Bongaigaon/Tezpur
4. The Commandants, SSB 3<sup>rd</sup> Bn. Almora/15<sup>th</sup> Bn. Bongaingaon.
5. Area Organiser, SSB, Sitamarhi/Maharajganj/Kheri(East) Falakata/Dirang/Sikkim/ Araria-II.
6. Chief Veterinary Officer (SG), FHQ., SSB, New Delhi.
7. Assistant Director (EA-III) FHQ., SSB, New Delhi.
8. Accounts Officer, FHQ., SSB, New Delhi.
9. Official Concerned, through unit.
10. Office order file.

*Attended  
 19/11/06  
 HAW*

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.116/05, 117/05, 174/05, 269/05,  
275/05 & 31/06.

Date of Order: This the 21st day of March, 2007.

HON'BLE MR. K.V.SACHIDANANDAN, VICE-CHAIRMAN

HON'BLE MR.TARSEM LAL, ADMINISTRATIVE MEMBER

**Sri Premtosh Dutta, (O.A.116/2005)**

Son of Late T.K.Dutta

S.F.A (V) Office of the AO/SSB/Bongaigaon

Shastri Road, Ward No.10

P.O. North Bongaigaon,

Dist. Bongaigaon.

**Sri Bimal Chakraborty (O.A.117/2005)**

Son of Late D. Chakraborty

S.F.A(V) Office of the AO/SSB/Bongaigaon, Shastri Road,  
Ward No.10, P.O.North Bongaigaon, Dist.Bongaigaon.

**Sri Anshaji Sherpa (O.A.174/2005)**

Son of late P.D.Lama

S.F.A (V) Office of C.O., S.S.B

Bangajang Camp Jang

Dist. Tawang, Arunachal Pradesh.

**Sri Haridas Sarkar (O.A.269/2005)**

O/O the Area Organiser, SSB

Bongaigaon

**Sri R.K.Saha (O.A. 269/2005)**

O/O Area Organiser, SSB

Palakata

**Sri Ram Kishore Barman (O.A.275/2005)**

O/O the Area Organiser, SSB

Palakata

\*S/O Late A.S.Barman  
Vill: Sriram Para, P.O. Srirampara  
P.S. & Dist. Jalpaiguri.

**Sri Himangshu Kumar Roy Podder (O.A.31/2006)**

S/o Late Khagendra Nath Roy Podder

Vill. Dol Govinda, P.O.Citaldala

Dist. Coochbehar

**Sri Pradip Basak, (O.A.31/2006)**

S/o Late Kali Kumar Basak

Vill. Mashyapar, (Near Girls School Road)

P.O. Dhupguri, Dist. Jalpaiguri

.....Applicants

By Advocate Mr. K. Bhattacharjee.

Versus -

- 2-53-83
1. Union of India,  
represented by the Director General,  
Sashastra Seemabal, East Block V  
R.K.Puram, New Delhi-110066.
  2. Ministry of Home Affairs,  
Represented by Secretary to the  
Govt. of India, New Delhi.
  3. Director General,  
Sashastra Seemabal, East Block-V,  
R.K.Puram, New Delhi-110066.
  4. Assistant Director,  
O/O Director General,  
Sashastra Seemabal, East Block-V  
R.K.Puram, New Delhi-110066.
  5. Inspector General,  
FTR, HQR. S.S.B, MHA, Guwahati.
  6. Area Organiser (H.Q)  
FTR, HQRSSB, Guwahati.
  7. Area Organiser, SSB,  
Bongaigaon, Assam.
  8. Area Organiser, SSB,  
Falakata, West Bengal
  9. Sr.Veterinary Officer,  
S.S.B, East Block-V,  
R.K.Puram, New Delhi-110066. .... Respondents

By Sri G.Baishya, Sr.C.G.S.C, in O.A.Nos.275/2005 &  
31/2006.  
M.U.Ahmed, Addl.C.G.S.C in O.A.116/05, 117/05 & 174/05.  
Miss U. Dās, Addl.C.G.S.C in O.A.269/2005.

ORDER

TARSEM LAL, MEMBER(A)

Since common questions of law and facts are  
involved, all the six cases are being disposed of by  
this common order with the consent of the parties.



2. This case is regarding transfer/postings of Senior Field Assistant (Veterinary) for posting at Pup Rearing Centre Gorakhpur vide order dated 5.10.2005.

3. The applicants have stated that they joined in the post of Constable on different dates under the Command of Director General, SSB. Subsequently they were appointed afresh as Senior Field Assistant (Veterinary) under SSB (Para Veterinary Staff) Recruitment Rules 1989 which is a civil post in the pay scale of Rs.975-25-1150-EB-30-1600/-. The duties of the applicants under the said rule are to look after the treatment of sick animal, documentation of Veterinary Hospital Dispensary and have to undergo BASIC CONDENSED COURSE known as Veterinary Assistant Course.

4. The Chief Veterinary Officer in order to select some candidates for the post of Dog Handler issued a circular among the workers who are willing to join the new post and in that connection the applicants declined to join the post of Dog Handler which is a post for civil personnel.

5. The Director General, SSB has approved the postings of Veterinary staff alongwith posts with immediate effect in public interest. The officials were directed to be relieved immediately so as to report to Pup Rearing Centre, Gorakhpur on or before 24<sup>th</sup> October, 2005. The incumbents approached the Guwahati Bench of the Tribunal vide O.A.No. 117/2005 to mitigate their

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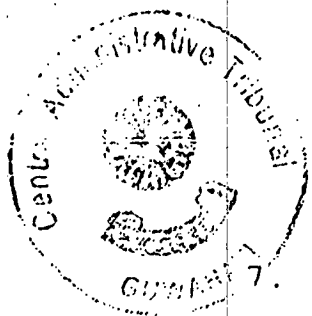
-55-

grievances by challenging the order dated 5.10.2005. By order dated 26.5.2005 the Tribunal maintained the status quo. The relevant portion of the order is quoted below :

"Status quo as on today regarding transfer of the applicant issued vide orders dated 17.2.2005 and 5.4.2005 shall be maintained till the next date."

6. In the present applications the applicants have prayed for the following reliefs :

- (1) This Hon'ble Tribunal may be pleased to call for the records pertaining to transfer of the applicants in the post of Senior Field Assistant (Veterinary) to a combat post and consequently to direct the respondents not to release the applicants along with the post and also to declare that the order dated 5.10.2005 is illegal and void.

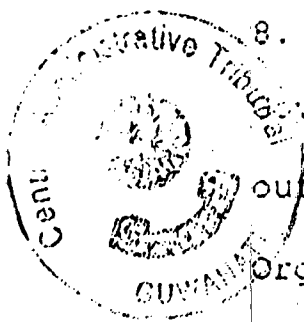


7. The respondents have filed a detailed written statement denying the contention of the applicants. It has been stated that applicants were initially appointed as Constable(GD) and were subsequently appointed afresh as Senior Field Assistant (Veterinary) in the scale of Rs.975-25-1150-EB-30-1660/- in pursuance of Para Veterinary Recruitment Rule circulated vide Cabinet Secretariat Notification No.12018/80/88-DO.I dated 31.3.1989. Their services were utilised for treatment of sick animal and documentation of Veterinary hospital/dispensary works. After the administrative control of the Organisation has been shifted from Cabinet Secretariat to Ministry of Home Affairs w.e.f. 15.1.2001, the role of the

organisation has been changed and it has now been assigned with the mandate to guard the Indo Nepal Border and Indo Bhutan Border and therefore SSB as on date has become a Border Guarding Force. With the change in role of the organisation from Stay Behind Role to that of a Border Guarding Force, the old area of operations have been closed and new offices/Battalions have been opened all along with Indo-Nepal and Indo-Bhutan Border.

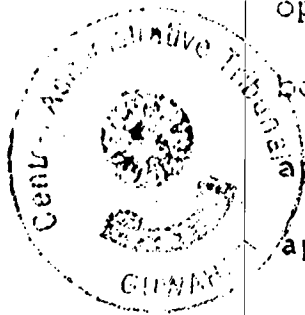
8. For better performance of the duties, the Govt. of India has sanctioned Dog Squad to SSB to carry out operational duties in the border areas. As the Organisation has independent veterinary staff, it is primarily, the veterinary staff only who will raise and maintain the Pups and Dogs in changed circumstances. The Veterinary Cadre is the most suited and trained staff to look after the health, breeding, training, handling and maintenance of the dogs.

9. After having been trained in rearing and breeding of pups to the veterinary cadre personnel they are fully competent to perform their newly assigned duties. The rearing and breeding of pups is the primary job of the Para-Vety Staff. Moreover, during the service career every individual has to undergo certain departmental courses for improvement of efficiency and making them professionally equipped to meet the needs



and objectives of the Organisation as the Force has competent and independent Veterinary Staff.

10. Accordingly SFAs(V) were withdrawn and attached temporarily with the newly created Pup Rearing Centre at Gorakhpur. The applicant have been transferred along with Post as SFA(V) in public interest and nowhere it has been mentioned in the order dated 5.10.05 that the applicants have been posted as Dog Handlers. Nowhere it has been mentioned whether the Dog Handling is a part of the duty of veterinary cadre, which can only be performed by the trained existing Para Veterinary cadre. The applicants had been transferred in public interest to fulfill and discharge operational commitments urgently required at the border. Neither the nomenclature nor the cadre of the applicants has been changed. This is a mere apprehension on the part of the applicants. The rearing and breeding of pups is primary job of the Vety/Para-Vety Cadre/Staff. Moreover, during the service career every individual has to undergo certain departmental courses for improvement of efficiency and making them professionally equipped to meet the needs and objectives of the Organisation. They have been transferred in the same capacity in public interest along with the post. It is not correct that the applicants have been transferred from the post of SFA(V) to a combatant post but they have been

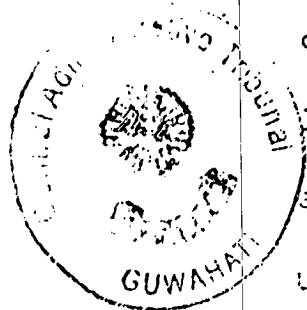


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transferred along with post in public interest and after transfer also they will be governed by the same rules.

11. We have heard Mr K. Bhattacharjee, learned counsel for the applicants in all the O.A. and Mr G. Baishya, learned Sr. C.G.S.C, Mr M.U. Ahmed, learned Addl.C.G.S.C and Miss U. Das, learned Addl.C.G.S.C for the respondents in the respective O.As. and perused the documents.

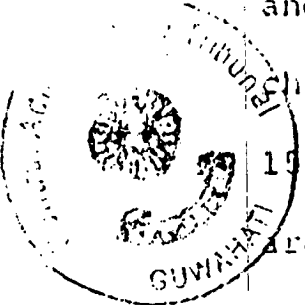
12. Mr K. Bhattacharjee, learned counsel for the applicants submitted that the applicants are governed under Chapter IV clause 30 of the Indian Veterinary Council Act 1984 and their service conditions cannot be changed under an administrative order. They were originally recruited as Senior Field Assistant (Vety) which is a separate cadre and cannot be deployed as Dog Handler which is a combatant post. The learned counsel made us to traverse through various documents to establish that Senior Field Assistant (Vety) is a separate cadre. He repeatedly emphasized that separate cadre is not synonymous with a separate service but a particular group of officials in a department. He further pleaded that the applicants are not willing to join the services of Dog Handlers and they have not given their willingness for the same. Therefore, they may either be allowed to continue to perform their



present duties till they are retired or may be declared surplus in the service.

13. The learned counsel for the respondents on the other hand persuasively argued that the applicants are not governed under the "Indian Veterinary Council Act 1984." They were not qualified to be registered under the Council Act. In fact the doctors who are practicing are governed under the above statutory Act. The Sr. Field Assistant (Vety) had joined as Constables and on technical resignation from the post were appointed as Sr. Field Assistant (Vety) under the SSE (Para Veterinary Staff) Recruitment Rules 1989. Since the applicants had not obtained their veterinary qualification from any of the institutions of India as included in the first schedule (clause 15 of the Act), they are not governed by the Indian Veterinary Council Act 1984. The learned counsel further pleaded that in view of the above position, it was misnomer to say that Senior Field Assistant (Vety) are governed under the Statutory Rules. The counsel further pleaded that the decisions cited by the applicant's counsel are not squarely applicable in these cases, since their cadre has not been changed in any way but only additional duty was entrusted upon them. Therefore, the O.A may be dismissed with cost.

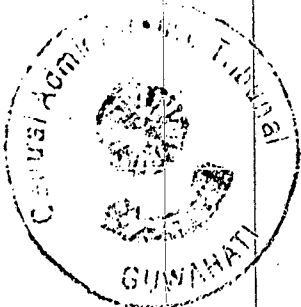
14. The learned counsel further pleaded that Sr. Field Assistant (Vety) are not a separate cadre and continue to be governed under the SSB (Para Veterinary Staff) Recruitment Rules 1989. They have been deployed for taking care of animals and are being sent on training for a period of six months. He emphasized that it was entirely within the domain of the employer to deploy officials any jobs for which they are more suitable according to their qualifications, experience and expertise. Their job, pay scales are not being changed.



15. We have given our due consideration to the arguments, pleadings, evidence and materials placed on record in these cases. Admittedly the applicants were appointed as Constable under the Director General, SSB and thereafter promoted as Senior Field Assistant (Vety) (SFA(V) for short and posted at different stations under the respective Area Organisers. The applicants served as Constables for 6 years and according to them they were appointed afresh as SFA(V) which is a civil post in the pay scale of Rs.975-1600/-. The applicants have been appointed afresh as SFA(V) in pursuance of the Para Veterinary Recruitment Rules circulated by Cabinet Secretariat Notification dated 31.3.89. Their services were utilized for treatment of sick animal and documentation of Veterinary hospital dispensary works. The

administrative control of the Organisation has been shifted from Cabinet Secretariat to Ministry of Home Affairs with effect from 15.1.01, the role of the organisation has been changed and it has now been assigned with the mandate to guard the Indo Nepal Border and Indo Bhutan Border and therefore SSB as on date has become a Border Guarding Force. With the change of role of the organisation from 'Stay Behind Role' to that of a Border Guarding Force, the old area of operations have been closed and new offices/Battalions have been opened all along with Indo Nepal and Indo Bhutan Border. For better performance of the duties, the Government of India has sanctioned Dog Squad to SSB to carry out operational duties in the border areas. As the Organisation has independent veterinary staff, it is primarily, the veterinary staff only who will raise and maintain the pups and Dogs as primarily, in changed circumstances, the Veterinary Cadre is the most suited and trained staff to look after the health, breeding, training, handling and maintenance of the dogs. Willingness for the training was called for and the said notification is re-produced

below :

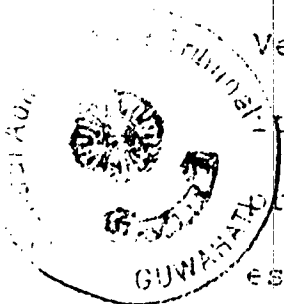


"All SAOs are informed to obtain willingness of SFA(Vety) under their respective area for undergoing Dog handlers Course, at the earliest, so as to intimate their names for further detailment from Frontier



Headquarter, Guwahati. The matter may be treated urgent."

The qualifications of the applicants were Matriculate and they have served as Constable and they were appointed as SFA(Vety) which is a civil post as per Veterinary Staff Recruitment Rules and the duty assigned to them was the treatment of sick animal and documentation of Veterinary hospital/dispensary works and they had to undergo 6 months Basis Condense Course known as Veterinary Assistants Course. The applicant are not Graduate or diploma holder in Veterinary Science, therefore it will be necessary to evaluate whether the SFA (V) are covered by the Indian Veterinary Council Act 1984. In the preamble of the Act is stated that 'An Act to regulate veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers of the veterinary practitioners and for matters connected therewith. Whereas it is expedient to make provision for the regulation of veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers to persons qualified to engage in veterinary practice for the whole of India for matters connected therewith or ancillary thereto. As per definition of



the Act a person who registered to get enrolled as a Member of the Council. Register means a register maintained under this Act. Registered Veterinary Practitioner means a person whose name is for the time being duly registered in a register. Veterinary institution means any University or other institution within or without India which grants degrees, diplomas or licences in veterinary science and animal husbandry. Chapter IV of the Privileges of Registered Veterinary Practitioners shows as under :

"Subject to the conditions and restrictions laid down in the Act, every person whose name is for the time being borne on the Indian Veterinary practitioners register shall be entitled according to his qualifications to practise as a veterinary practitioner and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments and other appliances or any fees to which he may be entitled.

Right of persons who are enrolled on the Indian veterinary practitioners register - No person, other than a registered veterinary practitioner, shall -

(a) hold office as veterinary physician or surgeon or any other like office (by whatever name called) in Government or in any institution maintained by a local or other authority;

(b) practise veterinary medicine in any State."

On going through Schedule 2 of the Act 6 months Condense Course underwent by the applicants do not qualify them to become a veterinary practitioner as defined in the Act nor they have any right to register



themselves in the Indian Veterinary Council. At best they may be permitted as veterinary technician since they are not Graduate or diploma holders. Therefore, on the close scrutiny of the said Act we are of the view that SFA(V) as that of applicants are not covered under the Indian Veterinary Council Act 1984. (They have actually been appointed under the SSB Para Veterinary Staff Recruitment Rules 1989, which is a civil post. They have not also been appointed as Dog Handler but they are being sent for training at Pup rearing centre, Gorakhpur for better performance of their duties. Therefore, the contention of the applicants that they are governed under the Indian Veterinary Council Act 1984 will not hold good and the question arises is whether their service conditions can be changed under administrative orders or not. From the above discussions we are of the view that the applicants are not governed by any statutory provision and they are not entitled to get any statutory protection as claimed by them.)

17. The learned counsel for the applicants has relied on the following decisions :

- (i) Netai Pada Chakraborty & Anr. vs. U.I.O. & Ors., reported in 2005(1)SLJ (CAT)191,
- (ii) Jaboolal Choudhury vs. State of Arunachal Pradesh & Ors, reported in (2004)1 GLR 393



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(iii) Dilip Kumar Ghosh & Ors. vs. Chairman & Ors, reported in AIR 2005 SC 3485

(iv) K.P.Sudhakaran & Anr. vs. State of Kerala & Ors. reported in AIR 2006 SC 2138 and canvas for the position that

where Statutory Rules govern the field, prior executive instruction cease to apply, circular cannot override the rules occupying the field and administrative instructions cannot be allowed to operate particularly when it is in contradiction to the statutory Recruitment Rules.

16. We are in respectful agreement with the propositions canvas by the applicants but to say that these are not squarely applicable in these cases. In these cases the applicants are not under protection of any statutory rules therefore, the ratio will not fit in these cases. What we find from the above is that since the cadre of the applicants have not been changed in any way but the only additional duty was entrusted to them and the SFA(V) is not a separate cadre and covered by SSB Para Veterinary Staff Recruitment Rules. They have been sent for training for six months. We are of the view that this is entirely within the domain of the administration according to their qualification, experience and expertise. Their job, pay scales have not been changed.



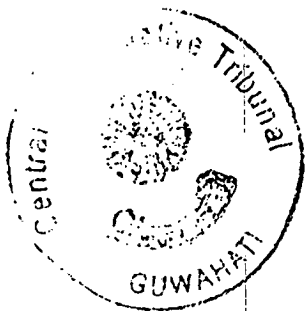
17. The learned counsel for the respondents also pleaded that this case has already been adjudicated by Hon'ble High Court, Allahabad and the Hon'ble Court has decided as under

"....The sum and substance of the order issued on 26.12.2005 is a direction to the petitioner to undergo dog-handling course commencing with effect from 2.1.2006. Through the impugned order, the rank, post or scale of the petitioners is not going to be changed. The petitioners, who are members of Sashastra Seema Bal, have been directed to undergo specialized training in handling of dogs. Merely sending on training cannot be said to be change of cadre or reduction in rank. This action may not adversely affect the service conditions of the petitioners. Accordingly, no legal right of the petitioners has been infringed by the impugned order. No interference is required.

The Writ petition is dismissed."

18. It is well settled law that judicial interference is limited to testing whether the administrative action has been fair and free from the taint of unreasonableness and has substantially complied with the norms or procedure set for it by rules of public administration. The above view has been taken by the Hon'ble Supreme Court in *Fertilizer Corporation, Kamgar Union vs. Union of India*, (1981) 1 SCC 568.

19. The Hon'ble Supreme Court has further held in case of *Tata Cellular vs. Union of India*, (1994) 6 SCC 651, that the duty of the court is to confine itself to the question of legality. Its concern should be :



1. Whether a decision making authority exceeded its powers?
2. Committed an error of law,
3. committed a breach of the rules of natural justice,
4. reached a decision which no reasonable tribunal would have reached or,
5. abused its power."

The Supreme Court has again held in a case of Union of India vs. Flight Cadet Ashish Rai, (2006) 2 SCC 304 as under :

"There should be judicial restraint while making judicial review in administrative matters. Where irrelevant aspects have been ignored and the administrative decisions have nexus with the facts on record, there is no scope for interference. The duty of the court is (a) to confine itself to the question of legality; (b) to decide whether the decision making authority exceeded its powers; (c) committed an error of law; (d) committed breach of the rules of natural justice; and (e) reached a decision which no reasonable tribunal would have reached; or (f) abused its powers. Administrative action is subject to control by judicial review....":

Hon'ble Supreme Court has further held in V.Ramana vs. A.P. SRTC, (2005) 7 SCC 338 that 'the common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards.'

20. From the above it appears that the Senior Field Assistant (Vety) are not governed under Indian

Veterinary Council Act 1984. They have actually been appointed under the SSB (Para Veterinary Staff) Recruitment Rules 1989 which is a civil post. They have also not been appointed as Dog Handler but they are being sent for training on Pup Rearing Centre at Borakhpur for better performance of their duties. Therefore, administrative authorities have taken action with bonafide intention in the interest of the State.

21. In view of the discussions made above and the settled law position all the Original Applications are dismissed.

The interim orders dated 26.5.2005 passed by this Tribunal under which the orders dated 17.2.2005 and 5.4.2005 were stayed will stand vacated.

In the conspectus facts and circumstances there will be no order as to costs.

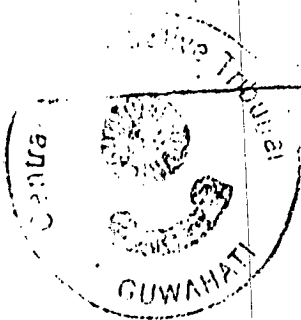
64/ VICE CHAIRMAN  
54/ MEMBER (A)

Date of Application : 23.3.07  
Date on which received : 27.3.07  
Date of withdrawal of application : 27.3.07  
Application : 1/10/07

Section Officer (Judl)  
C. A. T. Guwahati Bench  
Guwahati

27/3/07

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File in Court on 15/5/08

GUWAHATI BENCH, GUWAHATI MAY 2008

Court Officer.

गुवाहाटी न्यायपीठ  
Guwahati Bench

IN THE MATTER OF:

O.A. NO. 135/2007

Sri Pradip Basak & Ors.

... Applicant

- Versus -

Union of India & Ors.

... Respondents

- And -

In the MATTER OF:

Written Statement submitted by the  
respondents No.

WRITTEN STATEMENT

The humble answering respondents  
submitted their Written statement as  
follows:

1. (a) That I am Sh. ANIL KUMAR NEGI, aged  
about 47 years at present working as Dy Inspector General,  
SSB, BONGAIGAOON and respondent No. \_\_\_\_\_ in the above  
case. I have gone through a copy of application served on me and  
have understood the contents thereof. Save and except whatever is  
specifically admitted in this written statement, the contentions and  
statements made in the application may be deemed to have been  
denied. I am competent and authorized to file the written statement  
on behalf of all the respondents.

Motin Ud-Din Ahmed  
M.A., B.Sc., L.L.B.  
Addl. Central Govt. Standing Counsel  
Guwahati Bench (CAT)

15/5/08

Received  
15/05/08

BY, INSPECTOR GENERAL  
SSB, BONGAIGAOON



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

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

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

2. Preliminary objections – The issue is agitated by the applicants have already been adjudicated by this Hon'ble Tribunal vide its judgment dated 21.03.2007 pronounced in O.A. No. 31/06 titled Himanshu Roy Poddar, SFA (V) and Pradip Basak, SFA (V) Vs. Union of India & Others. As the matter has already been adjudicated the instant OA be dismissed in limine.

3. That with regard to the statements made in paragraphs 1 of the application, the answering respondents beg to state that the plea of the applicants that they have been deployed for operational duties and responsibilities of the Force without taking any option from the applicants it is clarified herewith that for performing of duties which

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are with the normal sphere of functioning of an individual, there is no procedure of seeking options from the individuals whom the duties are assigned. All the applicants are members of the veterinary cadre and accordingly they are duty bound to work and discharge duties, which pertains to the veterinary needs of the department. Dog handling is a veterinary requirement and is within the normal sphere of duties of the applicants. As they are SFA (V) and have been

provided with the required training to look after the dogs their further plea that options should be sought is against any propriety of service jurisprudence as neither their cadre nor their status has been changed. They were SFA (V) and are discharging duties as SFA (V).

4. That with regard to the statements made in paragraphs 2, 3, 4.1 of the application, the answering respondents beg to state that they do not admit anything, which is beyond record. The applicant is put to strict proof thereof.

5. That with regard to the statements made in paragraphs 4.4, 4.5 and 4.6 of the application, the answering respondents beg to state that it is pertinent to mention here that during the course of the Border Guarding duties, the Government has sanctioned Dog Squads for SSB which are required to be bred, reared, looked after the handled for keeping effective vigil on the Borders in the interest of the security of the nation. Accordingly, as the force has a professionally well trained and a strong veterinary cadre with doctors and Para veterinary staff the entire cadre is being used for such duties without changing their cadre and status like rank, pay and other facilities. However, as per policy decision of the Government in the changed circumstances a proposal is there to combatise all the civilian cadres, which will be purely on option basis. Employees who do not opt for combatisation would continue in their cadres till they are phased out.

Furthermore, the aforesaid policy taken by the Respondent in the interest of the nation as well as security of the Country only and since the proposed policy neither violates the mandate of the Constitution nor any statutory provision nor is otherwise actuated by male-fide, the petitioner has no right to agitate the matter by filling the instant O.A.

Again, the baseless claim of the petitioners amounts to not only giving a premium to indiscipline but is wholly subversive of the

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work culture in the organization. The mandate of Article 51 of the Constitution cannot be achieved unless the employee / petitioner maintain discipline and devotion to duty.

6. That with regard to the statements made in paragraphs 4.2 of the application, the answering respondents beg to state that this prayer requires to be adjudicated by the Hon'ble Tribunal.

7. That with regard to the statement made in paragraphs 4.3 of the application, the answering respondents beg to state that the applicants have themselves admitted that they are working as SFA (V) in SSB which is in itself goes to prove that neither their cadre has been changed nor any change is there in their status. They are working as SFA (V) and in the past were also working as SFA (V).

Earlier also they were discharging duties on Border and presently also they are doing the same.

8. That with regard to the statements made in paragraphs 4.7 of the application, the answering respondents beg to state that the facts in this Para have already been clarified in the brief background history of the case and the same are reiterated herewith. However it is further submitted that as SSB has a large professionally trained veterinary cadre, and this cadre is the only cadre which is ideally suited and trained for rearing, managing, caring, training and healthcare of sniffer dogs. Veterinary doctors and Para-veterinary staff were accordingly given the necessary training required for performing the above assigned duties and were accordingly deployed in the field. There has been no change in the cadre, post, rank or pay scale of the applicants and they are discharging duties related to the veterinary needs of the department. Their allegations

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that earlier there was no involvement of the applicants in operational duties and responsibilities is denied being factually incorrect.

A perusal of the charter of duties furnished in this sub-Para would itself clarify that the applicants would be deployed on the BOPs and would be required to perform other duties assigned to them by the superior authorities from time to time. While performing border-guarding duties on the borders, presence of sniffer dogs is of a paramount importance and since SSB has a trained veterinary

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cadre these duties are automatically required to be performed by the professionally trained veterinary cadre only. While performing these duties it is amply clarified that neither the status of the individual has changed nor the pay scales and designation of these applicants has been changed. They were SFA (V) and still SFA (V). They are governed by the CCS (CCA) Rules. Under the changed circumstances it is this professionally trained veterinary cadre only which will have to undertake these duties in national interest and for the overall operational requirement of the Force.

9. That with regard to the statements made in paragraphs 4.8 of the application, the answering respondents beg to state that Section 30(b) of the Indian Veterinary Council Act 1984 referred to by the applicant, only regulates the veterinary practice and profession and prescribes the minimum qualifications required for a post. The duties of rearing, management, caring, training and health care of sniffer dogs assigned to SFA (V) also pertain to the veterinary profession.

10. That with regard to the statements made in paragraph 4.9 of the application, the answering respondents beg to state that the

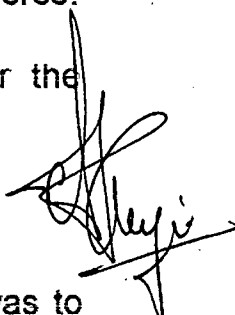
allegations of the applicants that they have been entrusted all the duties of combatant staff are denied being factually incorrect. All the applicants are members of the border guarding force and being a member of the border guarding force they cannot claim that they would not be doing operational duty. In fact, the entire force is an operational force and as and when required to perform operational jobs be required to do the same. The applicants belong to veterinary cadre and as such have been rightly assigned duties of the dog handling which are very much a part of the duties of the veterinary cadre.

11. That with regard to the statement made in paragraph 4.10 and 4.11 of the application, the answering respondents beg to state the contention of the applicant that the civilian staff working as SFA (V) are not duty bound to work as dog handler is incorrect as no separate posts of dog handlers exist in SSB or in any other CPMFs for that manner and the manpower is drawn from the existing strength of the Force. Since SSB has a large professionally trained veterinary cadre, it is the duty of this cadre only to address the veterinary needs of the department. Thus, SFA (V) have rightly been assigned the duties of rearing, managing, caring, training and health care of sniffer dogs after giving them necessary training. There has been no change in the cadre or post or pay scale but only the responsibilities have been changed to meet the operational commitments of the force in changed role of border guarding force. This is necessarily to be done in National interest and for the security of the nation.

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The only intention to ask for willingness of SFA (V) was to get persons with better aptitude and love for dogs. Otherwise, all the

SFA (V) are duty bound and professionally qualified to perform the work of rearing, management, caring, training and health care of sniffer dogs in public interest.

The SFA (V) being members of border guarding force cannot deny performing the assigned duties and have to perform the duties to meet the operational commitments of the force in changed role of Border Guarding Force in National interest and for the overall security of the Nation as presently they are most professionally trained cadre to undertake the present task.

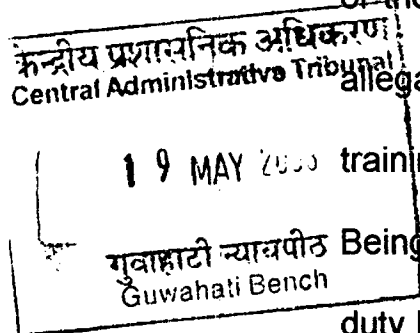
12. That with regard to the statements made in paragraphs 4.12 of the application, the answering respondents beg to state that the

allegation of the applicants that have been forcibly sent to undergo training at other training centers is denied being factually incorrect.

Being members of the Border Guarding Force the applicants are duty bound to undergo training course associated with their function.

The applicants had earlier also raised this issue before various CATs, High Courts and the Hon'ble High Court of Lucknow Bench had vide its order dated 16.10.2006 in the case titled Parvinder Kumar & Other held that merely undergoing the training course does not change the status of the individuals (copy enclosed). This aspect has already been adjudicated and clarified by the various courts, which have held that undergoing training does not change the status of the individuals.

In the light of the foregoing submissions, it is most respectfully submitted that the instant OA be dismissed being devoid of merit. A perusal of charter of duties as reflected by the applicants in Para 4.8 stipulates that the applicants would have to perform any



other duties assigned to them by their superior authorities from time to time and "all the duties cannot be strictly earmarked." Since dog handling is a part of veterinary job the Government has rightly utilized the available cadre which is most professionally trained cadre for performance of these duties.

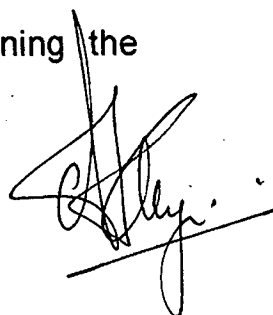
13. That with regard to the statements made in paragraphs 4.13 of the application, the answering respondents beg to state that there is no truth in the averment of the applicants that they have been transferred from the post of SFA (V) to a combat post. Here it is worthwhile to mention that there is no change in the nomenclature to the post/cadre or pay scale etc. However, to achieve the mandated role in INB and IBB, responsibilities have been changed but they will remain as civilian employees and will be governed by the same set of rule as were governed in the earlier role before the changed scenario. The applicants have been rightly asked to perform duties related to Dog handling because the applicants are part and parcel of the professionally trained Vetty. Cadre, which the department has as on date. The contention to the applicants is not correct that respondents made it clear that their services will not be utilized as dog handler. The applicants are twisting facts to their advantage.

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14. That with regard to the statements made in paragraphs 4.14 to 4.15 of the application, the answering respondents beg to state that in the changed circumstances the Vetty staff of SSB was trained and assigned the job to look after health care, feeding, training, maintenance, handling of the dogs without changing their post/cadre, pay scales etc. This cadre is the most suited cadre to accomplish the task allotted to SSB. The department cannot allow them to sit idle hence, their services with reference to the veterinary needs are necessarily required to be utilized for manning the borders of the nation.



15. That with regard to the statements made in paragraphs 4.16 of the application, the answering respondents beg to state that the applicants are time and again raising the same issues.

16. That with regard to the statements made in paragraphs 5.1 and 5.2 of the application, the answering respondents beg to state that it is admitted that the applicants are civilian worker but it is denied that their claim that being governed by the CCS Rules they cannot be deployed for operational duties. It is clarified herewith that in the combatised set up also the entire Gazetted Officers and in the executive cadre which has civilian staff is being governed under the CCS (CCA) Rules. Being the member of the CCS (CCA) Rules does not in any way have a bar on performing the operational duties. The applicants are projecting wrong facts for the perusal of the Hon'ble Court.

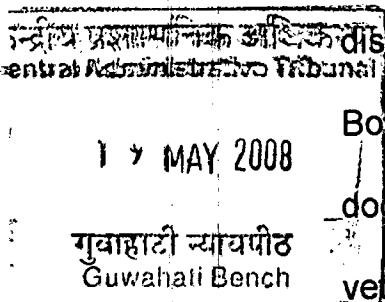
17. That with regard to the statements made in paragraphs 5.3 of the application, the answering respondents beg to state that the facts projected by the applicants in the instant sub Para is denied being factually incorrect. Para 6 & 7 of the written statement filed by the Respondents on O.A. No. 269/07 are reproduced here as under:-

"That with regard to the statement made in paragraph 4.vii of the O.A, the Respondents beg to state that the order dated 5.10.2005 has been passed in public interest transferring the applicant to pup rearing Centre, Gorakhpur along with the posts as SFA (V) only and not as Dog handler, However, they have been asked to perform duties related to dog handling because the



applicants are part and parcel of the professionally trained veterinary cadre which the department has as on date.

That with regard to the statement made in paragraph 5(i) of the O.A, the respondents while reiterating and reaffirming the statements made in paragraph 2 (Brief history of the case) of this written statement beg to state that in view of the changed scenario of working of the Organisation, Dog handling has become a part of our job to protect our mother nation from the increased number terrorist/saboteurs. Nowhere, has it been mentioned whether the dog handler is an armed post or civil post but it is clear that Dog handling is a part of the duty of veterinary cadre, which can only be performed by the trained existing Para – veterinary staff. The applicants have been transferred in public interest to fulfill and



discharge operational committees are urgently required at the Border. Moreover, the sphere of the job very much encompasses dog handling. Being a highly trained professional basically it is the veterinary cadre which has to perform the job of dog handling as dogs are also part and parcel of the veterinary setup. In the terms of the provisions contained in Article-51 (A) sub-clause (d) every Indian citizen has been enshrined with fundamental duties of defend the country and render national service when called upon to do so."

A perusal of the stand taken in the above paras by the Respondents in itself clarifies that they had nowhere made statement as referred to by the applicants in the instant Para. The applicants are agitating the same issue time and again on one pretext or the other.

18. That with regard to the statements made in paragraphs 5.4 & 5.5 of the application, the answering respondents beg to state that those are admitted being matter of record.

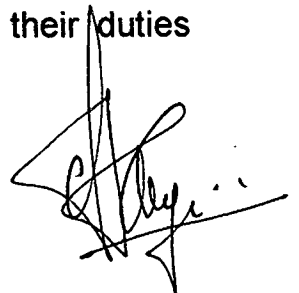
19. That with regard to the statements made in paragraphs 5.6 of the application, the answering respondents beg to state that the applicants have themselves clarified that they are governed under the provisions of CCS (CCA) Rules and are civilian government employees. They cannot seek parity with the combatant staff who are governed by the provisions of the CRPF Acts and Rules.

20. That with regard to the statements made in paragraphs 6 of the application, the answering respondents beg to state that the

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applicants have already filed another OA related to the instant subject matter. OA No. 31/2006 titled Himanshu Roy Poddar, SFA (V) and Pradip Basak, SFA (V) Vrs UOI and Others filed in the Hon'ble CAT Guwahati Bench, which was disposed of by the Hon'ble CAT vide its order dated 21.03.07 (Copy enclosed as Annexure-R.I). All the issues raised in the present OA have already been adjudicated by the Hon'ble CAT in the light of the pronouncements of the Apex Court. Hence the instant OA be dismissed.

21. That with regard to the statements made in paragraphs 8 of the application, the answering respondents beg to state that in the light of the foregoing submissions it is most respectfully prayed that the instant OA filed by the applicants be dismissed being devoid of merit and the applicants may be directed to perform their duties earnestly and sincerely.



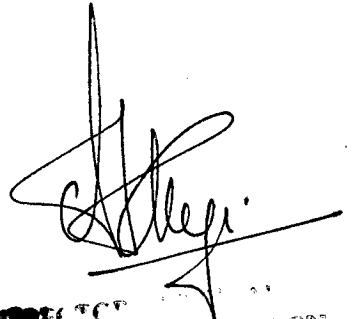
22. This written statement is filed bonafide and for the ends of justice.

PRAYER

In the premises aforesaid, your humble pray that your Lordship may be pleased to dismiss the application filed by the applicants with costs,

- AND -

For the act of kindness your humble respondents shall ever pray.



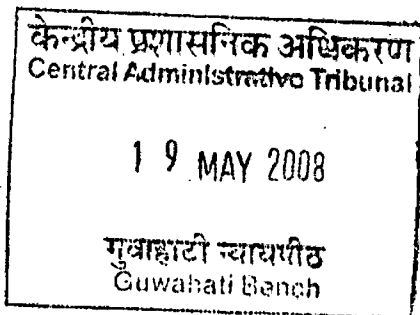
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SU. SECTOR NOR. BONGACON

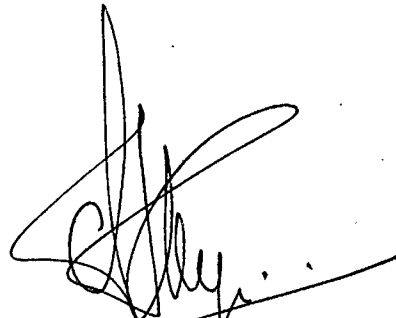
**VERIFICATION**

I Sh. ANIL KUMAR NEGI

aged about 47 years at present working as Dy Inspector General, SSB, Bongaigaon I who is one of the respondents and taking steps in this case being duly authorized and competent to sign this verification for all respondents do hereby solemnly affirm and state that the statement made in paragraph 13, 14, 16, 17, 2, 3, 5, 7, 8, 10, 12 are true to my knowledge and belief and those made in paragraph 9, 18, 19, 20 being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this 12<sup>th</sup> day of May 2008 at Guwahati.



  
DEPONENT  
DY. INSPECTOR GENERAL  
SSB, BONGAIGAON

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

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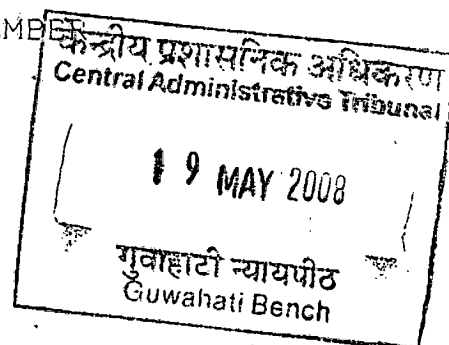
Applications Nos. 116/05, 117/05, 174/05, 269/05,

275/05 &amp; 31/06.

Date of Order: This the 21st day of March, 2007.

HON'BLE MR. K.V. SACHIDANANDAN, VICE-CHAIRMAN

HON'BLE MR. TARSEM LAL, ADMINISTRATIVE MEMBER



✓ Sri Premtosh Dutta, (O.A. 116/2005)

Son of Late T.K. Dutta

S.F.A (V) Office of the AO/SSB/Bongaigaon,

Anastri Road, Ward No.10

P.O. North Bongaigaon,

Dist. Bongaigaon.

Sri Bimal Chakraborty (O.A. 117/2005)

Son of Late D. Chakraborty

S.F.A(V) Office of the AO/SSB/Bongaigaon, Shastri Road,

Ward No.10, P.O. North Bongaigaon, Dist. Bongaigaon.

Sri Anjali Sherpa (O.A. 174/2005)

Son of late P.D. Lama

S.F.A (V) Office of C.O., S.S.B

Bangajang Camp Jang

Dist. Tawang, Arunachal Pradesh.

Sri Haridas Sarkar (O.A. 269/2005)

O/O the Area Organiser, SSB

Bongaigaon

Sri R.K. Saha (O.A. 269/2005)

O/O Area Organiser, SSB

Palakata

Sri Sam Kishore Barman (O.A. 275/2005)

O/O the Area Organiser, SSB \*S/O Late A.S. Barman

Vill: Sriram Para, P.O. Srirampara

P.S. &amp; Dist. Jalpaiguri.

Sri Himangshu Kumar Roy Podder (O.A. 31/2006)

S/O Late Khagendra Nath Roy Podder

Vill Dol Govinda, P.O. Citaldala

Dist. Coochbehar

Sri Pradip Basak, (O.A. 31/2006)

S/O Late Kali Kumar Basak

Vill. Badhupar (Near Girls School Road)

P.O. Dhalaguri, Dist. Jalpaiguri

....Applicants

By Advocate Mr. K. Bhattacharjee

- Versus -

Motin Ud-Din Ahmed

M.A., B.Sc., LL.B.

Addl. Central Govt. Standing Counsel  
Guwahati Bench (CAT)

(15)

1. Union of India,  
represented by the Director General,  
Sashastra Seemabal, East Block V  
R.K.Puram, New Delhi-110066.
2. Ministry of Home Affairs,  
Represented by Secretary to the  
Govt. of India, New Delhi.
3. Director General,  
Sashastra Seemabal, East Block-V,  
R.K.Puram, New Delhi-110066.
4. Assistant Director,  
O/O Director General,  
Sashastra Seemabal, East Block-V  
R.K.Puram, New Delhi-110066.
5. Inspector General,  
FTR, HQR. S.S.B, MHA, Guwahati.
6. Area Organiser (H.Q)  
FTR, HQRSSB, Guwahati.
7. Area Organiser, SSB,  
Bongaigaon, Assam.
8. Area Organiser, SSB,  
Falakata, West Bengal
9. Sr.Veterinary Officer,  
S.S.B, East Block-V,  
R.K.Puram, New Delhi-110066. .... Respondents

By Sri G.Baishya, Sr.C.G.S.C, in O.A.Nos.275/2005 & 31/2006.

M.U.Ahmed, Addl.C.G.S.C in O.A.116/05, 117/05 & 174/05.

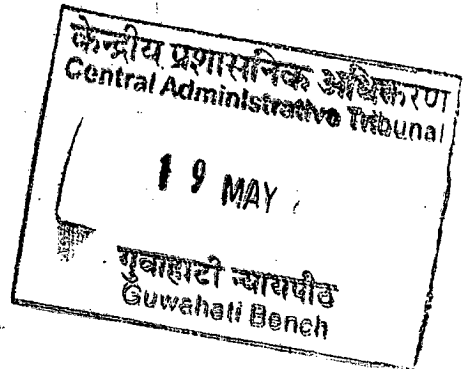
Miss U. Das, Addl.C.G.S.C in O.A.269/2005.

### O R D E R

TARSEM LAL, MEMBER (A)

Since common questions of law and facts are involved, all the six cases are being disposed of by this common order with the consent of the parties.

**Motin Ud-Din Ahmed**  
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Addl. Central Govt. Standing Counsel  
Guwahati Bench (CAT)



2. This case is regarding transfer/postings of Senior Field Assistant (Veterinary) for posting at Pup Rearing Centre Gorakhpur vide order dated 5.10.2005. (98) 16

3. The applicants have stated that they joined in the post of Constable on different dates under the Command of Director General, SSB. Subsequently they were appointed afresh as Senior Field Assistant (Veterinary) under SSB (Para Veterinary Staff) Recruitment Rules 1989 which is a civil post in the pay scale of Rs.975-25-1150-EB-30-1600/-. The duties of the applicants under the said rule are to look after the treatment of sick animal, documentation of Veterinary Hospital Dispensary and have to undergo BASIC CONDENSED COURSE known as Veterinary Assistant Course.

4. The Chief Veterinary Officer in order to select some candidates for the post of Dog Handler issued a circular among the workers who are willing to join the new post and in that connection the applicants declined to join the post of Dog Handler which is a post for combative personnel.

5. The Director General, SSB has approved the postings of Veterinary staff alongwith posts with immediate effect in public interest. The officials were directed to be relieved immediately so as to report to Pup Rearing Centre, Gorakhpur on or before 24<sup>th</sup> October, 2005. The incumbents approached the Guwahati Bench of the Tribunal vide O.A.No. 117/2005 to mitigate their

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Motin Ud-Din Ahmed  
M.A., B.Sc., LL.B.  
Addl. Central Govt. Standing Counsel  
Guwahati Bench (CAT)

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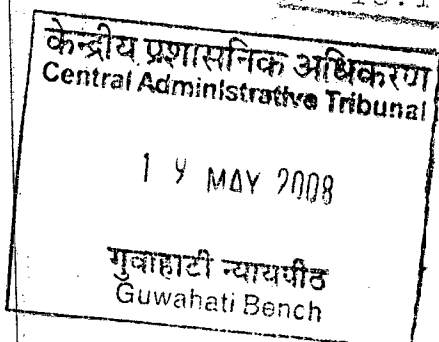
grievances by challenging the order dated 5.10.2005. By order dated 26.5.2005 the Tribunal maintained the status quo. The relevant portion of the order is quoted below :

"Status quo as on today regarding transfer of the applicant issued vide orders dated 17.2.2005 and 5.4.2005 shall be maintained till the next date."

6. In the present applications the applicants have prayed for the following reliefs :

1. This Hon'ble Tribunal may be pleased to call for the records pertaining to transfer of the applicants in the post of Senior Field Assistant (Veterinary) to a combat post and consequently to direct the respondents not to release the applicants along with the post and also to declare that the order dated 5.10.2005 is illegal and void.

7. The respondents have filed a detailed written statement denying the contention of the applicants. It has been stated that applicants were initially appointed as Constable(GD) and were subsequently appointed afresh as Senior Field Assistant (Veterinary) in the scale of Rs.975-25-1150-EB-30-1660/- in pursuance of Para Veterinary Recruitment Rule circulated vide Cabinet Secretariat Notification No.12018/30/98-DO.I dated 31.3.1989. Their services were utilized for treatment of sick animal and documentation of Veterinary hospital/dispensary works. After the administrative control of the Organisation has been shifted from Cabinet Secretariat to Ministry of Home Affairs w.e.f. 15.1.2001, the role of the



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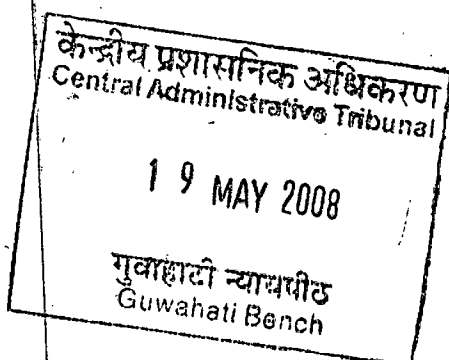
**Motin Ud-Din Ahmed**  
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Addl. Central Govt. Standing Counsel  
Guwahati Bench (CAT)



organisation has been changed and it has now been assigned with the mandate to guard the Indo Nepal border and Indo Bhutan Border and therefore SSB as on date has become a Border Guarding Force. With the change in role of the organisation from Stay Behind Role to that of a Border Guarding Force, the old area of operations have been closed and new offices/Battalions have been opened all along with Indo-Nepal and Indo-Bhutan Border.

8. For better performance of the duties, the Govt. of India has sanctioned Dog Squad to SSB to carry out operational duties in the border areas. As the Organisation has independent veterinary staff, it is primarily, the veterinary staff only who will raise and maintain the Pups and Dogs in changed circumstances. The Veterinary Cadre is the most suited and trained staff to look after the health, breeding, training, handling and maintenance of the dogs.

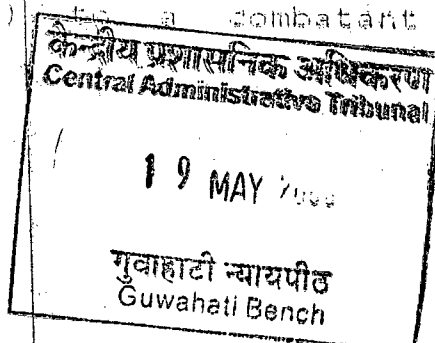
9. After having been trained in rearing and breeding of pups to the veterinary cadre personnel they are fully competent to perform their newly assigned duties. The rearing and breeding of pups is the primary job of the Para-Vety Staff. Moreover, during the service career every individual has to undergo certain departmental courses for improvement of efficiency and making them professionally equipped to meet the needs



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and objectives of the Organisation as the Force has competent and independent Veterinary Staff.

10. Accordingly SFAs(V) were withdrawn and attached temporarily with the newly created Pup Rearing Centre at Gorakhpur. The applicants have been transferred along with Post as SFA(V) in public interest and nowhere it has been mentioned in the order dated 5.10.05 that the applicants have been posted as Dog Handlers. Nowhere it has been mentioned whether the Dog Handling is a part of the duty of veterinary cadre, which can only be performed by the trained existing Para Veterinary cadre. The applicants had been transferred in public interest to fulfill and discharge operational commitments urgently required at the border. Neither the nomenclature nor the cadre of the applicants has been changed. This is a mere apprehension on the part of the applicants. The rearing and breeding of pups is primary job of the Vety/Para-Vety Cadre/Staff. Moreover, during the service career every individual has to undergo certain departmental courses for improvement of efficiency and making them professionally equipped to meet the needs and objectives of the Organisation. They have been transferred in the same capacity in public interest along with the post. It is not correct that the applicants have been transferred from the post of SFA(V) to a combatant post but they have been



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transferred along with post in public interest and after transfer also they will be governed by the same rules.

11. We have heard Mr K. Bhattacharjee, learned counsel for the applicants in all the O.A. and Mr G. Baishya, learned Sr. C.G.S.C, Mr M.U. Ahmed, learned Addl. C.G.S.C and Miss U. Das, learned Addl. C.G.S.C for the respondents in the respective O.As. and perused the documents.

12. Mr K. Bhattacharjee, learned counsel for the applicants submitted that the applicants are governed under Chapter IV clause 30 of the Indian Veterinary Council Act 1984 and their service conditions cannot be changed under an administrative order. They were originally recruited as Senior Field Assistant (Vety) which is a separate cadre and cannot be deployed as Dog Handler which is a combatant post. The learned counsel made us to traverse through various documents to establish that Senior Field Assistant (Vety) is a separate cadre. He repeatedly emphasized that separate cadre is not synonymous with a separate service but a particular group of officials in a department. He further pleaded that the applicants are not willing to join the services of Dog Handlers and they have not given their willingness for the same. Therefore, they may either be allowed to continue to perform their

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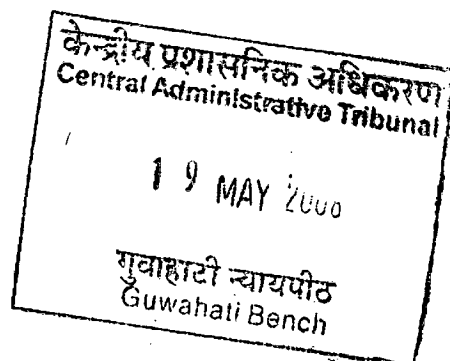
गुवाहाटी न्यायपीठ  
Guwahati Bench

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Addl. Central Govt. Standing Counsel  
Guwahati Bench (CAT)

present times till they are retired or may be declared surplus in the service.

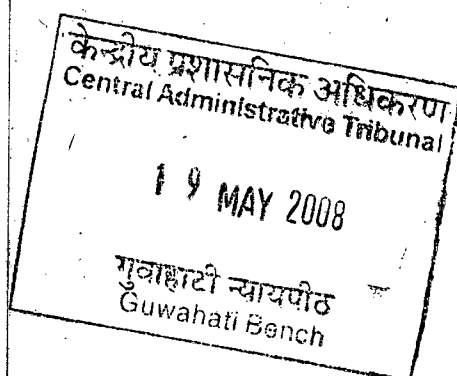
13. The learned counsel for the respondents on the other hand persuasively argued that the applicants are not governed under the "Indian Veterinary Council Act 1984." They were not qualified to be registered under the Council Act. In fact the doctors who are practicing are governed under the above statutory Act. The Sr. Field Assistant (Vety) had joined as Constables and on technical resignation from the post were appointed as Sr. Field Assistant (Vety) under the SSB (Para Veterinary Staff) Recruitment Rules 1989. Since the applicants had not obtained their veterinary qualification from any of the institutions of India as included in the first schedule (clause 15 of the Act), they are not governed by the Indian Veterinary Council Act 1984. The learned counsel further pleaded that in view of the above position, it was misnomer to say that Senior Field Assistant (Vety) are governed under the Statutory Rules. The counsel further pleaded that the decisions cited by the applicant's counsel are not squarely applicable in these cases, since their cadre has not been changed in any way but only additional duty was entrusted upon them. Therefore, the O.A may be dismissed with cost.



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Guwahati Bench (CAT)

14. The learned counsel further pleaded that Sr. Field Assistant (Vety) are not a separate cadre and continue to be governed under the SSB (Para Veterinary Staff) Recruitment Rules 1989. They have been deployed for taking care of animals and are being sent on training for a period of six months. He emphasized that it was entirely within the domain of the employer to deploy officials any jobs for which they are more suitable according to their qualifications, experience and expertise. Their job, pay scales are not being changed.

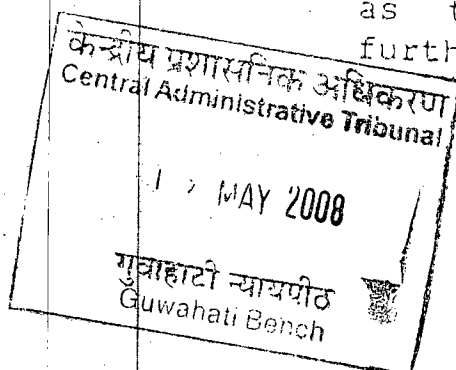
15. We have given our due consideration to the arguments, pleadings, evidence and materials placed on record in these cases. Admittedly the applicants were appointed as Constable under the Director General, SSB and thereafter appointed as Senior Field Assistant (Vety) (SFA(V) for short) and posted at different stations under the respective Area Organisers. The applicants served as Constables for 6 years and according to them they were appointed afresh as SFA(V) which is a civil post in the pay scale of Rs. 975-1600/-. The applicants have been appointed afresh as SFA(V) in pursuance of the Para Veterinary Recruitment Rules circulated by Cabinet Secretariat Notification dated 31.3.89. Their services were utilized for treatment of sick animal and documentation of Veterinary hospital/dispensary works. The



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Guwahati Bench (CAT)

Administrative control of the Organisation has been shifted from Cabinet Secretariat to Ministry of Home Affairs with effect from 15.1.01, the role of the Organisation has been changed and it has now been assigned with the mandate to guard the Indo Nepal Border and Indo Bhutan Border and therefore SSB as on date has become a Border Guarding Force. With the change of role of the organisation from 'Stay Behind Role' to that of a Border Guarding Force, the old area of operations have been closed and new offices/Battalions have been opened all along with Indo Nepal and Indo Bhutan Border. For better performance of the duties, the Government of India has sanctioned Dog Squad to SSB to carry out operational duties in the border areas. As the Organisation has independent veterinary staff, it is primarily, the veterinary staff only who will raise and maintain the pups and Dogs as primarily, in changed circumstances, the Veterinary Cadre is the most suited and trained staff to look after the health, breeding, training, handling and maintenance of the dogs. Willingness for the training was called for and the said notification is re-produced below :

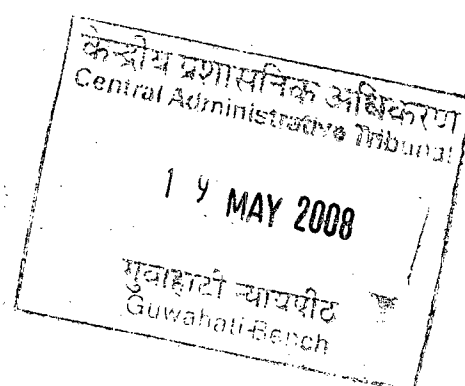
"All SAOs are informed to obtain willingness of SFA(Vety) under their respective area for undergoing Dog handlers Course, at the earliest, so as to intimate their names for further detailment from Frontier



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Guwahati Bench (CAT)

Headquarter, Guwahati. The matter may be treated urgent."

The qualifications of the applicants were Matriculate and they have served as Constable and they were appointed as SFA(Vety) which is a civil post as per Veterinary Staff Recruitment Rules and the duty assigned to them was the treatment of sick animal and documentation of Veterinary hospital/dispensary works and they had to undergo 6 months Basis Condense Course known as Veterinary Assistants Course. The applicant are not Graduate or diploma holder in Veterinary Science, therefore it will be necessary to evaluate whether the SFA (V) are covered by the Indian Veterinary Council Act 1984. In the preamble of the Act it is stated that 'An Act to regulate veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers of the veterinary practitioners and for matters connected therewith. Whereas it is expedient to make provision for the regulation of veterinary practice and to provide, for that purpose, for the establishment of a Veterinary Council of India and State Veterinary Councils and the maintenance of registers to persons qualified to engage in veterinary practice for the whole of India for matters connected therewith or ancillary thereto. As per definition of



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Guwahati Bench (CAT)

the Act a person who registered to get enrolled as a Member of the Council. Register means a register maintained under this Act. Registered Veterinary Practitioner means a person whose name is for the time being duly registered in a register. Veterinary institution means any University or other institution within or without India which grants degrees, diplomas or licences in veterinary science and animal husbandry. Chapter IV of the Privileges of Registered Veterinary Practitioners shows as under :

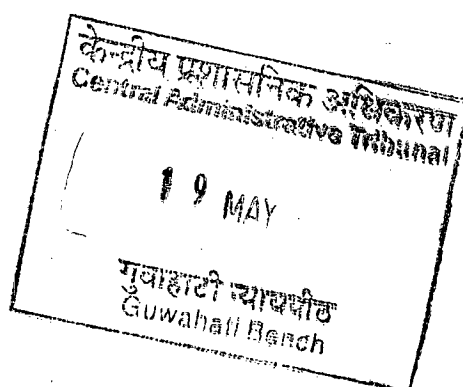
"Subject to the conditions and restrictions laid down in the Act, every person whose name is for the time being borne on the Indian Veterinary practitioners register shall be entitled according to his qualifications to practise as a veterinary practitioner and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments and other appliances or any fees to which he may be entitled.

Right of persons who are enrolled on the Indian veterinary practitioners register - No person, other than a registered veterinary practitioner, shall -

(a) hold office as veterinary physician or surgeon or any other like office (by whatever name called) in Government or in any institution maintained by a local or other authority;

(b) practise veterinary medicine in any State."

On going through Schedule 2 of the Act 6 months Condense Course underwent by the applicants do not qualify them to become a veterinary practitioner as defined in the Act nor they have any right to register



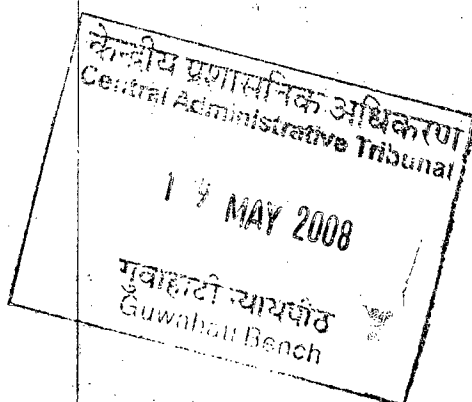
**Motin Ud-Din Ahmed**  
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Guwahati Bench (CAT)



themselves in the Indian Veterinary Council. At best they may be permitted as veterinary technician since they are not Graduate or diploma holders. Therefore, on the close scrutiny of the said Act we are of the view that SFA(V) as that of applicants are not covered under the Indian Veterinary Council Act 1984. They have actually been appointed under the SSB Para Veterinary Staff Recruitment Rules 1989, which is a civil post. They have not also been appointed as Dog Handler but they are being sent for training at Pup rearing centre, Gorakhpur for better performance of their duties. Therefore, the contention of the applicants that they are governed under the Indian Veterinary Council Act 1984 will not hold good and the questions remains is whether their service conditions can be changed under administrative orders or not. From the above discussions we are of the view that the applicants are not governed by any statutory provision and they are not entitled to get any statutory protection as claimed by them.

17. The learned counsel for the applicants has relied on the following decisions :

- (i) Netal Pada Chakraborty & Anr. vs. U.I.O. & Ors., reported in 2005(1)SLJ (CAT)191,
- (ii) Jaboolal Choudhury vs. State of Arunachal Pradesh & Ors, reported in (2004)1 GLR 393 .



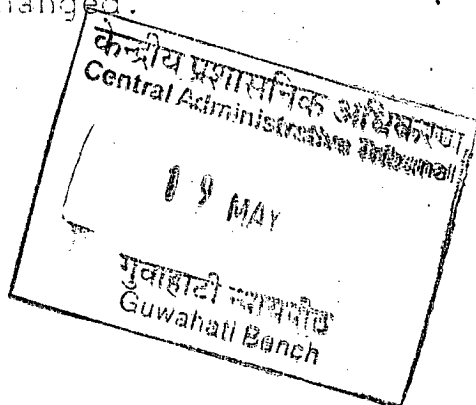
Motin Ud-Din Ahmed  
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Guwahati Bench (CAT)

(iii) Dilip Kumar Ghosh & Ors. vs. Chairman & Ors, reported in AIR 2005 SC 3485

(iv) K.P.Sudhakaran & Anr. vs. State of Kerala & Ors. reported in AIR 2006 SC 2138 and canvas for the position that

where Statutory Rules govern the field, prior executive instruction cease to apply, circular cannot override the rules occupying the field and administrative instructions cannot be allowed to operate particularly when it is in contradiction to the statutory Recruitment Rules.

16. We are in respectful agreement with the propositions canvas by the applicants but to say that these are not squarely applicable in these cases. In those cases the applicants are not under protection of any statutory rules therefore, the ratio will not fit in these cases. What we find from the above is that since the cadre of the applicants have not been changed in any way but the only additional duty was entrusted to them and the SFA(V) is not a separate cadre and covered by SSB Para Veterinary Staff Recruitment Rules. They have been sent for training for six months. We are of the view that this is entirely within the domain of the administration according to their qualification, experience and expertise. Their job, pay scales have not been changed.



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Guwahati Bench (CAT)

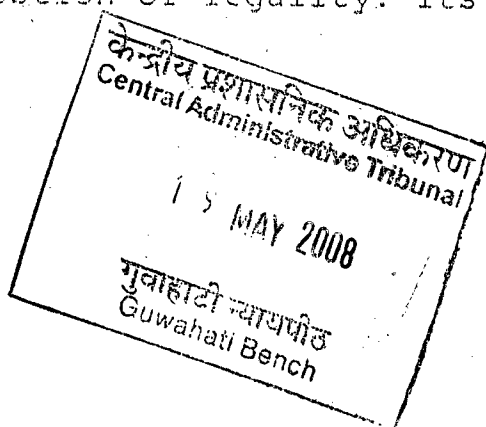
17. The learned counsel for the respondents also pleaded that this case has already been adjudicated by Hon'ble High Court, Allahabad and the Hon'ble Court has decided as under

"....The sum and substance of the order issued on 26.12.2005 is a direction to the petitioner to undergo dog-handling course commencing with effect from 2.1.2006. Through the impugned order, the rank, post or scale of the petitioners is not going to be changed. The petitioners, who are members of Sashastra Seema Bal, have been directed to undergo specialized training in handling of dogs. Merely sending on training cannot be said to be change of cadre or reduction in rank. This action may not adversely affect the service conditions of the petitioners. Accordingly, no legal right of the petitioners has been infringed by the impugned order. No interference is required.

The Writ petition is dismissed."

18. It is well settled law that judicial interference is limited to testing whether the administrative action has been fair and free from the taint of unreasonableness and has substantially complied with the norms or procedure set for it by rules of public administration. The above view has been taken by the Hon'ble Supreme Court in Fertilizer Corporation, Kamgar Union vs. Union of India, (1981) 1 SCC 568.

19. The Hon'ble Supreme Court has further held in case of Tata Cellular vs. Union of India, (1994) 6 SCC 651, that the duty of the court is to confine itself to the question of legality. Its concern should be :



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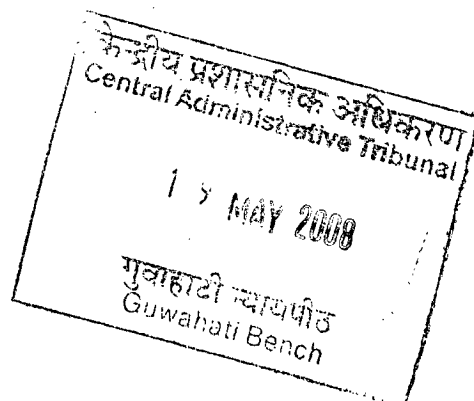
1. Whether a decision making authority exceeded its powers?
2. Committed an error of law,
3. committed a breach of the rules of natural justice,
4. reached a decision which no reasonable tribunal would have reached or,
5. abused its power."

The Supreme Court has again held in a case of Union of India vs. Flight Cadet Ashish Rai, (2006) 2 SCC 364 as under

"These should be judicial restraint while making judicial review in administrative matters. Where irrelevant aspects have been ignored and the administrative decisions have nexus with the facts on record, there is no scope for interference. The duty of the court is (a) to confine itself to the question of legality; (b) to decide whether the decision making authority exceeded its powers; (c) committed an error of law; (d) committed breach of the rules of natural justice; and (e) reached a decision which no reasonable tribunal would have reached; or (f) abused its powers. Administrative action is subject to control by judicial review...":

Hon'ble Supreme Court has further held in V. Ramana vs. A.P. SRTC, (2005) 7 SCC 338 that 'the common thread running through in all these decisions is that the court should not interfere with the administrator's decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards.'

20. From the above it appears that the Senior Field Assistant (Vety) are not governed under Indian



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Veterinary Council Act 1984. They have actually been appointed under the SSB (Para Veterinary Staff) Recruitment Rules 1989 which is a civil post. They have also not been appointed as Dog Handler but they are being sent for training on Pup Rearing Centre at Gorakhpur for better performance of their duties. Therefore, administrative authorities have taken action with bonafide intention in the interest of the State.

21. In view of the discussions made above and the settled law position all the Original Applications are dismissed.

The interim orders dated 26.5.2005 passed by this Tribunal under which the orders dated 17.2.2005 and 5.4.2005 were stayed will stand vacated.

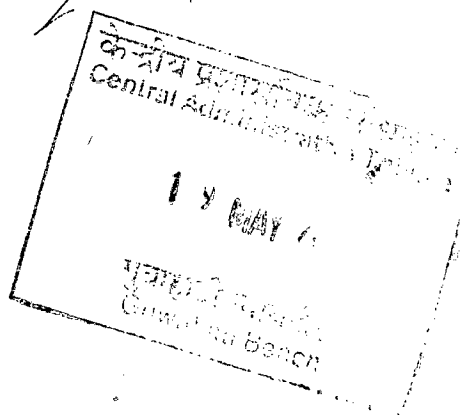
In the conspectus facts and circumstances there will be no order as to costs.

Sd/ VICE CHAIRMAN  
Sd/ MEMBER (A)

TRUE COPY

N. S. Singh  
27-3-07

CC



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