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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./TA/ NO... 210...2009 - ~~2009~~
R.A./CP/NO.....2015
E.P./M.P./NO... 105...2009

1. Order Sheets..... 1 pg..... 01 to 201 ✓
MP 105/09 — 1 pg. 01 to 01 ✓
2. Judgment/ order dtd. 14.12.2009 pg..... 01 to 03 ✓
3. Judgment & Order dtd..... ✓ received from H.C. /Supreme Court.
4. O.A. 210/09 page..... 01 to 18 ✓
5. E.P./M.P. 105/09 page..... 1 to 4 ✓
6. R.A./C.P..... page..... to.....
7. W.S. Page..... to.....
8. Rejoinder..... page..... to.....
9. Reply page..... to.....
10. Any other papers page..... to.....
11. Memo Appearance pg- 01 to (67) 01 ✓

SECTION OFFICER (JUDL.)

15.7.2015

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

- ✓ 1. ORIGINAL APPLICATION No : 210 / 2009
2. Transfer Application No : ----- / 2009 in O.A. No. -----
3. Misc. Petition No : ----- / 2009 in O.A. No. -----
4. Contempt Petition No : ----- / 2009 in O.A. No. -----
5. Review Application No : ----- / 2009 in O.A. No. -----
6. Execution Petition No : ----- / 2009 in O.A. No. -----

Applicant (S) : Shri Niranjana Dey

Respondent (S) : Union of India & ors

Advocate for the : Mr. M. Chandra

{Applicant (S)} Mrs. L. Dutta & Mr. S. Choudhury

Advocate for the : -----
{Respondent (S)} CGSC.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. of Rs. 50/- d deposited vide PO/BB No. <u>396/42446</u> Dated <u>16.9.09</u></p> <p>Dy. Registrar <u>13/10/09</u></p> <p>4 (Four) Copies of Application with envelope received for issue notices to the Respondents Nos 1 to 4. Copy served.</p> <p><u>13/10/09</u> Memo of appearance filed by Mrs. M. Das, Sr, CGSC on behalf of the Respondents,</p>	<p>14.10.2009</p> <p>/bb/</p>	<p>For the reasons recorded separately, this case is permitted to be withdrawn.</p> <p><u>(M.K. Chaturvedi)</u> Member (A)</p> <p><u>(M.R. Mohanty)</u> Vice-Chairman</p>

14.10.09

16/10/09

Copy of judgment
order dtd 9/10/09 send
to the D/section for
issuing to the Applicant
& Respects along with
Notice. by Regel post
with A/D.

Free copies of both
side standing, counsel
by hand.

~~15/10/09~~
16/10/09

D/No 12422 to 12428

Dtd. 10-11-2009

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**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A No. 210 of 2009 &

M.P. No. 105 of 2009

DATE OF DECISION: 14.10.2009

Shri Niranjana Dey

.....Applicant/s.

Mr.M.Chanda & Mrs.U.Dutta & Mr.S.Choudhury

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

- Versus -

U.O.I. & Ors

.....Respondent/s

Mrs.Manjula Das, Sr. C.G.S.C.

.....Advocate for the
Respondents

CORAM

**THE HON'BLE MR.MANORANJAN MOHANTY, VICE CHAIRMAN
THE HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)**

- | | | |
|----|---|-----------------|
| 1. | Whether Reporters of local newspapers may be allowed to see the Judgment? | <u>Yes/No</u> ✓ |
| 2. | Whether to be referred to the Reporter or not? | <u>Yes/No</u> ✓ |
| 3. | Whether copies to be circulated to other Benches? | <u>Yes/No</u> ✓ |
| 4. | Whether their Lordships wish to see the fair copy of the Judgment? | <u>Yes/No</u> ✓ |

Judgment delivered by

Vice-Chairman/Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 210 of 2009

And

Misc. Application No. 105 of 2009.

Date of Order: This, the 14th of October, 2009

HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

HON'BLE SHRI M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

Shri Niranjana Dey
PIS No.117219
Son of Late Naresh Chandra Dey
Retired as Assistant Central Intelligence Officer
Grade-II/General.

.....Applicant


By Advocates: Mr. M.Chanda, Mrs.U.Dutta & Mr.S.Choudhury.

-Versus-

1. The Union of India,
Represented by the Secretary
to the Government of India
Ministry of Home Affairs
New Delhi: 110 001.
2. The Director
IB Head quarter
New Delhi.
3. The Assistant Director/C-4
IB Headquarters
New Delhi.
4. The Assistant Director/E
Subsidiary Intelligence Bureau
Guwahati.

.....Respondents

By Advocate: Mrs.M.Das, Sr. C.G.S.C.



ORDER (ORAL)
14.10.2009

MANORANJAN MOHANTY, (V.C.):

Applicant was superseded in the matter of promotion during the year 2007. On his representation, the Department intimated him during March, 2008 that the DPC considered his case on the basis of record and did not recommend his case for promotion. Aggrieved by the said action of the Respondents, the Applicant (who is retired by now) has approached this Tribunal with the present O.A. filed under Section 19 of this Administrative Tribunals Act, 1985.

2. Applicant has also filed a petition (M.P. No.105/2009) praying for condonation of delay in approaching this Tribunal.

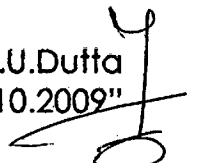
3. Copies of this O.A. and M.P. No.105/2009 have already been supplied to Mrs.M.Das, learned Sr. Standing counsel for the Government of India.

4. At the preliminary hearing for admission, Advocate for the Applicant has filed a Memorandum to the following effect:-

“ **MEMORANDUM**

With due respect, the applicant in the aforesaid case seeks liberty to withdraw the this original application and misc. petition and to submit a comprehensive representation after collection of relevant materials through RTI to the concerned authorities. Further liberty may be granted to approach the Hon'ble Tribunal as & when occasion arises.

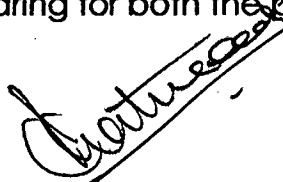
Sd/-Mrs.U.Dutta
14.10.2009”



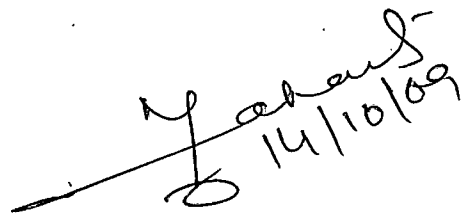
5. In the aforesaid premises, this O.A. and M.P. No.105/2009 are permitted to be withdrawn with grant of liberty to the Applicant to collect materials under RTI Act and represent his grievances before the Respondents. Needless to say that Respondents should do well in considering the said representation of the Applicant and grant him necessary relief, as due and admissible under the Rules.

6. We are not passing any order on the prayer of the Applicant in the matter of approaching this Tribunal afresh; because the doors of this Tribunal are always open for the genuine cases.

7. Send copies of this order to the Applicant and the Respondents (along with copies of the O.A.) in the address given in the O.A. and free copies of this order be also supplied to the learned counsel appearing for both the parties.



(M.K.CHATURVEDI)
ADMINISTRATIVE MEMBER



(MANORANJAN MOHANTY)
VICE CHAIRMAN

/BB/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

O.A. NO. 210/09

M.P. NO. 105/09

File in Court on 14.10.09

Court Officer.

N. R. Dey

-VS-

Union of India & ors.

MEMORANDUM

With due respect, the applicant in the aforesaid case seeks liberty to withdraw the ~~said~~ ^{this} original application and misc. petition ~~to~~ and to submit a comprehensive representation after collection of relevant materials through RTI to the concerned authorities. Further liberty may be granted to approach the Hon'ble Tribunal as & when occasion arises.

Dutta
14.10.09

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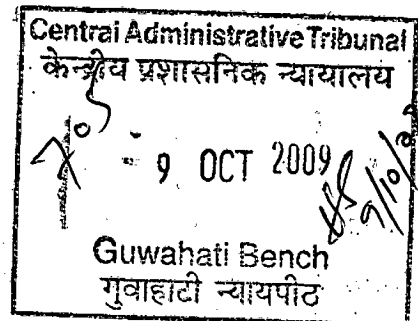
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH: GUWAHATI**
(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 210 /2009

Shri Niranjan Dey.

-Vs-

Union of India and Others.



SYNOPSIS OF THE APPLICATION

Being aggrieved for not reconsidering the promotion of the applicant to the grade of Assistant Central Intelligence Officer Grade-I/G (for short ACIO-I/G) inspite of attaining the eligibility for his promotion, whereas junior of the applicant was promoted to the cadre of ACIO-I/G. As per promotion order dated 26.12.2007 Shri Sudhangshu Debnath, who was junior to the applicant have been promoted in the cadre of ACIO-I/G. Whereas, the applicant is senior to Sri S. Debnath in the feeder cadre of ACIO-II/G, which is evident from the seniority list, wherein the name of the applicant appears at sl. no. 134 and the name of Sri S. Debnath appears at sl. no. 380. It is relevant to mention here that the applicant was promoted to the cadre of ACIO-II/G on 26.08.1994, whereas Sri Debnath got his promotion as ACIO-II/G on 22.12.1997 only. Applicant has intimated vide its impugned memorandum dated 18.03.2008 that the case of the applicant for promotion to the rank of ACIO-I/G was considered by the DPC 2007-08 but on the basis of his records, he was not recommended by the DPC for promotion. But they have not specified as to which record (s) of the applicant was considered as an impediment by the DPC for promotion of the applicant. The applicant has rendered services for long 37 years and got unblemished service records before his superannuation on 28.02.2008. Only one occasion the applicant could not attend his duties due to his illness and due to some procedural lapses in respect of his medical leave thereof, the period of his illness for 117 days (from 01.02.2004 to 14.05.2004) were unfortunately treated as unauthorized absence and hence treated as "Dies-Non" vide order dtd. 15.09.2004. The order of "Dies-Non" was issued in 2004 prior to which the applicant already completed 33 years of service which is the maximum limit for accruing pensionary benefits. He was due for promotion to the cadre of ACIO-I/G

even prior to 2004 and also completed 33 years of his service and had ~~he had been~~ promoted in time, the said "Dies-Non" would not have stood on his way of promotion.

Hence the present application.

LIST OF DATES

- 26.10.1969 Applicant was initially appointed as Security Assistant in the Subsidiary Intelligence Bureau.
- 1977 Applicant was promoted as Junior Intelligence Officer, Grade-II/General.
- 1986 Applicant was promoted to the rank of Junior Intelligence Officer/Grade-I.
- 26.08.1994 Applicant was promoted to the rank of Assistant Central Intelligence Officer Grade-II/General and Next Avenue of promotion is in the rank of Assistant Central Intelligence Officer Grade-I/G.
- 28.10.1994 Applicant since been working as ACIO-II/G.
(Ann-I)
- 22.12.1997 A seniority list of ACIO-II/G was published, wherein the name of applicant appears at sl. No. 134 and name of Sri S.Debnath appears at sl. No. 380.
(Ann-IV)
- 15.09.2004 Applicant could not attend his duties due to illness from 01.02.2004 to 14.05.2004 and unfortunately that period was treated as unauthorized absence and hence treated as "Dies-Non".
(Ann-VI)
- 26.12.2007 A large nos. of ACIO-II/G were promoted to the cadre of ACIO-I/G, but the applicant was deprived from the consideration of promotion to the cadre of ACIO-I/G.
(Ann-II)
- 14.02.2008 Applicant submitted a representation praying for consideration of promotion to the cadre of ACIO-I/G, the applicant pointed out in his representation that his juniors Sri S.Debnath has been promoted vide order dated 26.12.2007 but inspite of senior his case was not considered for promotion.
(Ann-III)
- 18.03.2008 Against the representation submitted by the applicant, respondents authority has intimated that the case of the applicant for promotion to the rank of ACIO-I/G was considered by the DPC 2007-08 but on the basis of his records, he was not recommended by the DPC for promotion.
(Ann-V)

Hence this O.A before this Hon'ble Tribunal.

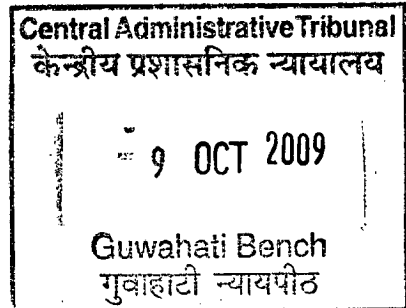
PRAYER

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum no. E-7/2004(NRD)-4398 dtd. 18.03.2008 (Annexure-V).
2. That the respondents be directed to promote the applicant to the cadre of Assistant Central Intelligence Officer Gr-I/General at least from the date of promotion of his junior Sri Sudhangshu Debnath, with all consequential benefits.
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:

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

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar to the respondents for providing the relief as prayed for.



13

**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.** 210 /2009

Shri Niranjana Dey.

: Applicant.

-Versus-

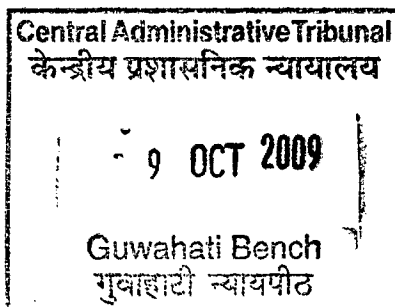
Union of India & Ors.

: Respondents.

INDEX

Sl. No.	Annexure	Particulars	Page No.
1.	—	Application	1-8
2.	—	Verification	9
3.	I	Copy of office order dtd. 28.10.1994	-10-
4.	II	Copy of extract of promotion order dtd. 26.12.2007	-11-
5.	III series	Copy of representation and forwarding memo. dtd. 14.02.2008 along with the promotional list of ACIO/Grade-I	12-14
6.	IV	Copy of the extract of the seniority list	15-16
7.	V	Copy of impugned memorandum dtd. 18.03.2008	-17-
8.	VI	Copy of order dtd. 15.09.2004	-18-

Date:- 12.10.09



Filed By:

Wanta
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O.A. No. 210 /2009

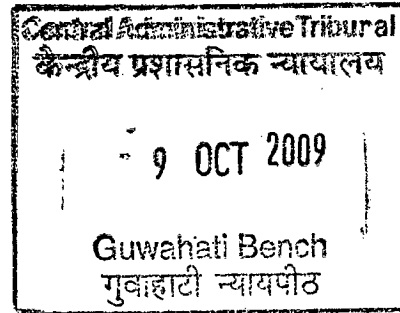
BETWEEN:

Shri Niranjan Dey,
PIS No. 117219,
Son of Late Naresh Chandra Dey,
Retired as Assistant Central Intelligence officer,
Grade-II/General.

---Applicant.

-AND-

1. The Union of India
Represented by the Secretary to the
Government of India,
Ministry of Home Affairs.
New Delhi- 110001
2. The Director,
I B Head quarter,
New Delhi.
3. The Assistant Director/C-4,
I B Headquarters,
New Delhi
4. The Assistant Director/E,
Subsidiary Intelligence Bureau,
Guwahati.



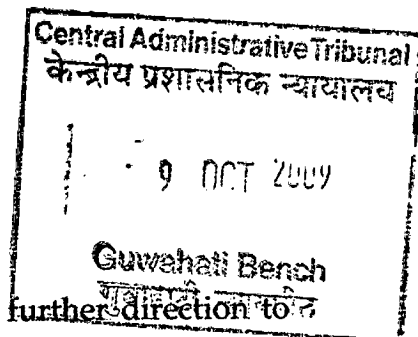
..... Respondents.

DETAILS OF THE APPLICATION1. Particulars of the order (s) against which this application is made:

This application is made against the impugned memorandum No. E-7/2004 (NRD)/4398 dtd. 18.03.2008, whereby the applicant has been informed that his representation dtd. 14.02.2008 for his promotion to the rank of Assistant Central Intelligence Officer-I/G could not be considered since the DPC 2007-2008 did not recommend his name for promotion to the cadre of

Niranjan Dey.

Filed by the applicant
through U. Dutta, advocate
on 12.10.09 '09



ACID-I on the basis of his records and praying for a further direction to hold review DPC for reconsideration of promotion of the applicant ignoring the order of dies non/downgrading of ACR if any by the DPC

2. Jurisdiction of the Tribunal:

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

3. Limitation:

The applicant further stated that a separate application has been filed for condonation of delay.

4. Facts of the case:

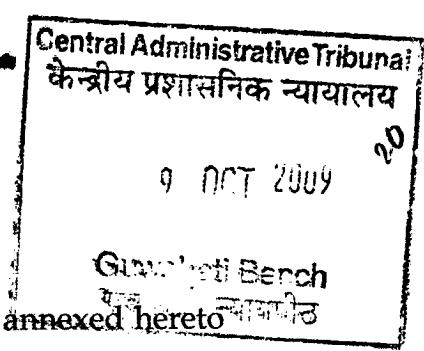
4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant was initially appointed as security Assistant in the Subsidiary Intelligence Bureau on 26.10.1969. Then he was promoted as Junior Intelligence Officer Grade-II (general) in the year 1977 and thereafter promoted again as Junior Intelligence officer Grade-I (general) in 1986. Eventually he was promoted to the rank of Assistant Central Intelligence Officer Grade-II (general) w.e.f 26.08.1994 and his next avenue of promotion is in the rank of Assistant Central Intelligence Officer Grade-I/G. The applicant has since been working as ACIO-II/G which is evident from the office order no. 483 dtd. 28.10.1994.

Copy of office order no. 483 dtd. 28.10.1994 is annexed hereto and marked as Annexure-I.

4.3 That the applicant attained the eligibility for his promotion to the grade of Assistant Central Intelligence Officer Grade-I/G (for short ACIO-I/G) and was expecting for his promotion. But surprisingly vide one order No. 5/C-4/2007(1)-6222 dtd. 26.12.2007 a large nos. of ACIO-II/G were promoted including the juniors to the cadre of ACIO-I/G and the applicant was excluded from consideration for promotion.

Nisargan Dey.



Copy of extract of promotion order dtd. 26.12.2007 is annexed hereto and marked as Annexure- II.

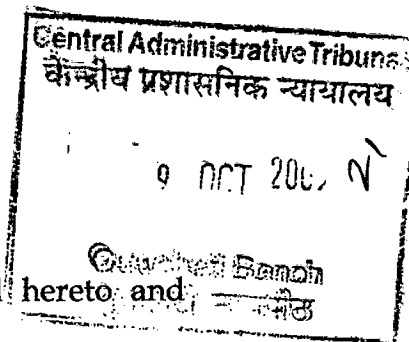
4.4 That the list under the promotion order dated 26.12.2007 contained the name of some persons who were even junior to the applicant whereas the name of the applicant did not find any place in the list although the applicant was eligible and a legitimate expectant for promotion to the cadre of ACIO-I/G. It is relevant to mention here that one Shri Sudhangshu Debnath, who is junior to the applicant has been promoted as ACIO-I/G under the said order dtd. 26.12.2007 and the name of Sri Sudhangshu Debnath appears at sl. no. 5 of the promotion list.

4.5 That thereafter, the applicant submitted one representation through proper channel on 14.02.2008 against exclusion of his name from promotion under the order dated 26.12.2007 and prayed for his promotion to the cadre of ACIO-I/G. In his said representation, the applicant pointed out that since his junior Sri S.Debnath has been promoted vide order dated 26.12.2007 aforesaid, the applicant ought to have been promoted. He further pointed out that he is in the verge of retirement and his date of superannuation falls on 29.02.2008 and he is senior to Sri S.Debnath. His representation was forwarded by the In-Charge, SIB, Lumding vide forwarding memo. dtd. 14.02.2008.

Copy of representation, forwarding memo. dtd. 14.02.2008 along with promotion order dated 26.12.2007 is annexed hereto as Annexure-III series.

4.6 That the applicant most respectfully begs to submit that the applicant is senior to Sri S.Debnath in the feeder cadre of ACIO-II/G, which is evident from the seniority list wherein the name of the applicant appears at sl. no. 134 and the name of Sri S. Debnath appears at sl. no. 380. It is relevant to mention here that the applicant was promoted to the cadre of ACIO-II/G on 26.08.1994, whereas Sri Debnath got his promotion as ACIO-II/G on 22.12.1997 only. As such non-consideration of the case of the applicant for promotion is arbitrary, discriminatory, unfair and illegal.

Nisargan Day.



Copy of the extract of the seniority list are annexed hereto and marked as Annexure- IV.

- 4.7 That in response to the representation submitted on 14.02.2008 by the applicant, the respondents vide the impugned memorandum no. E-7/2004(NRD)-4398 dated 18.03.2008 has intimated that the case of the applicant for promotion to the rank of ACIO-I/G was considered by the DPC 2007-08 but on the basis of his records, he was not recommended by the DPC for promotion.

Copy of impugned memorandum dtd. 18.03.2008 is annexed hereto and marked as Annexure-V.

- 4.8 That the applicant most respectfully begs to submit that the respondents in their impugned memorandum dtd. 18.03.2008 has not specified as to which record (s) of the applicant was considered as an impediment by the DPC for promotion of the applicant. The applicant has rendered services for long 37 years before his superannuation on 28.02.2008 during which he has got unblemished service records. Only on one occasion the applicant could not attend his duties for a long spell due to his illness and due to some procedural lapses in respect of his medical leave thereof, the period of his illness for 117 days (from 01.02.2004 to 14.05.2004) were unfortunately treated as unauthorized absence and hence treated as "Dies-Non" vide order No. E-33/99 (21)-3476-4622 dtd. 15.09.2004.

Copy of order dtd. 15.09.2004 is annexed hereto and marked as Annexure-VI.

- 4.9 That the applicant most humbly begs to state that in the order dtd. 15.09.2004, it was clearly mentioned that his absence constituting "Dies-Non" aforesaid shall not constitute break in service and as such it does not have any bearing on his promotion which the DPC might have misconstrued as an impediment for his promotion.
- 4.10 That the applicant most respectfully begs to state that DPC 2007-2008 must have acted upon some adverse/downgrading of ACR's of the applicant which led to the exclusion of the applicant from his promotion to the rank of

Niranjana Day.

ACIO-I/G. It is relevant to mention here that the adverse entries or downgrading or below a bench mark in his ACR if any, had never been communicated to the applicant and as such uncommunicated adverse ACR/down grading/below bench mark ACR cannot be acted upon as per the settled position of law. It is apprehended that the ACR of the applicant must have been downgraded with the ill motive of depriving the applicant of his legitimate promotion and the DPC must have acted upon the same so as to exclude the applicant from his promotion to the rank of ACIO-I/G in an illegal manner.

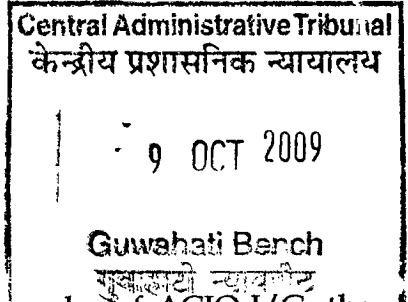
Further "dies-non" as imposed upon the applicant in the instant case is not a penalty (minor or major) under the CCS (CCA) Rules and as such it cannot be construed as an impediment for promotion of the applicant.

As such denial of promotion to the applicant on the ground of uncommunicated adverse ACR/down grading of ACR or on account of below bench mark ACR if any, or on account of 'dies-non' is malafide, arbitrary, unfair and illegal and hence liable to be set aside and quashed.

4.11 That the applicant most respectfully begs to submit that the order of "Dies-Non" was issued in 2004 prior to which the applicant already completed 33 years of service which is the maximum limit for accruing pensionary benefits. He was due for promotion to the cadre of ACIO-I/G even prior to 2004 and also completed 33 years of his service and had he been promoted in time, the said "Dies-Non" would not have stood on his way of promotion. As such, the so called unauthorized absence and "Dies-Non" after his rendering the maximum limit of 33 years of service has lost its force and rigour and cannot be treated as a record against his promotion which is arbitrary, unfair and opposed to the principles of natural justice.

4.12 That the applicant most respectfully begs to state that when his other batchmates including his junior Sri Sudhangshu Debnath has been promoted, there cannot be any reason to deny promotion to the applicant to the cadre of ACIO-I/G since he is similarly situated as Sri Debnath and others. As such non-consideration of his promotion is discriminatory and violative of the provisions of Article 14 and 16 of the Constitution of India.

Niranjana Dey



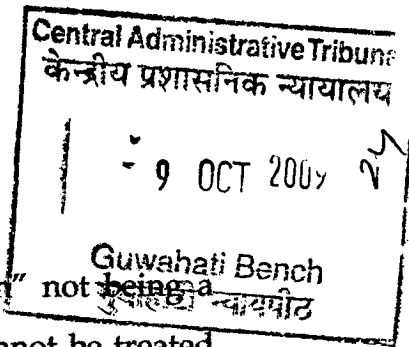
4.13 That due to illegal denial of his promotion to the cadre of ACIO-I/G, the applicant has suffered great loss and he has eventually retired on superannuation on 28.02.2008 without getting any justice. As such, finding no other alternative, the applicant has approached this Hon'ble Tribunal for protection of his legitimate right and interest and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interest of the applicant, directing the respondents to consider the case of the applicant for promotion to the grade of ACIO-I/G with all consequential benefits.

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

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

- 5.1 For that, the applicant acquired a valuable and legal right for promotion to the grade of ACIO-I/G. he was eligible and a legitimate expectant for the post of ACIO-I/G as per the doctrine of legitimate expectation.
- 5.2 For that, vide order dtd. 26.12.2007 (Ann-II hereto) persons even junior to the applicant has been promoted as ACIO-I/G in supersession to the applicant which is arbitrary, unfair, malafide and opposed to the principles of natural justice.
- 5.3 For that, the applicant is similarly situated as those who have been promoted under order dtd. 26.12.2007, and as such denial of promotion to the applicant is discriminatory and violative of the provisions of Article 14 and 16 of the Constitution of India.
- 5.4 For that, the statement of the respondents that the DPC did not recommend for the promotion of the applicant on the basis of his records is not sustainable in as much as that the respondents have not spelt out as to which records have been viewed by the DPC as the impediments for promotion of the applicant.
- 5.5 For that, the DPC 2007-2008 must have been acted upon some downgraded ACR/Dies non/or ACR below bench mark, which has never been communicated to the applicant. A downgraded adverse ACR if

Niranjana Dey



uncommunicated, cannot be acted upon. Further "dies-non" not being a listed penalty (minor or major) under CCS (CCA) Rules cannot be treated as an impediment for promotion of the applicant. As such denial of promotion to the applicant on the basis of an uncommunicated down grading ACR if any or on account of dies-non" is malafide, arbitrary, unfair and illegal and hence liable to be quashed.

5.5 For that, the applicant has rendered unblemished service for long 37 years and he ought to have been promoted at least before his retirement w.e.f the date of his junior has been promoted.

5.7 For that, the applicant submitted representation for consideration of his promotion but has been denied justice.

5. **Details of remedies exhausted.**

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

6. **Matters not previously filed or pending with any other Court.**

The applicant 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 applicant 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 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. E-7/2004 (NRD)-4398 dtd. 18.03.2008 (Annexure-V).

Nizarjan Dey.

8.2 That the respondents be directed to promote the applicant to the cadre of Assistant Central Intelligence Officer Gr-I/General at least from the date of promotion of his junior Sri Sudhangshu Debnath, with all consequential benefits, by holding the review DPC, ignoring the order of "dies non" dated 15.09.2004 or down grading ACR or ACR below bench mark if any.

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 direct the respondents that the pendency of this application shall not be a bar to the respondents for providing the relief as prayed for.

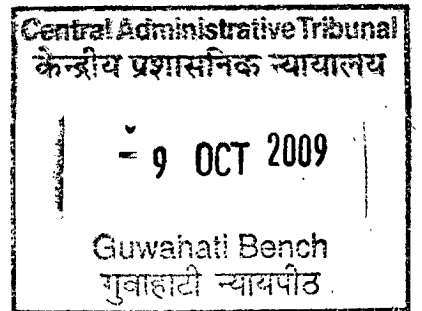
10.

11. **Particulars of the I.P.O**

- | | | | |
|------|---------------|---|-------------------|
| i) | I.P.O No. | : | 394 424 446 . |
| ii) | Date of issue | : | 16. 09. 09 . |
| iii) | Issued from | : | G.P.O. Guwahati . |
| iv) | Payable at | : | G.P.O. Guwahati . |

12. **List of enclosures:**

As given in the index.



Niranjana Dey.

VERIFICATION

I, Shri Niranjana Dey, S/o- Late Naresh Chandra Dey, aged about 62 years, resident of Link Road, Lane no. 9, P.O Silchar-788006, Dist-Cachar, Assam 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 3rd day of October, 2009.

Niranjana Dey,

OFFICE ORDER NO. 483 DATED 28-10-94

In pursuance of IB Hqs. order issued under endorsement No. 4/C-4/94(30)-3430/3840 dated 6.7.94 and 3.8.94, Shri N.R.Dey, JIO-1/G (PIS No. 117219) of this SIB has taken over as ACIO-II/G on the forenoon of 26.8.94 on promotion.

As JIO-1/G, Shri Dey was drawing pay @ Rs. 1530/-p.m. in the scale of Rs. 1320-30-1560-EB-40-2040 w.e.f. 1.10.93 and his pay on promotion to the rank of ACIO-II/G is fixed as under in terms of FR 22(1)(a)(i).

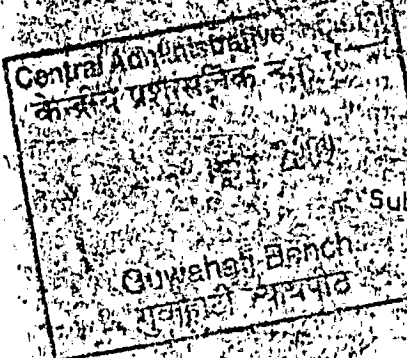
Rs. 1640/-p.m. in the scale of Rs. 1640-60-2600-EB-75-2900 w.e.f. 26.8.94.

His date of next increment will be 1.8.95.

MRA and other allowances as admissible at his place of posting i.e. Haflong as per Central Govt. rate.

Sd/-

Joint Asstt. Director



No. E-7/88(27)- 4732
Subsidiary Intelligence Bureau
(MHA), Government of India
Guwahati

Dated the 1-11-94

Copy to:-

1. The Sr. Accounts Officer, RPAO (IB), Shillong-3.
2. The Assistant Director/G, I.B. Hqs. New Delhi.
3. The Assistant Director/CC, -do-
4. The Section Officer (ACR), -do-
5. The Section Officer (CC), -do-
6. The Section Officer/A, SIB, Guwahati (2 copies).
7. The DCIO, SIB, Haflong (2 copies - One copy for Shri N.R.Dey, ACIO-II/G).
8. Shri H.P. Dey, UDC and Smt. B. Das and P. Rai (both LDCs) (E/Br.), SIB, Guwahati.
9. R Branch, SIB, Guwahati.
10. T & P File No. E-2/94(A-II).
11. O.O. Book.

Section Officer/E

Copy to Shri Dey for info. H. S. Dey
Submitted to D. S. Dey

- 11 -

ANNEXURE → II 28

No. 5/C-4/2007(1)-6222
INTELLIGENCE BUREAU
(Ministry of Home Affairs)
Government of India

New Delhi, the **26.12.2007**

Copy for information/necessary action to :-

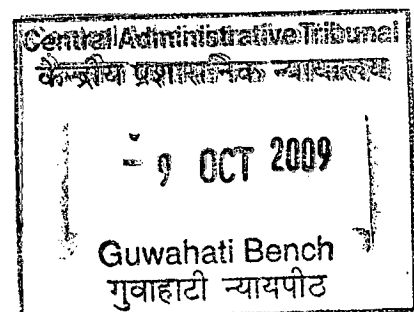
1. **PS to DIB.**
2. **PSs to SD/E, SD/G, SD/S and SD/K, IB Hqrs.**
3. **PS to AX/N, IB Hqrs., New Delhi.**
4. **The Joint Directors** : A, B, E, I, MAC, N, Ops, P, S, Tech, Trg. and X, IB Hqrs.
5. **The Joint Directors, SIBx** : Ahmedabad, Bangalore, Bhopal, Chandigarh, Chennai, Delhi, Guwahati, Hyderabad, Itanagar, Jaipur, Kohima, Kolkata, Lucknow, Mumbai, Patna, Raipur, Ranchi, Srinagar and Trivandrum.
6. **The Deputy Directors** : E, Eco-Int, G, I, NE-Ops, Ops, P, S and SA, IB Hqrs...
7. **The Deputy Directors, SIBx** : Agartala, Aizawl, Amritsar, Gangtok, Imphal, Jammu, Nagpur, Shillong, Siliguri, Varanasi, and Vijayawada.
8. **The FRROs** : Amritsar, Chennai and Delhi.
9. **ADDs/JDDs/ADs, SIBx** : Agartala, Ahmedabad, Aizawl, Amritsar, Bangalore, Bhopal, Chandigarh, Chennai, Dehradun, Delhi, Dibrugarh, Gangtok, Guwahati, Hyderabad, Imphal, Jaipur, Jammu, Kohima, Kolkata, Leh, Lucknow, Meerut, Mumbai, Nagpur, Patna, Raipur, Ranchi, Shillong, Siliguri, Srinagar, Trivandrum, Varanasi and Vijayawada.
10. **ADs/JDDs/SOs/DCIOs** : ACR, Admn., Budget, CC, C-II(B), CIC, CIT, Cash-II, Comp(SW), Control Room, D-1, E, Eco-Int, Exam, Finance, GPF, G-1, G-2, I, JTFI, L, LK, MAC, MT Workshop, NE-Ops, Ops, PIS, Pension, Petrol Pump, SB, SES-III, SES-VII, SES-XIV, SES-J, TR, Trg, U-1, U-3, VO, Vigilance, Welfare and YO, IB Hqrs..
11. **The Assistant Director/G, IB Hqrs., New Delhi w.r.t. his memo. No.13/Prom(G)/2007(1)-2285 dated 14.12.2007.**
12. **Building-Incharges** : 'C' Block, 'D' Block and Filmistan Building, IB Hqrs..
13. **SO's folder/MF/PFs/Shri BS, Shri RPS and Shri JP, C-4 Br., IB Hqrs..**

Assistant Director

* * * * *

Page 9 of 32

*Attested
Mulla
Ash*



To,

THE ASSISTANT DIRECTOR/C-4
IB HQRS, NEW DELHI
THROUGH: - PROPER CHANNEL

SUB: REQUEST FOR PROMOTION TO THE RANK OF ACIO-I/G

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
0 OCT 2007
Guwahati Bench गुवाहाटी न्यायपीठ

RESPECTED SIR,

I have the honour to state that I Sri N.R Dey, ACIO-II /G (PIS No. 117219) had been promoted to this rank on 26 - 08 - 1994 and my date of Superannuation is 29 - 02 - 2008.

Recently a promotion list from ACIO - II/G to ACIO - I/G has been issued by IB, HQRS, C - 4 Branch vide their memo no. 5/C - 4/2007 (I) - 6222 dated 26/12/2007 in which officers junior to me have been promoted. For instance, in that list Sri Sudhangshu Debnath (PIS No. 110711) of SIB Guwahati at Sl. No. 5 has got promotion where as he is junior to me. I was promoted as ACIO - II/G on 26 - 08 - 1994 where as Sri S. Debnath was promoted on ACIO - II/G on 22 - 12 - 1997. In the latest seniority list of ACIO - II/G Sri S. Debnath stands at Sl. No. 380 and myself stands at Sl. No. 134. Hence, it is proved that a junior officer to me has been promoted before me and I have not got promotion which is due to me.

Now I humbly request to know why I have not been promoted on time, what is the reason of my supersession. I am going to retire on 29 - 02 - 2008. Hence, it is again requested to look into this matter sympathetically and issue order for my promotion before the date of my superannuation. Photocopy of seniority list is enclosed herewith for your ready reference please.

With regards

Yours Faithfully

(Signature)
(N.R. Dey)
ACIO - II/G
PIS No. 117219.
SIB/LUMDING

Advance copy for information to: -
The Assistant Director/C - 4
IB, HQRS, New Delhi.

*Attached
Mita
Adv*

Annexure-III series

(Typed Copy)

No. 1/ESTT/LMG/08.59.60

SIB (MHA) Govt. of India.

Lumding

Dated 14.02.08

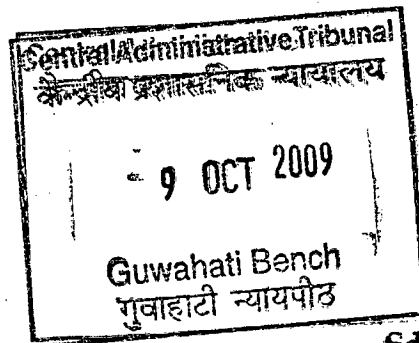
-MEMO-

Enclosed kindly find herewith one representation submitted by Shri N.R.Dey ACIO-II/G of this post in connection with his promotion for your kind perusal and sympathetic consideration.

Shri Dey is to retire on 29.02.2008.

Enclo:- one (1)

(as stated)



Sd/-

14.02.2008

I/C SIB, Lumding.

Adv. Copy for information to

The Asstt. Director/C-4

IB, Hqrs, New Delhi.

*Attested
Date
Adv*

- 13A -

ANNEXURE - III

(Series)

NO: JESTT/LMTS/02-59-60
SIB (MHA) GOVT, India
LMDINTG

Dated, 14.02.02

- MEMO -

Enclosed kindly find herewith
one representation submitted
by Shri NR Day, Asst. Secy,
his post in connection with
his promotion, for your
kind perusal and sympathetic
consideration.

Shri Day is to retire on
29.02.02.

Encl: one (1)
(As stated)

DDhepan

Adv. COR, Secy. to Govt.

I/C SIB Lmding
14/2/02

The Asstt. Director/R-4
IR, Hqs., New Delhi

Attested
Mulla
Adv

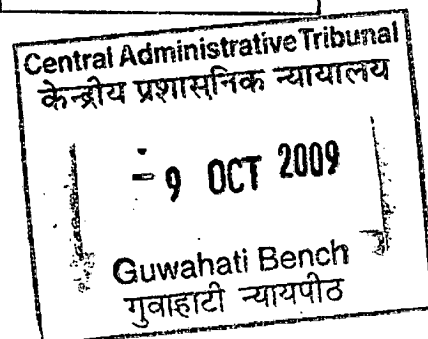
Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
9 OCT 2009
Guwahati Bench गुवाहाटी न्यायपीठ

ORDER

The following Assistant Central Intelligence Officers/Grade-II (General) are promoted to the grade of Assistant Central Intelligence Officer/Grade-I (General) in an officiating capacity with effect from the dates they take over as Assistant Central Intelligence Officer/Grade-I (General) at the places as mentioned against their names in Column No. 5 :-

SL. NO.	NAME (S/SHRI)	PIS NUMBER	PRESENT PLACE OF POSTING (SIBx)	PLACE OF POSTING ON PROMOTION (SIBx)
1.	R.B. SHENVI	110145	MUMBAI	UNDER JD, SIB, MUMBAI
2.	MAHENDRA SINHA	119081	AIZAWL	AIZAWL
3.	HIRANMOY BISARAD	115528	SHILLONG	SHILLONG
4.	BHUBANESWAR SINHA	118139	GUWAHATI	GUWAHATI
5.	SUDHANGSHU DEBNATH	110711	GUWAHATI	GUWAHATI
6.	BIRENDRA KUMAR GHOSH	121138	GUWAHATI	GUWAHATI
7.	HUKUM CHAND DAKSH	115827	BHOPAL	BHOPAL
8.	GOPAL KRISHAN SIROHIYA	115650	BHOPAL	BHOPAL
9.	MUMNA LAL DEODE	115652	BHOPAL	BHOPAL
10.	NECK RAM PATEL	118231	BHOPAL	BHOPAL
11.	G.P. SRIVASTAV	111755	BHOPAL	BHOPAL
12.	MAHABIR PRASAD	100377	IB HQRS.	IB HQRS.
13.	JUGAL KISHORE	100367	IB HQRS.	IB HQRS.
14.	B.S. TOKAS	101303	IB HQRS.	IB HQRS.
15.	BAL KISHAN DASS	100369	IB HQRS.	IB HQRS.
16.	MITHU RAM NAPIT	101295	IB HQRS.	IB HQRS.
17.	SURAJ MAL	101275	IB HQRS.	IB HQRS.
18.	B.P. PALI	100479	DELHI (BOI)	DELHI (BOI)
19.	DAYA NAND PATHAK	102088	IB HQRS.	IB HQRS.
20.	DAYA RAM PANDEY	100349	DELHI	DELHI
21.	SATYAVIR SINGH	100344	MUMBAI	UNDER JD, SIB, MUMBAI
22.	SUSHIL KUMAR SONI	101278	DELHI	DELHI
23.	M.K. DEWAN	102516	IB HQRS.	IB HQRS.
24.	P.K. BAJRA	100374	IB HQRS.	IB HQRS.
25.	KRISHAN CHAND	101298	SRINAGAR	UNDER JD, SIB, SRINAGAR
26.	RAM NARESH	102259	IB HQRS.	IB HQRS.
27.	V.K. NARAYANAN	100365	CHENNAI	CHENNAI
28.	M.S. BISHT	116671	MEERUT	UNDER JD, SIB,

*Admitted
10/10/09
Ash*



Seniority list of ACIOs-II/G

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
121	Arum Kr. Tripathi (S.M)	124649	Gen	20-10-58	11-08-94 /A-II	11-08-94	01-04-98 /A-II	D
122	Gopal Singh (Ex.S.M.)	108273	Gen	03-02-57	17-01-95 /A-II	17-01-95	01-04-98 /A-II	D
123	Digendra Singh	124383	Gen	01-06-72	17-01-94 /A-II	17-01-94	01-04-98 /A-II	D
124	Biswanath Samaddar	124310	SC	03-12-64	17-01-94 /A-II	17-01-94		D
125	Ms. Rupinder Virk	124193	Gen	30-06-72	01-03-94 /A-II	01-03-94	01-04-98 /A-II	D
126	A. Bhupal Reddy	108264	Gen	31-12-71	16-01-95 /A-II	16-01-95	01-04-98 /A-II	D
127	Ms. Savitri Pant	107791	Gen	20-07-59	18-08-94 /A-II	18-08-94	01-04-98 /A-II	Comp. Appt.-I
128	Gopal Krishan	100443	Gen	05-05-47	12-12-69 /SA	21-01-94		Absorbee
129	Hamir Singh	108005	Gen	19-07-52	3-4-95/Dep/A-II	3-4-2000/Ab	01-04-01 /A-II	
130	Makhan Singh	119602	SC	02-11-52	15-09-83 /J-I	19-07-94(NP)	01-04-89 /J-I	
						15-11-94		
131	D.K. Dalal	111935	Gen	25-08-49	27-04-70 /SA	08-09-94	01-08-73 /SA	
132	Rajinder Pd. Gupta	113176	Gen	02-01-48	15-07-68 /SA	08-07-94	01-08-72 /SA	
133	T. Bhaskaran	115959	Gen	03-05-47	04-09-69 /SA	17-08-94	01-08-82 /J-I	
134	Niranjan Dey	117219	Gen	10-02-48	14/40/69 /SA	26-08-94	26-10-69 /SA	
135	Nischant Singh	110523	Gen	06-08-48	13-11-72 /SA	12-07-94	01-04-89 /J-I	

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायपीठ
- 9 OCT 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Witnessed
M. K. Datta
Adw

-16-
Seniority list of ACIOs-II/G

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
371	Ramesh Chandra Sarkar	125666	SC	19-11-57	20-01-97 /A-II	20-01-97	01-04-99 /A-II	D
372	Tapan Kr.Biswas	125670	SC	12-02-69	20-01-97 /A-II	20-01-97	01-04-99 /A-II	D
373	Parmar Hasmukhbhai	125721	SC	06-10-69	20-01-97 /A-II	20-01-97	01-04-99 /A-II	D
374	Banani Bera Das	125636	SC	21-01-68	20-01-97 /A-II	20-01-97	01-04-99 /A-II	D
375	R.B.Shenvi	110145	Gen	07-06-50	10-02-77 /J-II	27-05-97	01-04-98 /A-II	D
376	Ved Prakash Yadav	111536	Gen	22-01-48	04-06-69 /SA	5-12-97(NP) 31-10-03	01-09-97 /J-II	Absorbee
377	M.Sinha	119081	Gen	20-01-49	13-10-70 /SA	08-12-97	01-08-73 /SA	
378	H.Bisharad	115528	Gen	23-01-49	03-11-70 /SA	16-12-97	01-08-73 /SA	
379	B.Sinha	118139	Gen	01-09-49	24-11-70 /SA	16-12-97	01-08-73 /SA	
380	S.Debnath	110711	Gen	19-01-50	28-11-70 /SA	22-12-97	01-08-73 /SA	
381	N.C.Dutta	117985	Gen	01-08-47	03-12-70 /SA	08-12-97	01-08-73 /SA	
382	B.K.Ghosh	121138	Gen	14-02-48	08-12-70 /SA	16-12-97	01-08-73 /SA	
383	Bhagirath Malviya	115893	SC	24-04-47	08-10-70 /SA	05-12-97	01-04-88 /SA	
384	H.C.Daksh	115827	Gen	28-03-50	30-10-70 /SA	05-12-97	01-08-72 /SA	
385	G.K.Sirohiya	115650	Gen	24-06-49	10-01-71 /SA	05-12-97	01-08-72 /SA	

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

9 OCT 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

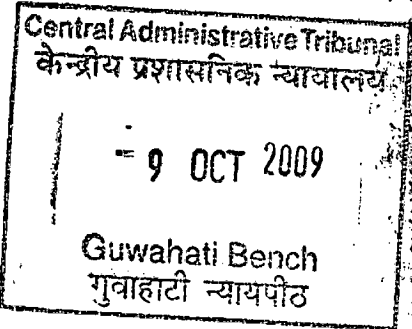
*Attested
Dutta
Adv*

- 17 -

ANNEXURE → N

35

No.E-7/2004(NRD)- 4398
Subsidiary Intelligence Bureau,
(Ministry of Home Affairs),
Government of India,
Guwahati.



Dated, the 18.10.2008

MEMORANDUM

Please refer to SIB, Lumding memo. No 1/EST 1/LMG-08-52-60 dated 14.02.2008 forwarding a representation submitted by Shri N.R. Dey, ACIO-II/G (Retd. / PIS No.117219 / 10.02.48) for his promotion to the rank of ACIO-I/G.

2. IB Hqrs. have since intimated that Shri N.R. Dey was duly considered for promotion to the rank of ACIO-I/G by DPC 2007-08. However on the basis of his records, he was not recommended for promotion to the rank of ACIO-I/G by the DPC.

3. Shri Dey, ACIO-II/G (Retd.) may please be informed accordingly.

4. The In charge SIB Lumding is directed not to make any correspondence directly with the IB Hqrs. in future.

18.10.08
Assistant Director/E

To
The In charge,
SIB, Lumding.

Attested
Dutta
Adv

ORDER

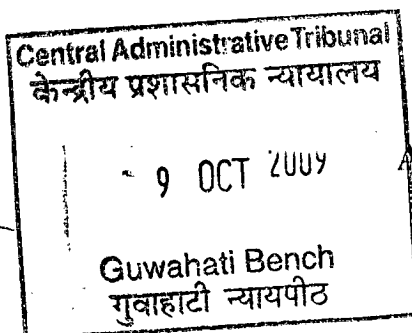
WHEREAS Shri N.R.Dey, ACIO-II/G left SIB Hqrs Shillong on 23.01.2004 without any intimation or sanction of leave and reported back for duty only on 20.05.2004 (FN) after absentsing unauthorisedly for 117 days.

AND WHEREAS Shri Dey did not send any application or medical certificate with regard to his illness except for sending telegrams on 17.02.04 and 20.05.2004 intimating about his sickness and his likely date of returning to duty.

AND WHEREAS on his joining on 20.05.2004, Shri N.R.Dey submitted medical certificates with regard to his illness from 01.02.04 to 14.05.04. The medical certificates were not found to be in order as same were not submitted in prescribed form and these certificates also did not bear signature of the patient.

AND WHEREAS Shri N.R.Dey did not send any medical certificates earlier providing a chance for seeking second medical opinion regarding his illness.

AND NOW THEREFORE, the undersigned having taken into account the conduct of Shri Dey in absentsing unauthorisedly and over staying the granted leave on a number of occasions without intimation to the office and the medical certificates submitted in the instant case, directs that the entire period of his absence from 24.01.04 to 19.05.04 (117 days) be treated as "Dies Non" which will neither be treated as qualifying service nor constitute break in service.



Sd/-
Assistant Director/Admn

No:- E-33/99(21)-3476 - 21622
Subsidiary Intelligence Bureau,
(MHA), Govt. of India
Shillong-793004

Dated, the 15 SEP 2004

Copy to :-

1. The Assistant Director/Admn, SIB, guwahati.
2. The Section Officer/A, SIB, Shillong for necessary action.
3. Shri N.R.Dey, ACIO-II/G, SIB, Lumding. C/A ADIA, SIB Guwahati.
4. The 'R' Branch, SIB, Shillong.

27/09/04.
Vatsted
Mitta
Adm

Signature
Assistant Director/Admn