

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 138.....2009 -  
R.A./CP/NO.....2015  
E.P./M.P./NO. 67.....2009 2009

1. Order Sheets..... 2 ..... pg..... 01 ..... to..... 04 ✓  
*MP 67/09 01 Pg - 01 02 ✓*
2. Judgment/ order dtd. ..... pg..... to.....
3. Judgment & Order dtd..... received from H.C. /Supreme Court.
4. O.A. .... 67/2009 ..... page..... 01 ..... to..... 61 ✓
5. E.P/M.P. ..... page..... to.....
6. R.A./C.P. ..... page..... to.....
7. W.S. *filed on behalf of the* ..... Page..... 01 ..... to..... 33 ✓  
*Respect*
8. Rejoinder ..... page..... to.....
9. Reply ..... page..... to.....
10. Any other papers ..... page..... to.....

*14.7.2015*  
SECTION OFFICER (JUDL.)

*14.7.2015*

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

1. Original Application No : 138 / 2009

2. Misc. Petition No : ----- in O.A. No.-----

3. Contempt Petition No : ----- in O.A. No.-----

4. Review Application No : ----- in O.A. No.-----

5. Execution Petition No : ----- in O.A. No.-----

Applicant (S) : Dr. P. Priyo Kumar Singh, more

Respondent (S) : Union of India's more

Advocate for the : Dr. N.K. Singh  
(Applicant (S)) Mr. S.R. Baruwa

Advocate for the : Mrs. M. Das  
(Respondent (S)) Addl. C.G.S.C.

Adv. 1st. Central Bench of C.A.T. (Guwahati)

REMARKS

Notes of the Registry	Date	Order of the Tribunal
This application is in form No. 138/2009. It is filed on 30.07.2009 and deposited on 30.07.2009. The application is filed by Mr. P. Priyo Kumar Singh, more. Dated 14.8.2009.	30.07.2009	Issue notice to the Respondents requiring them to file their written statement by 14.09.2009 in O.A.
Dy. Registrar 24/7/09		Call this matter on 14.09.2009.
24/7/09 Three copies of application with envelope received for issue notices to the Respondents No 1 to 3. Copy served.	nkm 14.09.2009	(M.K. Chaturvedi) Member (A) (M.R. Mohanty) Vice-Chairman
3/8/09 Copies of notices along with MP No-67/09 sent to D/Sec. for issuing to respondents by regd. A/D post. D/No-9394 to 9398	Dr. N.K. Singh, learned counsel for the Applicant is present. Ms. P.K. Zannat, Advocate is present on behalf of Mrs. M. Das, learned Addl. Standing counsel representing the Respondents. She prays for further time to file written statement.	
12/8/09. Dt 12/8/09	Call this matter on 29.10.2009 for Admission.	
	(M.K. Chaturvedi) Member (A)	

29.10.2009

Four weeks time, as prayed for, is allowed to Respondents enabling to file reply

No W/S filed.

28.10.09.

29.10.2009

Four weeks time, as prayed for, is allowed to Respondents enabling to file reply is allowed.

List on 30.11.2009.

29.11.09.  
No W/S filed.  
h.

/bb/

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

No W/S filed.

31.12.09

30.11.2009 Dr. N.K. Singh, learned counsel for the Applicant is present. Proxy counsel states that Mrs. M. Das, learned Addl. Standing Counsel for the Respondents is unwell and seeks time to file reply and allowed.

Call this matter on 04.01.2010.

(Madan Kumar Chaturvedi) (Mukesh Kr. Gupta)  
Member (A) Member (J)

/lm/

04.01.2010

M.A. 67 of 2009 filed under Rule 4 (5) of CAT (Procedure) Rules, 1987 seeking joining together is allowed.

Mrs. M. Das, learned Sr. CGSC for Respondents states that reply will be filed during course of the day and copy of which has already been supplied. Rejoinder, if any be filed before next hearing.

List the matter on 1<sup>st</sup> February, 2010.

4.1.2010  
W/S filed by the  
Respondents.  
Copy served.  
14/1/2010  
Amount of Rs. 100/- filed with the  
Court of Writs and Remonstrances.

No rejoinder filed.

15.1.2010

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

6/1/11

15.1.2010 (Madan Kumar Gupta)

O.A.138-09

01.02.2010

None appears for Applicants 3 in number.

3

In reply para 4 it has been stated that Applicants were employed as Combatant, Assistant Commandants (Medical Officer) in Assam Rifles (an armed force of the Union) which is not within the jurisdiction of this Tribunal in terms of Section 2 (a) of the Administrative Tribunals Act, 1985.

No rejoinder has been filed. In the circumstances, giving another opportunity to Applicants list on 08.02.2010.

No rejoinder filed.

3/2.2010

 (Madan Kumar Chaturvedi)  (Mukesh Kumar Gupta)  
Member (A) Member (J)

/bb/

08.02.2010

None appears for the applicants today also. No rejoinder has either been filed. Vide earlier order dated 1.2.2010 we have expressed our view on the maintainability of the present O.A.

Granting another final opportunity to applicant list on 15.2.2010.

No rejoinder filed.

3/2.2010

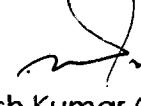
 (Madan Kr. Chaturvedi)  
Member (A)

 (Mukesh Kr. Gupta)  
Member (J)

/pg/

15.02.2010

Proxy counsel for Applicant prays for adjournment. List on 17.02.2010.

 (Madan Kumar Chaturvedi)  (Mukesh Kumar Gupta)  
Member (A) Member (J)

/bb/

O.A.138-09

17.02.2010

Present O.A. has been filed by 3 doctors who are working as Medical Officers in Assam Rifles.

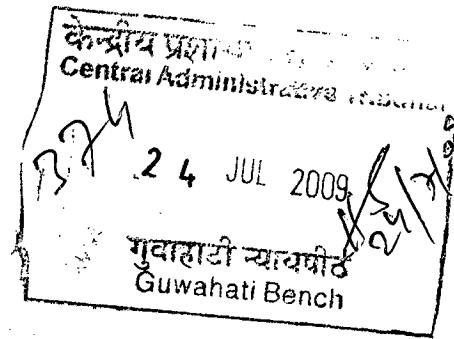
The Respondents have raised preliminary objection stating that Applicants are employed as combatant, Assistant Commandant (Medical Officer) in the Assam Rifles, which is an Armed Force of the Union of India.

In the above backdrop, we are of the considered view that Section 2(a) of the Administrative Tribunals Act, 1985 bars the jurisdiction of this Tribunal to entertain their grievances. In the circumstances, Registry is directed to return the original papers to the Applicants enabling them to take up appropriate steps. Second part of the paper be kept intact.

Accordingly, application is held to be non-maintainable and Registry to follow the aforesaid order.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

/bb/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 138 OF 2009

Application under Section- 19 of the A. T. Act of 1985

Dr. P. Priyo Kumar Singh & Ors.

..... Applicants.

- Vs -

Union of India & Ors.

..... Respondents.

INDEX

Sl. No.	Particulars	Annexure	Page
1	Synopsis	-	1
2	List of Dates (Events)	-	2-3
3	Application	-	4-17
4	Copy of formal order of appointment dated 3.08.1995; 26.07.1995 and 8.05.1996.	A(1), A(2), A(3)	18-20, 21-23, 24-26.
5	Copy of representation of Applicant No. 1 dated 25.03.1999.	B	27
6	Copy of recommendation letter of DGAR dated 8.09.1994.	C	28
7	Copy of advertisement for cadre of Medical Officers issued by the DGAR dated June 2001.	D	29- 32
8	Copy of representation of applicant No. 1 dated 6.03.2002.	E	33

Dr. P. Priyo Kumar Singh

24 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

9	Copy of Final Judgment and order of OA No. 192 of 1992 passed by the Hon'ble CAT, Guwahati, dated 13.11.2002.	F	34-40
10	Copy of appointment letters dated 1.10.2003; 9.10.2003 and 9.10.2003.	G(1), G(2), G(3).	41-44, 45-48 49-52.
11	Copy of termination order issued by the respondents.	H(1), H(2), H(3).	53, 54, 55.
12	Copy of representation of Applicant Nos. 1, 2 & 3.	I(1), I(2), I(3).	56-57, 58-59, 60-61.
13	Vakalatnama.		

14. W/S

Filed by-

*Dipan Kumar Sarmah*  
Advocate.

*Dy. P. Prady Kumar Singh*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 138 OF 2009

Application under Section- 19 of the A. T. Act of 1985

Dr. P. Priyokumar Singh and others.

..... Applicant.

- Vs -

Union of India & Ors.

..... Respondents.

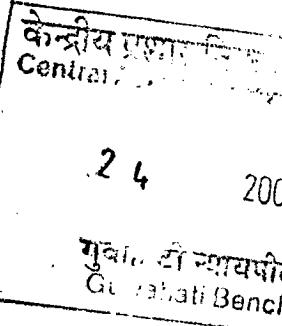
SYNOPSIS

The applicants appeared in the interview held on 20<sup>th</sup> Sept, and 17 and 18<sup>th</sup> Oct 1994 before the selection Board for appointment as Medical officer in the Assam Rifles. They were declared selected for appointment to the Cadre of Medical Officers on adhoc basis and the applicant No. 1,2 and 3 reported for duty on 11.7.1995, 30.6.1995 and 25.4.1996 respectively. The applicant No. 1 submitted his representation to the authority for regularization of his services stating that he was recruited against a regular vacancy on being selected by a duly constituted selection Board and also after advertisement. The applicant No. 1 approached this Hon'ble Tribunal by filling OA No. 192 of 2002. The Hon'ble Tribunal directed the respondents by its judgment and order dated 13.11.2002 to consider the case for regularization of services of the applicant. The applicant No. 1, 2, and 3 submitted their representation to the authority. The respondents have not yet taken any action for the regularization of the services of the applicants and hence the applicants file instant petition.

Filed by

*Prasenjeet Singh  
14/6/09*

*P. Priyokumar Singh*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO. /38 OF 2009

Application under Section- 19 of the A. T. Act of 1985

Dr. P. Priyo Kumar Singh & Ors.

..... Applicants.

- Vs -

Union of India & Ors.

..... Respondents.

LIST OF DATES

1. 11.07.1995; : Applicant No. 1, 2 & 3 joined for duties as Medical Officer in the Assam Rifles.  
Annexure- A (1), A(2)& A(3)  
30.06.1995 &  
25.04.1996
2. 03.08.1995; : Applicants were given the formal order of appointments.  
Annexure- A(1), A(2),& A(3).  
26.07.1995 &  
08.05.1996
3. 25.03.1999 : Applicant No. 1 submitted representation to the DGAR for consideration of his regular absorption in the Assam rifles as Medical Officer.  
Annexure-B
4. 08.09.1994 : Directorate General, Assam Rifles recommended for regularization for similarly situated doctors in the Assam rifles and subsequently they were regularized by the Deptt. of Health & Family Welfare, Govt. of India.  
Annexure-C
5. June 2001 : DGAR issued Circular directing Unit/Range Officers to forward copy of Advertisement for combatised Cadre of Medical Officers.  
Annexure-D

Dr. P. Priyo Kumar Singh

6. 06.03.2002 : Applicant No. 1 submitted representation to the DGAR for condonation of age limit.

Annexure-E

7. 15.07.2002 : Interim order of OA No. 192 of 2002 was passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench directing the Member Secretary Medical Officers Selection Board to allow the applicant to appear in the Selection Test.

8. 13.11.2002 : Final Judgment and order of OA No. 192 of 2002 was passed by the Hon'ble CAT, Guwahati Bench with the direction to the respondents to declare the result of the applicant and to consider the applicants' case for regularization.

Annexure-F

9. 01.10.2003; 09.10.2003 & 09.10.2003 : Applicants were issued appointment order for the post of Medical Officers (Asstt. Commandant) by DGAR.

Annexure- G(1), G(2), G(3)

10. 20.10.2003; 11.11.2003 & 11.11.2003 : Applicants accordingly joined for duties as Asstt. Commandant in the Assam Rifles.

11. 17.09.2003 : Respondents issued orders terminating the applicants from their appointments.

Annexure- H(1), H(2), H(3)

12. 03.08.2006, : Applicants submitted representations addressed to the respondents authority for regularization with effect from their initial date of joining in services.

Annexure- I(1), I(2), I(3).

Filed by-

*Abon Kumar*  
Advocate.

*Dr. P. Prakash Kumar, SM*

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORIGINAL APPLICATION NO. 138 OF 2009

Application under Section- 19 of the A. T. Act of 1985

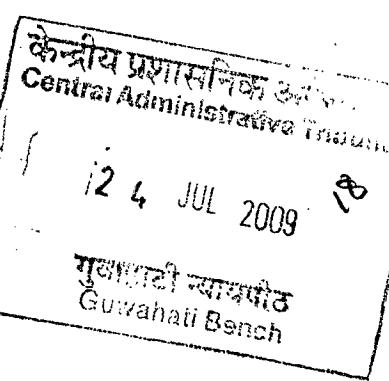
1. Dr. P. Priyokumar Singh,  
Bishnupur, Kha Ward No. 7,  
P.O. Bishnupur, Dist. Bishnupur,  
Pin-795126, Manipur.
2. Dr. (Ms) Niangkhan Ching,  
Rabunamai Village  
P.O. Mao, Dist. Senapati  
Pin-795150  
Manipur.
3. Dr. Ch. Saleo Mao  
Rabunamai Village  
P.O. Mao, Dist. Senapati  
Pin- 795150  
Manipur.

..... Applicants.

- Vs -

1. Union Of India,

Dr. P. Priyokumar Singh



Represented by the Secretary to the

Govt. of India, Ministry of Home Affairs,

New Delhi. - 110001

2. The Secretary to the Govt. of India,  
Ministry of Health and Family Welfare,  
Department of Health, New Delhi. - 110001
3. The Director General, Assam Rifles,  
Govt. of India, Ministry of Home Affairs,  
Shillong- 793001.

... Respondents.

**IN THE MATTER OF:**

Non regularization of the  
applicants' services.

- A N D -

**IN THE MATTER OF:**

Judgment/order dated 13.11.2002  
passed in O.A. 192 of 2002 by the  
Central Administrative Tribunal,  
Guwahati Bench.

- A N D -

**IN THE MATTER OF:**

Violation of Articles 14 & 16 of the  
Constitution of India.

Dr. P. P. Kumar Singh

24 JUL 2009

गुवाहाटी बैठक  
Guwahati Bench

**DETAILS OF THE APPLICATION:**

**1. PARTICULARS OF THE ORDER(S) AGAINST WHICH THIS APPLICATION IS MADE:**

This application is made praying for a direction upon the respondents to absorb the applicants on regular basis in the Cadre of Medical Officers with effect from the initial date of joining in service in Assam Rifles as Medical Officer with all consequential service benefits.

**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 applicants further declare that this application is filed within the limitation period prescribed under section- 21 of the Administrative Tribunal Act, 1985.

**4. FACTS OF THE CASE:**

4.1. That, in this application the applicants have common cause of action. The relief sought to be granted are also common. Hence, the applicants filed this composite petition. The applicant No. 2 and 3 have authorized the applicant No. 1 to take legal steps in this original petition.

4.2. The applicants passed their M.B.B.S. Examination in the year 1990 from Regional Medical College, Imphal. There after they were in

Dr. P. Gray Kumar Singh

24 JUL 2009

गुवाहाटी ब्याक्टरी  
Guwahati Bench

7

search of job. In the meanwhile Director General Assam Rifles, Ministry of Home Affairs, Shillong issued an advertisement during the year 1994 for recruitment of Medical Officers as they were in need of services of Medical officers. The applicants in response to the same advertisement applied for the post of Medical Officers in the prescribed format.

4.3. That the applicants thereafter appeared in the interview held on September and October 1994 before the Selection Board for appointment as Medical Officers as per terms and conditions laid down by Directorate of Assam Rifles.

4.4. That on the basis of the interview the applicants have been declared successful and the offer of appointments were issued to the applicants and accordingly the applicants reported for duty on 10.7.1995, 30.6.1995 and 25.4.1996 respectively. Then the applicants No. 1, 2 and 3 were given the formal order of appointment as Medical Officers on adhoc-basis vide letter No. 1/14015/8-78/Appt-MO/ME (A) dated 3.8.1995, 1/14015/8-78/Appt-MO/ME (A) dated 26.7.1995, and 1/14015/8-78/Appt-MO/ME (A) dated 8.5.1996 respectively. It is clear that the applicants were recruited against the regular vacancy on being selected by a duly constituted selection Board and also after advertisement of the vacancy in the open market. Further the applicants submitted Medical fitness certificates and they had undergone police verification as required for regular appointment in any Govt. service.

Dr. f. S. Kumar. Singh

24 JUL 2009

गुवाहाटी सायफीड  
Guwahati Bench

8

Appointment letter dated 3.8.1995 is annexed as

**Annexure A (1).**

Appointment letter dated 26.7.1995, is annexed as

**Annexure- A (2).**

Appointment letter dated 8.5.1996 is annexed as

**Annexure- A (3).**

4.5. That the applicant No. 1 on several occasions submitted representation addressed to the DGAR in writing for consideration of his regular absorption as Medical Officer and the same were duly forwarded by the concerned authorities to the Directorate Assam Rifles, Shillong and on enquiry it was informed that his case is along with the Government of India, Ministry of Health and Family Welfare, Department of Central Health Services and the process of regularization is under active consideration.

Copy of Representation of applicant No. 1, letter dated 25<sup>th</sup> March 1999 is annexed as **Annexure- B.**

4.6. That it is pertinent to mention that a number of occasions the adhoc Medical Officers recruited by the Assam Rifles, subsequently regularized. By letter No. 1.1405/11-M/1-90/ME (A) dated 8.9.1994 whereby the DGAR strongly recommended for regularization of six medical officers who were working on adhoc basis in Assam Rifles, namely.

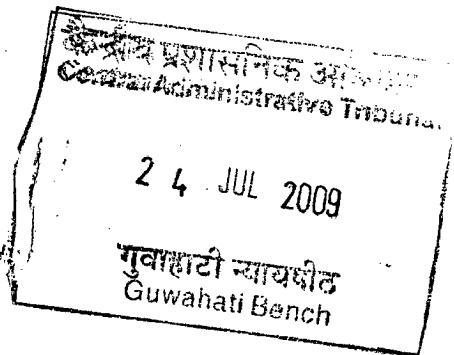
1. Dr. (Mrs) Sharmila Das

2. Dr. I.K. Chakhayan

Dr. P. Priyo Kumar. Singh

9

- 3. Dr. Saroj Kumar Pandey
- 4. Dr. B.N. Singh
- 5. Dr. Ambika Prasad
- 6. Dr. Th. Shyam Charan Singh



And, all the above adhoc Doctor's were subsequently regularized by the Department of Health and Family Welfare, Govt. of India.

Copy of letter-dated 8.9.1994 is annexed as  
**Annexure- C.**

4.7. That while the applicants expecting the order of the regular absorption in Assam Rifles, surprisingly respondents DGAR, Shillong, issued a circular in the month of June 2001 directing Unit/Range Officers to forward the copy of advertisement for Combatised Cadre of Medical Officer and further instructed to forward applications for all adhoc/contract medical officers with the Directorate of Assam Rifles, latest by 15.7.2001 for onward transmission to DG, ITBP.

However, the applicants finding no other alternative submitted their applications within the stipulated time through proper channel enclosing all required documents for consideration of their appointment to the cadre of General Duty Medical Officers and their applications were duly forwarded by the DGAR to DG, ITBP.

However, no call letter was issued to the applicants for interview and on enquiry the applicants came to learn from reliable source that their candidature were rejected by the Medical Officers

*Dr. P. Priy Kumar Singh*

24 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

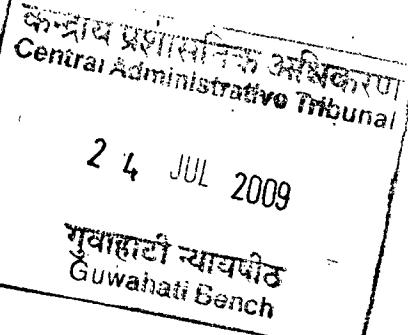
10

Selection Board, ITBP on the alleged ground that the applicants are over aged for recruitment to the Cadre of General Duty Medical Officers. The aforesaid selection Board did not take into consideration that the applicants are already in Government service w.e.f. 11.7.1995, 30.6.1995 and 25.4.1995 respectively under DGAR Ministry of Home Affairs, Shillong though working on adhoc basis. It is relevant to mention here that since the applicants are working on adhoc basis as Medical Officer as such they are entitled to get the age relaxation and weight age to the extent they have served the DGAR. As such the rejection of their candidature on the alleged ground of over age is not sustainable in the eye of law. Applicant No. 1 also submitted representation-dated 6.3.2002 for condonation of age limit, but to not result.

Copy of advertisement for combatised Cadre of Medical Officers is annexed as Annexure D and Applicant No. 1's representation dated 6.3.2002 is annexed as Annexure- E.

4.8. That the applicant No. 1 filed an application O.A. No. 192 of 2002 in the Central Administrative Tribunal, Guwahati Bench. In the interim order dated 15.7.2002 passed by the Hon'ble CAT, Guwahati Bench, directed Members Secretary, Medical Officers Selection Board, to allow the applicant to appear in the selection test. Accordingly the applicant was allowed to appear in the examination. And as per direction of the Hon'ble Tribunal the result was withheld pending

Dr. P. Priyo Kumar Singh



11

disposal of the OA No. 192 of 2002. Finally the Hon'ble CAT disposed off the said OA No. 192 of 2002 on 13.11.2002 with the direction to the respondents to declare the result of the applicant by taking the remedial measures of the relaxation of age and to consider the applicants case for regularization.

Copy of final order of the CAT dated 13.11.2002 is annexed as Annexure- F.

4.9. That the Directorate General Assam Rifle in pursuance of the order of the Hon'ble Tribunal considered the case of the applicant No. 1 along with other four candidates including the applicant No. 2 and 3 who had also appeared in the examination for selection of Medical Officers (Asstt. Commandant) in CPOS, but not filed such petition for relaxation in age. Since their cases were similar to the applicant No. 1, the Ministry of Home Affairs approved the proposal to grant age relaxation to them as well as in the case of applicant, namely:

1. Dr. Ratan Kumar Singh
2. Dr. Ajit Kumar Bora (OBC)
3. Dr. Mrs. Niangkhan Ching (ST)
4. Dr. Ch. Saleo Mao (ST)

4.10. That in compliance to the order of the Hon'ble Tribunal and on the basis of examination conducted by Medical Officers Selection Board (CPOS) 2000-2001, the applicants have been declared successful for the appointment to the post of Medical Officers (Assistant Commandant) and appointment order was issued to the

Dr. G. Prinjy Kumar. Singh

applicants by the Directorate General Assam Rifles vide letter No. 1/14015/ARMC/2003/M-1 dated 1.10.2003, 1/14015/ARMC/ 2003/ M-1 dated 9.10.2003 and 1/14015/ARMC/ 2003/ M-1 dated 9.10.2003 respectively and the applicants accordingly reported for duty on 20.10.2003, 11.11.2003 and 11.11.2003.

Copy of appointment letter dated 1.10.2003 is annexed as Annexure G (1).

Copy of appointment letter dated 9.10.2003 is annexed as Annexure- G (2).

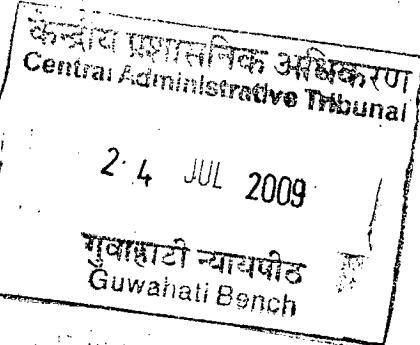
Copy of appointment letter dated 9.10.2003 is annexed as Annexure G (3).

4.11. That in the meanwhile the respondents issued orders terminating the applicants from their adhoc appointments on 17.9.2002 i.e. before the final orders and judgment of the Hon'ble CAT dated 13.11.2002.

Copy of Termination order of Applicant No. 1 is annexed as Annexure- H (1). Copy of Termination order of applicant No. 2 is annexed as Annexure- H (2). Copy of Termination order of applicant No. 3 is annexed as Annexure- H (3).

4.12. That the applicants No. 1, 2 and 3 submitted representations addressed to the respondent authority for consideration of their regularization as Medical Officers with effect from the initial date of joining in services in Assam Rifles.

Dr. P. Priyakumar Singh



13

Copy of representation of Applicant No. 1 is annexed as Annexure I (1).

Copy of representation of Applicant No. 2 is annexed as Annexure I (2).

Copy of representation of Application No. 3 is annexed as Annexure- I (3).

4.13. That in the O.A. No.192 of 2002 the issue pertained to the action of the respondents in the matter of regularization of the services of the applicants. The Hon'ble Tribunal in its judgment and order dated 13.11.2002 observed that the respondents are ordered to declare the result of the applicant by taking remedial measures of the relaxation of his age and consider the case for regularization.

The respondent authority also allowed the present applicants to enjoy the benefits of the judgment and order dated 13.11.2002. It may further be mentioned that the claims of the applicants are analogous. Hence they have filed common petition for redressing their grievances.

#### **5. GROUNDS FOR RELIEF (S) WITH LEGAL PROVISIONS:**

5.1. For that the applicants were declared selected by a duly constituted selection Board by the DGR for recruitment of Medical Officers in pursuance to an advertisement issued in the year 1994.

5.2. For that in the O.A. No. 192 of 2002 the Hon'ble Tribunal directed the respondents to consider the case of the applicant for

Dr. P. Prayak Kumar Singh

24 JUL 2009

14

गुवाहाटी बाबरी  
Guwahati Bench

regularization. The applicants are entitled to the claim for the regularization of their services.

5.3. For that the respondents have committed contempt's of Court for not taken steps in pursuance to the OA No. 192 of 2002 as the respondents have ignored to implement the order of the Hon'ble Tribunal.

5.4. For that inaction on the part of authority constitute a cause of action. Inaction on the part of the authority can be challenged before this Tribunal. In action by itself is an independent cause of action and the Tribunal can effectively deal with the same.

5.5. For that the plea of res-judicata, though technical is based on public policy in order to put an end to litigation. It is, however, different if an issue which had been decided in an earlier litigation again arises for determination between the same parties in a suit based on a fresh cause of action or where there is continuous cause of action.

5.6. For that where continuous mandamus (one time) mandamus would be futile against a public agency guilty of continuous inertia than continuing mandamus can be issued.

5.7. For that the order issued by the respondents by terminating the services of the applicants from their adhoc services is illegal and unconstitutional -violating the principles of Articles 14 and 16 of the Constitution of India.

Dr. G. Brij Kumar, Singh

24 JUL 2009

गुवाहाटी बायामोड  
Guwahati Bench

**6. DETAILS OF THE LEGAL REMEDIES:**

That the applicants state that there is no other alternative or efficacious remedies which the applicants are supposed to have exhausted.

**7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:**

The applicants approached this Hon'ble Tribunal by filing O.A. No. 192/2002, however at present no other application is pending before this Hon'ble Tribunal or in any other Court of law.

**8. RELIEF (S) SOUGHT:**

It is therefore prayed that the Hon'ble Tribunal be pleased to grant the following reliefs(s):

- i) That the respondents be directed to absorb or regularized the applicants as medical Officers from the date of their initial appointments in Assam Rifles i.e. 11.07.1995; 30.06.1995 and 25.04.1996 respectively with all consequential service benefits.
- ii) Contents of application.
- iii) Any other relief(s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

**9. INTERIM ORDER, IF ANY PRAYED FOR:**

No interim order is prayed for.

Dr. S. Priyakumar Singh

**10. IN THE EVENT OF APPLICATION BEING SENT BY REGISTERED POST:**

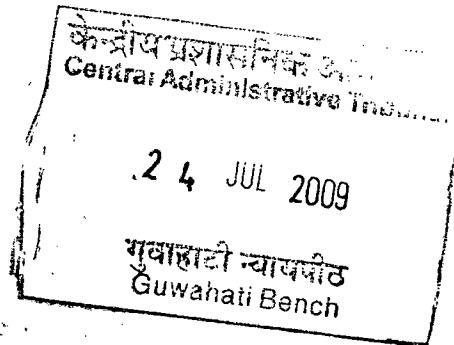
The applicants declare that the application is filed through their advocate.

**11. PARTICULARS OF BANK DRAFT/POSTAL ORDER FILED IN  
RESPECT OF THE APPLICATION FEE:**

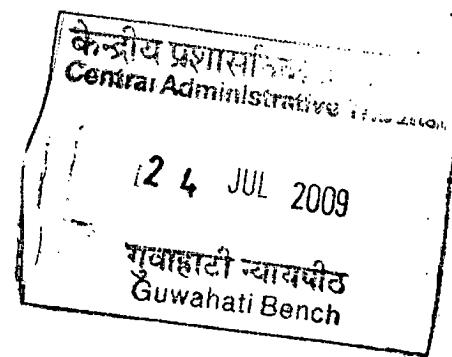
Indian Postal Order Number:

**Office of Issue**

Date of Issue : .....



Dr. B. Pradyumn Kumar. Singh



**- VERIFICATION -**

I, Shri Dr. P. Priyo kumar Singh a resident of Bishnupur Kha, Ward No. 7 P.O. & Dist. Bishnupur, PIN- 795126, Manipur do hereby verify that the contents of paragraph 1 to 4 and 6 to 11 are true and correct in so far as facts are concerned and those legal points in para 5 are based on information received from my counsel which I verily belief to be true and correct and nothing false have been stated and have not suppressed any material fact and rest are my humble submission before this Hon'ble Tribunal.

Date: 15/5/2009

Place: Guwahati

Filed by-

*Dr. P. Priyo kumar Singh*  
Advocate.

*Dr. P. Priyo kumar Singh*

Signature of the Applicant.

Tele No : PABX 230222/5552

REGISTERED  
Bharat Sarkar  
Govt of India  
Grih Mantralaya  
Ministry of Home Affairs  
Mahanideshalaya Assam Rifles  
Directorate General Assam Rifles  
Shillong-793011

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

24 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

I. 14015/8-78/Appt-HO/ME(A)

05 Aug 95

Dr. P. Priya Kumar Singh

28 Assam Rifles

re 29 ADP

APPOINTMENT OF MEDICAL OFFICER  
RIFLES ON ADHOC BASIS IN THE ASS AM

1. Further to this Directorate letter No. I. 14015/8-78/94/ Appt/MO/ME(A) dated 13 Jun 95.

2. The Director General of Assam Rifles is pleased to appoint Dr (Miss/Mrs) ~~Dr. P. Priya Kumar Singh~~ as a Medical officer on adhoc basis with effect from the forenoon of 01.08.95 in the Assam Rifles against the existing vacancy for a period of six months on the following terms and conditions :-

- a) The appointment is purely temporary for a period of 6(six) months from the date of joining till the vacant post is filled by regular medical officer or six months whichever is earlier.
- b) In case the post is not filled up within the six months, the adhoc appointment may be continued for a period of another six months or till the post is filled on regular basis whichever is earlier.
- c) This is merely an offer of appointment on adhoc basis and this will not give you any benefits/claim for appointment on regular basis.
- d) Failure to complete the period of appointment to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason.
- e) The scale of pay of the post is ₹.2200-75-2800-EB-100-4000/- per month. The initial pay of such candidates who are in Govt service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scales.

TRUE COPY

*Spann Samir*

ADVOCATE

Central Administrative Tribunal  
Guwahati Bench  
24 JUL 2009

-2-

(f) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

(g) Dearness and other allowances will be admissible according to orders of the Central Govt.

(h) Non practicing allowances as admissible at the rates prevailing under Central Government orders.

(j) The appointment carries with it the liability to serve in any part of India or outside.

(k) On appointment the officer will be required to take an oath of allegiance to the constitution of India or make a solemn affirmation to that effect in the prescribed proforma.

(l) Other terms and conditions will be regulated by the relevant rules and orders that may be in force from time to time.

(m) No request for change of posting will be entertained under any circumstances.

(n) No request for extension of joining time to the place of posting will be entertained.

(o) If the declaration given or any information furnished by the officer proves to be false or the officer is found to have wilfully suppressed any material information i.e./she will be liable for removal from service and such other action as Govt may deem necessary.

(p) The PG Allowance shall be admissible at the rate of Rs. 100/- and Rs. 200/- per month for possessing P.G. Diploma and P.G. Degree qualification respectively to the Medical Officers.

3. You are hereby posted to Assam Rifles, C/O 99 APO, 56 APO for duty. You will report to the Commandant Assam Rifles for duty after availing actual journey period only with effect from ... Failure to report to your place of posting within stipulated date will entail cancellation of your appointment letter.

(G P S Bedi )

Col

Dy Director (A)

for Director General Assam Rifles

7/CA  
2/3

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

+34/

24 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

Copy forwarded to :-

1. 28 Assam Rifles  
C/O 99 APO - one copy of medical fitness cert and three copies of attestation forms in respect of above named officer are forwarded herewith. The attestation form duly completed and signed by the officer indicated in the form at the arrangement of concerned Medical officer will be obtained and necessary police verification will be done at your end. The attestation form alongwith police verification report in original will be forwarded to this Dte for further necessary action.

2. Pay and Accounts Office (AR)  
Manbha Villa, Laitumkhrah  
Shillong-3 - for information.

3. MS Branch (Internal) - for information.

4. Medical Branch (Internal) - for information.

5. HQ ~~Assam Rifles~~ Range Assam Rifles - for information.

6. The Under Secretary to the Government of India  
Ministry of Health and Family Welfare  
(Department of Health)  
(CHS-I)  
New Delhi - for information please with reference to their letter No. A. 12034/2/94-CHS-I dated 31 May 95.

7. Officer personal file.

8. Case file.

Service book of  
Dr (Mrs) Trinil Ching. /Copy/

File No : PABX 230722/  
5552

REGISTERED

Bharat Sarkar  
Govt of India  
Grish Mantralaya  
Ministry of Home Affairs  
Mahanidheshalaaya Assam Rifles  
Directorate General Assam Rifles  
Shillong - 793011

Ref. 14015/8-78/Appt-MO/ME (A)

26 Jul 95

Dr (Mrs) Niang Khan Ching  
3 Assam Rifles  
C/O. 92 APO

गुवाहाटी न्यायालय  
Guwahati Bench

24 JUL 2009

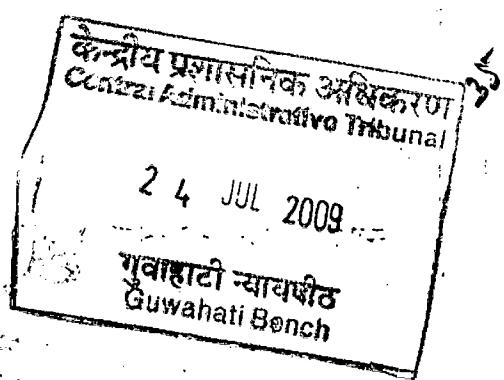
APPOINTMENT OF MEDICAL OFFICER IN THE ASSAM RIFLES ON ADHOC BASIS

1. Further to this Directorate letter No. 14015/8-78/94/Appt/MO/ME (A) dated 13 Jun 95.
2. The Director General of Assam Rifles is pleased to appoint Dr (Mrs) NIANG KHAN CHING as a Medical Officer on adhoc basis with effect from the forenoon of 30 Jun 95 in the Assam Rifles against the existing vacancy for a period of six months on the following terms and conditions :-
  - (a) The appointment is purely temporary for a period of 6(six) months from the date of issuing till the vacant post is filled by regular medical officer or six months whichever is earlier.
  - (b) In case the post is not filled up within the six months, the adhoc appointment may be continued for a period of another six months or till the post is filled on regular basis whichever is earlier.
  - (c) This is merely an offer of appointment on adhoc basis and this will not give you any benefits/ claim for appointment on regular basis.
  - (d) Failure to complete the period of appointment to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason.
  - (e) The scale of pay of the post is Rs. 2200-75-2800-2B-100-4000/- per month. The initial pay of such candidates who are in Govt service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scales.

TRUE COPY

*Arora Lawyer*  
ADVOCATE

.....?/-



-2-

- (f) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.
- (g) Dearness and other allowances will be admissible according to orders of the Central Govt.
- (h) Non-practicing allowances as admissible at the rates prevailing under Central Government orders.
- (i) The appointment carries with it the liability to serve in any part of India or outside.
- (k) On appointment the officer will be required to take an oath of allegiance to the constitution of India or make a solemn affirmation to that effect in the prescribed proforma.
- (l) Other terms and conditions will be regulated by the relevant rules and orders that may be in force from the time to time.
- (m) No request for change of posting will be entertained under any circumstances.
- (n) No request for extension of joining time to the place of posting will be entertained.
- (o) If the declaration given or any information furnished by the officer proves to be false and the officer is found to have wilfully suppressed any material information he/she will be liable for removal from service and such other action as Govt may deem necessary.
- (p) The PG allowance shall be admissible at the rate of Rs. 100/- and 200/- per month for possessing P.G Diploma and P.G Degree qualification respectively to the Medical Officers.

3. You are hereby posted to Assam Rifles, C/O 99, APO/56 APO for duty. You will report to the Commandant Assam Rifles for duty after availing actual journey period only with effect from ...... Failure to report to your place of posting within stipulated date will entail cancellation of your appointment letter.

Sd/-x-x-x-x

( G P S Bedi )

Col

Dy Director (A)

for Director General  
Assam Rifles

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

24 JUL 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Copy fwd to :-

1. 3 Assam Rifles  
C/O 99 APO

One copy of medical fitness cert  
and three copies of attestation  
forms in respect of above named  
officer are fwd herewith. The  
attestation form duly completed  
and signed by the officer  
indicated in the format the  
arrangement of concerned Medical  
Officer will be obtained and  
necessary police verification  
will be done at your end. The  
attestation form alongwith  
police verification report in  
original will be forwarded to  
this Dte for further necessary  
action.

2. Pay and Accounts Office (AR) - for information  
Ministry of Home Affairs  
Manbha Villa  
Laitmukhrah  
Shillong - 3

3. MS Branch (Internal)

- for information.

4. Medical Branch (Internal)

- for information.

5. HQ MP Range Assam Rifles  
C/O 99 APO

- for information.

6. The Under Secretary to the  
Government of India  
Ministry of Health and  
Family Welfare  
(Department of Health)  
(CHS-I)  
New Delhi

- for information please  
with reference to  
their letter No. A.  
12034/2/94-ORD-I dated  
03 Jan 95.

7. Officer personal file.

8. Case file.

Tele No. PABX 230222/5552

## REGISTERED

Bharat Sarkar  
 Govt of India  
 Grib Mantalaya  
 Ministry of Home Affairs  
 Maha Nideshalaya Assam Rifles  
 Directorate General Assam Rifles  
 Shillong-793011

I.14015/8- 78/Apptt-MO/ME(A)

68 May '96

केन्द्रीय प्रशासनिक अधिकार  
 Central Administrative Tribunal

✓ Dr. Ch. Saloo Mao, MO(Adhoc)

24 JUL 2009

31 Assam Rifles

a/o 98 ADP

गुवाहाटी न्यायपाठ  
 Guwahati Bench

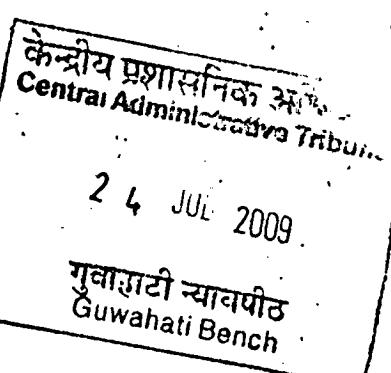
## APPOINTMENT OF MEDICAL OFFICER ON AD-HOC BASIS

1. Further to this Directorate letter No. I.14015/6-78/94/Apptt-MO/ME(A) dated 09 Apr '96.
2. The Director of Assam Rifles is pleased to appoint Dr. Ch. Saloo Mao as a Medical officer, on ad-hoc basis with effect from the fore noon of 29 April '96 in the Assam Rifles against the existing vacancy for a period of six months on the following terms and conditions:-
  - a) The appointment is purely temporary for a period of 6(six) months from the date of joining till the vacant post is filled by regular medical officer or six months whichever is earlier.
  - b) In case the post is not filled up within the six months the adhoc appointment may be continued for a period of another six months or till the post is filled on regular basis whichever is earlier.
  - c) This is merely an offer of appointment on adhoc basis and this will not give you any benefits/claims for appointment on regular basis.
  - d) Failure to complete the period of appointment to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason.
  - e) The scale of pay of the post is Rs.2200-75-2800-EB 100-4000/- per month. The initial pay of such candidates who are in Govt service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scales.
  - f) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

TRUE COPY

Prabin Sarma

Advocate



-2-

- g) Dearness and other allowances will be admissible according to orders of the Central Govt.
- h) Non practicing allowances as admissible at the rates prevailing under Central Government orders.
- j) The appointment carries with it the liability to serve in any part of India or out-side.
- k) On appointment the officer will be required to take an oath of allegiance to the constitution of India or make a solemn affirmation to that effect in the prescribed proforma.
- l) Other terms and conditions will be regulated by the relevant rules and orders that may be in force from time to time.
- m) No request for change of posting will be entertained under any circumstances.
- n) No request for extension of joining time to the place of posting will be entertained.
- o) If the declaration given or any information furnished by the officer proves to be false and the officer is found to have wilfully suppressed any material information he/she will be liable for removal from service and such other action as Govt may deem necessary.
- p) The PG allowance shall be admissible at the rate of Rs.100/- and Rs.200/- per month for possessing P.G Diploma and P.G Degree qualification respectively to the Medical Officers.
- q) You are liable to serve anywhere in NE Region or in India wherever Assam Rifles units may be deployed.

(G P S Bedi)

Col.  
Deputy Director (A)  
or Director General  
Assam Rifles

24 JUL 2009  
24 JUL 2009  
24 JUL 2009

-3-

Copy forwarded to ...

1. ~~31~~ Assam Rifles - one copy of medical fitness cert and three copies of attestation forms in respect of above named officer are forwarded herewith. The attestation for July completed and signed by the officer indicated in the form at the arrangement of concerned medical officer will be obtained and necessary police verification will be done at your end. The attestation form alongwith police verification report in original will be forwarded to this Dte for further necessary action.
2. Pay and Accounts Office (AR) - for information.  
Manbha Villa, Saitumkhram  
Shillong-3
3. MS Branch (Internal) - for information.
4. Medical Branch (Internal) - for information.
5. ~~19~~ ~~19~~ Kamrup Assam Rifles - for information.  
C/O 99 ADC
6. The Under Secretary to the Government of India  
Ministry of Civil and  
Social Welfare  
(Department of Health)  
(C.S.-I)  
New Delhi - for information please  
with reference to their  
letter No. A.12034/2/94-  
C.S.-I (Vc. III) dated  
04 Apr ...
7. Officer on duty.
8. ~~copy to~~

NAME : Dr. P Priyo Kumar Singh  
Medical Officer  
Chikhiwari Tex Bn, ARTC&S  
Nagapar (Nagaland)  
Pin - 797115

केन्द्रीय न्यायालय  
Central Administrative Court

24 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

TO : Mahanidighatay Assam Rifles  
Directorate General Assam Rifles  
(Medical Branch)  
Shillong - 1

(Through Ranger Channel)

LETTER TO PERMANENT ABSORPTION IN CENTRAL HEALTH SERVICE

Subject

- With due respect, I beg to submit the following few words for your kind consideration.
- I was appointed as medical officer in Assam Rifles on 13th July 1995 on adhoc basis and have been continuously serving for the last 3 years and 3 months.

During this period I was placed mostly in areas where written permission and intimation for applying for the regularisation of my service were not possible as it had already happened in the case of last UPSC call which was advertised in January 1997 and I was enroute to my permanent location, Jammu during that month, when my previous unit, 28 AR was moving back from J&K.

3. I was asked the willingness certificate for permanent absorption in Assam Rifles by the previous DGAR and I had submitted the same. Moreover I am becoming overaged to apply for other regular services.

4. Now I am desirous of my job to be regularised permanently so that I may plan my future.

5. May I therefore request you kindly to consider my application so that my service may please be regularised.

6. I will remain much obliged to you.

yours' sincerely,

*Shyamal*

(Dr. P Priyo Kumar Singh)  
Medical Officer

TRUE COPY

*Abdul Samad*

ADVOCATE

100

Tele No:PAKX-230222/5500

Phasant Garh  
Post of India  
Gach Bantulay  
Ministry of Home Affairs  
Brahmaputra Valley Assam Rifles  
Directorate Gen Assam Rifles  
Shillong-793011

1.14015/11-M/1-90/ABE(A)

08 Sep 94

The Under Secretary to  
the Government of India  
Ministry of Health and  
Family Welfare(CHS-1)  
New Delhi

केन्द्रीय प्रशासनिक अदायक  
Central Administrative Tribunal

24 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

REGULARISATION OF MEDICAL OFFICERS(ADHOCS)  
THOSE WHO HAVE BEEN PAYING THE EXPENSE OF JUDICACY  
SENIOR RESIDENTS IN PAY-100-09 AND THOSE  
WHO TAKEN APPOINTMENT ON BOPHULY WAGE/  
COMPACT BASIS

1. I am directed to refer to Ministry's letter No.A. 12034/7/94-CHS-1 dated 13 Jul 94 and to forward herewith the attestation form in quadruplicate and medical fitness certificate in duplicate in respect of the following Medical Officers(Adhoc):-

- (a) Dr (Mrs) Charuha Das
- (b) Dr I K Chatterjee
- (c) Dr Soraj Kumar Pargow

2. Further, it is to be informed that the docum is in respect of the following adhoc Medical Officers have not been received as yet from far flung out posts. The same will be forwarded at an early date:-

- (a) Dr B N Singh
- (b) Dr Ambika Choudhury
- (c) Dr Th Sivay Charan Singh

3. As regards Dr Ashok Kumar Sharma, the Medical Officer in Adhoc since 20 Dec 91 and further extension of his appointment as Adhoc Medical officer has not been obtained from Ministry. In this connection this Directorate issued letter No.1.14015/3-90/ABE-90/ABE(A) dated 21 May 92 and latest correspondence of the Ministry vis-a-vis their letter No.1.14015/3-90/ABE-94/ABE(A) dated 01 Jun 94 in reply may please be referred.

Yours faithfully,

Subrata K. Deka  
(In India, 1994)  
Lt Col  
Asst Director, Director(A)  
For Director General Admin  
B.A.C.S.

U.G.O.

Copy to:-

- 1. AP Hospital  
Happy Valley, Shillong
- 2. 12 Assam Rifles, Shillong
- 3. 08 Assam Rifles, Shillong

TRUE COPY

*Shovan Kumar*  
Advocate

Type copy of Annexure - C

Tele No: PABX- 230222/5550

केन्द्रीय प्रशासनिक अदायक  
Central Administrative Tribunal

24 JUL 2009

## गुवाहाटी न्यायपीठ Guwahati Bench

## **ANNEXURE: C**

14015/11-M/1-90/ME (A)

The Under Secretary to  
The Government of India  
Ministry of Health and  
Family Welfare (CHS-1)  
New Delhi

REGULARISATION OF MEDICAL OFFICERS (ADHOC)  
THOSE RECRUITED DURING THE STRIKE OF JUNIOR/SENIOR  
RESIDENTS IN MAY-JUNE'89 AND THOSE INITIALLY APPOINTED ON  
MONTHLY WAGE/CONTRACT BASIS

1. I am directed to refer to Ministry's letter No. A. 12034/7/94 GHS-1 dated 13 July'94 and to forward herewith the attestation form in quadruplicate and Medical fitness certificate in duplicate in respect of the following medical officers (Adhoc):-
  - (a) Dr. (Mrs) Sharmila Das
  - (b) Dr. I.K. Chakhaiyar
  - (c) Dr. Soroj Kumar Pandey
2. Further, it is to be informed that the documents in respect of the following adhoc Medical Officers have not been received as yet from far flung out posts. The same will be forwarded at an early date :
  - (a) Dr. B.N. Singh
  - (b) Dr. Ambika Prasad
  - (c) Dr. Th Shyam Charan Singh
2. As regards, Dr. Ashok Kumar Sharma, the Medical Officer is .....wef 20 Dec 91 and further extension of his appointment as Adhoc Medical Officer has not been obtained from Ministry. In this connection this Directorate initial letter No. 1.14015/3-90/AKS-MO/ME (A) dated 21 May 92 and latest Correspondence of the Ministry Vide their letter No.. 14015/3-90/AKS/94/ ME(A) dated 01 June 94 in reply may please be referred.

Yours faithfully

Sd/ X X X  
(DM Dube, VSM)  
Lt. Col.  
Assistant Director (A)  
For Director General, Assam Rifles.

W.O.O.

Copy to :

1. A.R. Hospital  
Happy Valley, Shillong
2. 12 Assam Rifles, C/O 99 APO
3. 08 Assam Rifles. .



PAR

29

ANNEXURE-D

Tele No : 265693

TO BE FILED

Mahanideshalaya Assam Rifles  
Directorate General Assam Rifles  
Shillong- 793011

J.14015/ARMC/2000/M-1

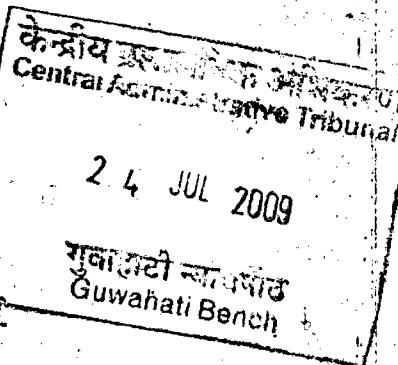
27 Jun 2001

III YEAR (North)

ARTICLES

All Ranges

ADVERTISEMENT FOR COMBATISED CADRE OF  
MEDICAL OFFICERS



1. Copy of Advertisement for combatised cadre of Medical Officers, advertised in all leading News papers on 27 Jun 2001 is fwd herewith for your necessary action please.
2. You are requested to fwd the copy of advertisement to all Units under your Command and to instruct all Ad-hoc/Contract Medical officers to fwd their application to this Directorate Medical Branch latest by 15 Jul 2001 for onward submission to DG ITBP. All required docus as mentioned in the advertisement must be attached with the application.
3. Please ack on receipt.

Encls : As above

( Sunil Kant )  
Lt. Col  
JAD (Medical)  
For 3rd Assam Rifles

TRUE COPY

Shovan Larma  
Advocate

Government of India  
MINISTRY OF HOME AFFAIRS  
DIRECTORATE GENERAL  
INDO-TIBETAN BORDER POLICE FORCE

1. Applications are invited from Indian Citizens for appointment to Group 'A' of Force, Central Reserve Police, Indo-Tibetan Border Police and Assam Rifles, Ministry of Home Affairs, Government of India. On joining an organization a candidate shall be governed by the Rules as applicable to that organization and as amended from time to time. Selected candidates will be liable to serve anywhere in Union of India or out side.

2. The candidate called for interview shall be paid travelling expenses as admissible under the provisions of Ministry of Finance, Government of India, OM (No. F.19040/74E, NY(B) dated 20.01.76(Govt. of India decision No.8 below SR 132) as per these order ordinary bus fare or single 2<sup>nd</sup> class rail fare chargeable by passenger train by the shortest route from the railway station nearest to the normal place of residence or from which they actually performed the journey whichever is nearer to place of interview for distances in excess of 250 Kms for both outward and return journeys shall be payable to the candidates appearing for interviews. However in the case of candidates belonging to SC/ST communities, 2<sup>nd</sup> class rail fare or bus fare shall be payable to the candidate provided that the fare of the 1<sup>st</sup> 30 Kms for both outward and return journey is borne by the candidate.

3. The Medical Officer cadre of the above organizations has been re-structured on the pattern of Central Govt. Health Service. The post of Medical Officer, Group 'A' is combatised in the rank of Assistant Commandant and that rank structure is commensurable to their new scale in the cadre subject to instructions issued from time to time.

NUMBER OF POSTS

ORGANIZATION	SC	ST	OBC	GENERAL	TOTAL
EIPF	02	07	12	33	45
CRPF	--	--	21	60	81
ITBP	05	--	18	25	48
ASSAM RIFLES	10	05	13	32	60
TOTAL	18	12	70	140	240

PAY SCALE OF POST : Rs. 8000-275-13500 plus usual allowances as admissible from time to time plus NPA 25% of the basic pay per month. In addition to above pay scale, usual DA, CCA, HRA, CA, Detachment allowance other allowances wherever admissible are as per the Central Government Orders, would be entitle. On completion of 4 years service, the Medical Officer(Assistant Commandant) will be eligible for upgradation to the level of Senior Medical Officer carrying pay scale of Rs. 10,000-325-15,200 subject to his/her good service record. The age of superannuation of Medical Officers will be 60 years.

OPTION FROM CANDIDATES : A candidate may opt for the post of Medical Officer in any one or more CPOs mentioned above. For this purpose he/she will be required to indicate clearly the CPOs for which he/she wishes to be considered in the order of preferences. While making appointment due consideration will be given to the preferences exercised by the candidate and having regard to his/her rank in the order of merit.

24 JUL 2009

Guwahati Bench

**AGE LIMIT :** The age limit for recruitment of Medical Officers(Assistant Commandant) will be not exceeding 30 years as on 17.08.2001. Relaxation in age limit shall be admissible as under - a) Upto a maximum of five years, if a candidate belongs to a Scheduled Caste or a Scheduled Tribe. b) Upto a maximum of three years if a candidate belongs to Other Backward Classes (OBC). c) Upto a maximum of five years in the case of Government Servants and Medical Graduates who joined the Army Medical Corps as Short Service/Regular Commissioned Officers and are released after completing the initial period of assignment of five years. The age relaxation upto five years shall also be admissible to the SGOs whose assignment has been extended beyond five years and in whose case the Ministry if Defence issues a certificate that they will be retained on three months notice on selection from the date of receipt of offer of appointment. The relaxation in age limit shall be admissible upto a maximum of ten years if such Govt. Servant and SGOs belong to the Scheduled Caste or the Scheduled Tribes and upto a maximum of eight years if such officers belong to the Other Backward Classes (OBCs).

**QUALIFICATIONS :** (a) A recognized Medical qualification of allopathic system of medicine included in the first or second schedule or part-II of the third schedule (other than licensable qualifications) to the Indian Medical Council Act, 1956. Holders of educational qualifications included in part-II of the third schedule should also fulfil the condition stipulated in sub Section (3) of Section (13) of the Indian Medical Council Act, 1956. (b) Completion of compulsary rotating internship. candidates who may not have completed the rotating internship shall be eligible to apply and appear for the interview provided that if selected, they shall have satisfactorily completed the compulsory internship before appointment.

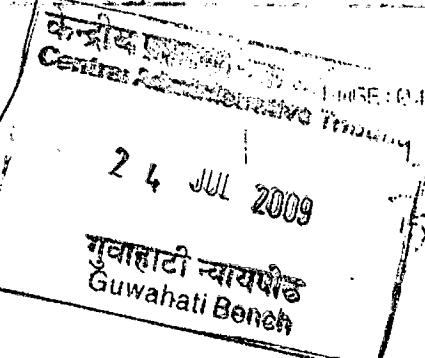
**PHYSICAL AND MEDICAL STANDARD :** The candidates should conform to the following physical standards :-

	Male	Female
i) Height	157.5 Cms (Relaxable by 2 cm for Gurkhas, Gurkha Kumaonis, Dogra, Marathas and by 3 cm in Respect of Adhvasis).	142 Cms (Relaxable by 2 cm)
ii) Chest	77 - Cms - Unexpanded 82 - Cms - expanded	Well developed
iii) Weight	Proportionate to height and age.	Proportionate to height and age

#### MEDICAL STANDARD

(a) Eye sight	Distent vision Better Eye (Corrected vision) 6/6 6/12 or 6/6 6/9	Near vision Worse Eye (Corrected vision) J I J II
---------------	---	--

Contd..... 3/-



(b) The candidates must not have knock-knees, flat foot or squint in eyes and they should possess high colour vision. The candidates will be tested for colour vision by Ishihara's test as well as Indian Army Physical Test to detect likely to interfere with the efficient performance of the duties. (c) Subject to (a) & (b) above, the standard of Medical fitness for the candidates would be the same as prescribed by the Government for the Indian Police Service. Candidates should be in good physical and mental state for duties in high altitude and to serve in border areas with extreme climatic conditions. Every candidate on his/her having been selected will be produced before a duly constituted Medical Board and should obtain health certificate in the form specified in this behalf from such Medical Board. The Government of India reserves to themselves right to reject or accept any candidate after considering report of the Medical Board.

**CONDITIONS OF SERVICE:** 1. Candidates shall be required to serve the Force for a minimum period of 10 years. If any Officer after joining the service wants to resign from the service before the expiry of the 10 years, he/she is required to refund a sum of equal to him/her in the Force whichever is higher. 2. Applications as per specimen given below should reach at the following address on or before 17.08.2001 other than candidates from Andaman, Nicobar and Lakshadweep in whose case the applications should reach on or before 30.08.2001.

THE MEMBER SECRETARY, MEDICAL OFFICER SELECTION BOARD, ITB DELHI - 62 covers containing applications must be superscribed in bold letters as "APPLICATION FOR THE POST OF MEDICAL OFFICERS(ASSISTANT COMMANDANT) IN CPOs 2000-2001. Application must be accompanied by two self-addressed unstamped envelopes of 11.5 cms x 27.5 cms size. 3. Candidates already employed in Government Organizations should apply through their Employers. 4. Selected candidates will have to undergo basic training and such other courses as prescribed in the Force from time to time.

From : The Member Secretary  
Medical Officer Selection Board  
ITB- Police (MHA)  
17, Sector-10, R.D.L.  
670 029, D.D.H.

To : The Member Secretary  
Medical Officer Selection Board  
ITB- Police (MHA)  
Govt. of India, New Delhi

Subject: REQUEST FOR CONSIDERATION OF AGE IN THE RECRUITMENT OF MEDICAL OFFICERS (COMBATTED) IN ASSAM RIFLES

Sir,

1. I have the honour of informing you a few words for your kind consideration and favourable onward action please.

2. I was appointed as Medical Officer in Assam Rifles on Adhoc basis on 11 July 1995 and I have been continuously serving till date. I was only 29 years old at the time of joining in Assam Rifles (006/1991-92-1706).

3. We have been repeatedly requesting for permanent absorption in Assam Rifles since the day of enrollment. The Directorate General Assam Rifles has taken up the case for the same.

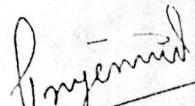
4. Fortunately Ministry has agreed and accordingly advertisement came last year in 2001 for the recruitment of 64 Medical Officers (Combatized) in Assam Rifles. All of us who are already in the job have also applied.

5. My age at the time of submission of the application was above 35 years. But I was assured by Deputy Director (Med) Assam Rifles that my age at the time of entry into Assam Rifles would be considered since I opted for Assam Rifles. Otherwise I belong to OBC also though I failed to mention in my application.

6. I am earnestly requesting you on humanitarian ground, kindly consider my age so that I may please be allowed to appear for the interview, otherwise I will have to miss the last chance of my career.

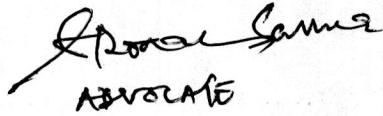
Thanking you and remain ever yours,

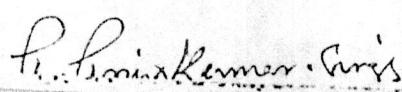
Yours sincerely

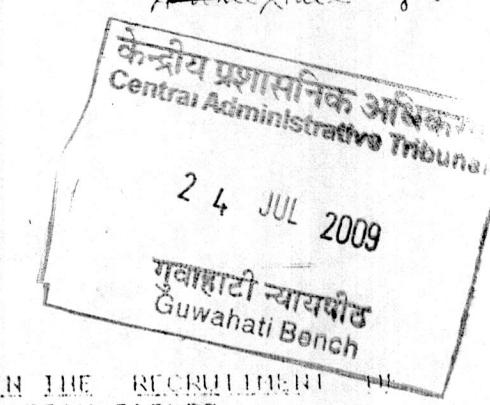
  
(Dr. Priyokumar Singh)  
Medical Officer

Dated : 06 May 2002

TRN copy

  
Dr. Priyokumar Singh  
Medical Officer

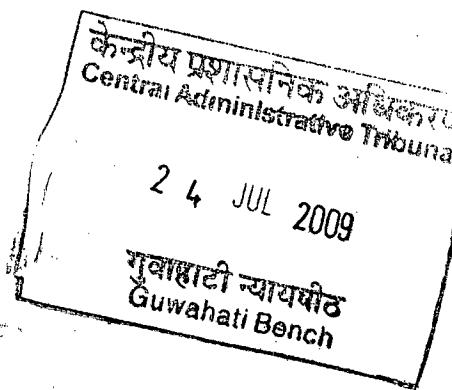
  
Dr. Priyokumar Singh



From : Dr. P. Priyo Kumar Singh  
 Medical Officer,  
 17 Assam Rifles,  
 C/O 99 APO.

ANNEXURE: 8

To: The Member Secretary  
 Medical Officer Selection Board  
 ITB – Police (MHA)  
 Govt. of India, New Delhi.  
 Subject: REQUEST FOR CONDONATION OF AGE IN THE  
 RECRUITMENT OF MEDICAL OFFICER (COMBATISED) IN ASSAM  
 RIFLES.



Sir,

1. I have the honour of informing you a few words for your kind consideration and favourable onward action please.
2. I was appointed as Medical Officer Assam Rifles on 11<sup>th</sup> July 1995 and I have been continuously serving till date. I was only 29 years old at the time of joining Assam Rifles. (DOB is 01.02.1966).
3. We have been repeatedly requesting for permanent absorption in Assam Rifles since the day of enrolment. The Directorate General Assam Rifles has taken up the case for the same.
4. Fortunately Ministry has agreed and accordingly advertisement came last year in 2001 for the recruitment of 64 Medical Officer (Combatised) in Assam Rifles. All of us who are already in the job have also applied.
5. My age at the time of submission of the application was above 35 years. That I was assured by the Deputy Director (Med) Assam Rifles that my age at the time of entry into Assam Rifles would be considered since I opted for Assam Rifles. Other wise, I belong to OBC also though I failed to mention in my application.
6. I am earnestly requesting you on humanitarian ground, kindly to consider my age so that I may please be allowed to appear for interview, otherwise I will have to miss the last chance of my career.

Thanking you in anticipation.

Yours sincerely'

(Dr. Priyo Kumar Singh)  
 Medical Officer.

Dated 06, Mar 2002.

True w/ my  
 J. Monan

34

ANNEXURE - F

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(At Shillong)

Original Application No.192 of 2002

Date of decision: This the 13th day of November 2002

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Dr. Priya Kumar Singh,  
Medical Officer,  
17 Assam Rifles,  
C/o 99 APO.

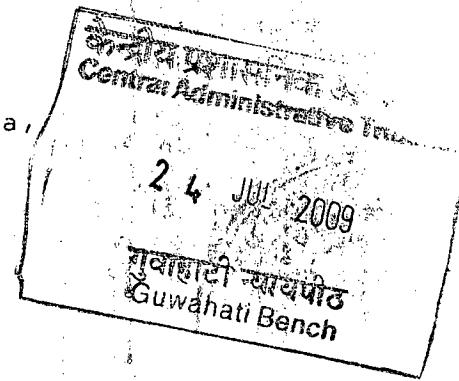
.....Applicant  
By Advocates Mr M. Chanda, Mr G.N. Chakraborty  
and Mr H. Dutta.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
2. The Secretary to the Government of India, Ministry of Health and Family Welfare, Department of Health, New Delhi.
3. The Director General, Assam Rifles, Government of India, Ministry of Home Affairs, Shillong.
4. The Member Secretary, Medical Officers Selection Board, ATB Police MHA, Government of India, Tigris Camp, P.O. Madangir, New Delhi.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.



O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The issue pertains to the action of the respondents in the matter of regularisation of the services of the applicant in the following circumstances:

The Director General, Assam Rifles, Ministry of Home Affairs, Shillong advertised for recruitment of

True copy  
Roshan

35

124 JUL 2009

Central Bureau  
Arunachal Bench

Medical Officers in the year 1994. Along with others, the applicant also applied for the post. The authority took steps for selection of Medical Officers and accordingly interview was held by the Selection Board for appointment as Medical Officers, as per the terms and conditions laid down in the Directorate's letter dated 4.8.1994. In course of time the respondent authority issued appointment letter to the applicant. In terms of the advertisement the appointment was made on ad hoc basis. The applicant was accordingly offered with the formal order of appointment dated 3.8.1995 appointing him as a Medical Officer in the Assam Rifles against the existing vacancy for a period of six months on the terms and conditions mentioned in the appointment order.

2. On being appointed, the applicant was initially posted in the State of Jammu and Kashmir under the administrative control of Assam Rifles and he served there for about one and half year. Thereafter, the applicant was posted at Jairampur, Arunachal Pradesh for a period of six months and other places where Assam Rifles was operating. At the time of filing of the application the applicant was serving at Imphal in Assam Rifles. The applicant while working as such, submitted a representation for consideration of his regular absorption as Medical Officer. His application was forwarded by the concerned authority to the Directorate, Assam Rifles, Shillong. The Directorate, Assam Rifles, in turn, took up the issue with the Government of India, Ministry of Health and Family Welfare and other connected departments. The applicant also stated that the Assam Rifles was running in acute shortage of Medical Officers and the Department of Central Government Health Services also.....



also could not provide the required number of Medical Officers. In such compelling circumstances the Shillong recruited persons with the approval of the Central Health Services. The applicant cited about six Medical Officers mentioned at para 4.8 of the application who were also appointed as ad hoc Medical Officers and finally regularised by the authority. The applicant also submitted that the Assam Rifles, in fact, was also keen to take the services of the applicant, but till now the regularisation process of the applicant was not taken up by the respondents and it is now stated by Mr M. Chanda, learned counsel for the applicant, that in the absence of further sanction of the authority the applicant is presently not engaged by the Assam Rifles, though no such order has been communicated to him. The applicant also stated about the advertisement made by the competent authority for combatised cadre of Medical Officers and to that effect the Director General, Assam Rifles forwarded a copy of the advertisement to all Units with instructions to forward applications of all ad hoc/contract Medical Officers with the Direct date of Assam Rifles latest by 15.7.2001 for onward transmission to DG, ITEP. The applicant also applied for the post through the proper channel. As per the advertisement, the age limit for this post was specified as 30 years as on the crucial date and since the applicant crossed the age of 30 years on the date of the advertisement, the applicant also requested for condonation of his age for recruitment to the post of Medical Officer vide his representation dated 6.3.2002 on humanitarian consideration. It has been stated in the Bar that by virtue of the interim order of this Tribunal dated 15.7.2002, the applicant appeared

in.....



Central Administrative Tribunal  
गुवाहाटी न्यायालय  
Gauhati Bench

24 JUL 2009

in the selection test for Medical Officer pursuant to the advertisement and as per the order of the Tribunal results of the examination were not declared. It may be mentioned that subsequently, at the instance of the respondents the order dated 15.7.2002 was modified allowing the respondents to declare the results of all the candidates who appeared in the test except the applicant and other ad-hoc Medical Officers of the Assam Rifles.

3. The respondents submitted their written statement denying and disputing the claim of the applicant. In the written statement the respondents did not dispute the fact that the Director General of Assam Rifles made correspondence for regularisation of the ad-hoc Medical Officers, including the applicant on Central Health Service Cadre. On getting no reply, the Director General wrote a letter to the Ministry of Home Affairs to regularise the service of the ad-hoc Medical Officers of Assam Rifles, but the Ministry of Home Affairs by communication dated 19.6.2000 turned down the proposal. We shall avert to the said communication at a later stage. The respondents in the written statement stated that the Director General, Assam Rifles intimated to the authority that the applicant was a OBC candidate and recommended his case for regularisation in the Assam Rifles. The applicant was found overaged by five years six months and sixteen days on the crucial date, i.e. 17.8.2001. It was also mentioned that even if he was considered as a OBC candidate, age relaxation of only three years could have been granted, but the applicant was overaged by five years on the crucial date. The department also sought clarification on this aspect and by communication dated

18.4.2002.....



24 JUL 2009

Guwahati Bench

18.4.2002, the Ministry of Home Affairs informed the Director General, ITAP that age relaxation as Government servants was admissible only to regular Government employees and not to those who were working on ad hoc/ contract/short term basis and as such the Medical Officers who were working in the Assam Rifles on ad hoc/ contract basis were not entitled to get age relaxation as Government servants for appearing in the test.

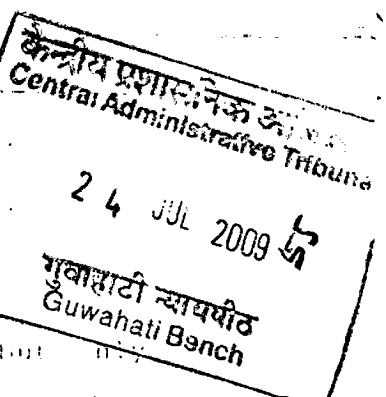
4. We have heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. at length. The core issue is that of regularisation of the applicant. Admittedly, the applicant was appointed on ad hoc basis and he continued to hold the post as such and served the department till he was disengaged in October 2002. The applicant duly fulfilled the eligibility criteria. The department also did not indicate that no regular appointment was made in the meantime by the Assam Rifles. The Assam Rifles wrote to the concerned authority for regularisation of the services of the ad hoc Medical Officers since their services were needed. No such Recruitment Rules were before us indicating any impediment for such regularisation of ad hoc Medical Officers, especially when the department was in need of their services. We do not find any reasonable justification for not regularising the services of the applicant. If the applicant fulfilled the eligibility criteria, there was no justification in not regularising his services by providing weightage to the services rendered by the applicant.



5. We have already mentioned about the communication addressed by the Director General, Assam Rifles, to the Ministry of Home Affairs for regularising the services of the ad hoc Medical Officers. The Government of India, Ministry of Home Affairs by its communication dated 19.6.2000 in a most cryptic manner informed the Director General, Assam Rifles that it was not possible to regularise the services of the ad hoc Medical Officers in the Assam Rifles. There is no discernible reason as to why the case of the persons who served for a long period could not be considered for regularisation on the post held by those persons. No statutory limitations/inhibition are also ascribed for not regularising their services.

6. Considering the facts and circumstances and the nature of service rendered by these persons we are of the opinion that it is a fit case in which a direction needs to be issued on the respondents to reconsider the case for regularisation of the applicant who served as a ad hoc Medical Officer. Similarly, we do not find any justification on the part of the authority for not providing age concession to the applicant who worked on ad hoc basis taking note of the period of previous service under the Assam Rifles. Ad hoc service is also a purpose. The power to relax the age is provided to the authority with some meaningful purpose. Such powers are to be used lawfully and reasonably and not arbitrarily. Such powers are to be exercised on equitable consideration to remove the hardship on the fact situation. The Government of India delineed such policies and the category of persons to whom the benefit can.....





can be extended. These are not exhaustive, but only illustrative. The main consideration for giving the relaxation is to avoid the hardship. In taking a decision the authority is to take note of the question as to whether there is a nexus of the duties of the post held by the Government servant and those of the posts for which recruitment is made. If the nexus is available there is no justification slamming the power for consideration. The impugned communication dated 18.4.2002 declining to count the earlier service of such persons in the circumstances cannot be sustained. In the circumstances, the respondents are directed to examine afresh the matter and are directed to consider the case of the applicant and like persons taking note of their services in the Assam Rifles on ad hoc basis and consider their cases on the basis of their performance. The respondents are accordingly ordered to declare the results of the applicant by taking remedial measure of relaxation of his age and consider the case for regularisation. Since the matter is an old one the respondents are directed to act with utmost expedition, preferably within three months from the date of receipt of the order.

The application is accordingly allowed. There shall, however, be no order as to costs.

Scrutinized to be true Copy  
K. M. S. 42/62

Section Officer (J)  
C.A.T. GUWAHATI BENCH  
Guwahati 781005

SD/ VICE CHAIRMAN  
SD/ MEMBER (ADM)

Tele No: 705095

REGISTERED

Bharat Sarkar  
 Government of India  
 Crih Mantralaya  
 Ministry of Home Affairs  
 Mahanideshalaya Assam Rifles  
 Directorate General Assam Rifles  
 Shillong - 793 011

24 JUL 2009

Guwahati Bench

I.14015/ARMC/2003/M-1

01 OCT 2003

✓ Dr Potshangbam Priyo Kumar Singh  
 Bishnupur, Kha Ward No: 7  
 P.O: Bishnupur  
 Dist: Bishnupur  
 Manipur, PIN: 795126

**APPOINTMENT OF MEDICAL OFFICER (ASSISTANT COMMANDANT)  
 IN ASSAM RIFLES SELECTED THROUGH COMMON RECRUITMENT  
 OF MEDICAL OFFICERS FOR THE YEAR 2000-2001 BY DG ITBP**

1. On the basis of your performance in the interview conducted by DG ITBP/BSF during the year 2002, you have been selected for appointment of medical officer (Assistant Commandant) in Assam Rifles. The President is pleased to appoint you as medical officer on temporary basis in Assam Rifles.

(a) The post of Medical officers in Assam Rifles is combatised in the rank of Assistant Commandant and you will have to undergo a course of training in that regard. You will be on probation for a period of 2 (two) years from the date of appointment which may be extended at the discretion of the competent authority. You shall be required to undergo such training as prescribed by the competent authority. Failure to complete the period of probation to the satisfaction of the competent authority or to successfully complete the prescribed training will render you liable to discharge from service without any reasons being assigned. On the completion of the period of probation, you, if consider fit for appointment, be confirmed in the post through a confirmation order and if not confirmed, the appointment will continue on temporary basis and may be terminated at any time by a month's notice given by the competent authority without assigning any reasons. However, an officer who is not confirmed will not be retained in service beyond the minimum period of initial engagement. The appointment authority, however, reserve the right of terminating the service of the appointee at any time or before the expiration of the stipulated period of notice by making payment to you of a sum equivalent to the pay and allowances for the period of notice on unexpired portion thereof.

(b) The appointment is in accordance with the provisions contained in Assam Rifles Act as amended from time to time.

TRUE COPY  
 Arun Kumar  
 Advocate

Central Administrative Tribunal  
Guwahati Bench

24 JUL 2009

(c) The condition that on your appointment as Medical Officer, you will be required to serve in the Assam Rifles for the minimum period of initial engagement which is 10 years as prescribed in applicable rules or government instructions issued from time to time. The appointing authority, may during the period of your appointment permit you for good and sufficient reasons, to resign from the Force with effect from such that as may be specified in the order accepting your resignation provided date on the acceptance of your resignation you will be required to refund to the government, a sum equal to three months pay and allowances received by you prior to the date of your resignation or if the cost of training imparted to you in the force is greater than the said sum, the cost of such training. Provided that in the case of your seeking discharge from service within the period of three months from the date of appointment, the sum equal to three months pay and allowances shall be calculated with reference to three months pay and allowances, which would have been received but for discharge.

(d) The candidate should have completed satisfactorily the compulsory rotating internship before joining service. In case where this has not been completed, all details should be furnished for consideration of the government.

(e) The scale of pay of the post is Rs.8,000-275-13,500. The initial pay of such candidates who are in Govt service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scale.

(f) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

(g) Dearness and other allowances will be admissible according to orders of the Central Government.

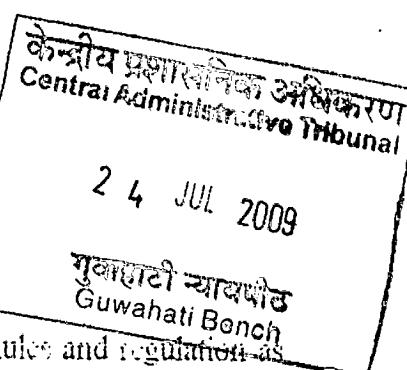
(h) The officers will be required to contribute compulsorily to the General Provident Fund in accordance with the rules in force from time to time.

(i) He/She is required to contribute towards Assam Rifles Group Insurance Scheme, such rates as may be prescribed by the department according to rules.

(k) The appointment carries with it the liability to serve in any part of India or outside.

(l) Submission of a declaration in the case of married appointee that you have only one spouse living and not married to a person having a spouse living. In the event of your having more than one wife living or married to a person having a spouse living, in which case such marriage is void by reasons of its taking place during the life time of such spouse, the appointment will be subject your being exempted from enforcement of the requirement in this behalf, if the competent authority is satisfied that there are special grounds for doing so.

On appointment, the officer will be required to take an oath of allegiance to the Constitution of India to make a solemn affirmation to that effect in the prescribed form.



-3-

(ii) On joining the post you will be governed by Acts, Rules and regulations as applicable to GROUP "A" combatant officers of Assam Rifles Cadres and Assam Rifles Medical Officers Cadre Recruitment Rules 2002, as amended from time to time. When serving with a Assam Rifles unit attached to or acting with any body of the regular Army, you will also be subject to the Army Act, with modifications as notified by the Government of India from time to time.

(o) The PG allowance shall be admissible to the medical officers who are possessing PG diploma and PG degree qualification as per existing rules.

2. No request for extension of joining time for doing post graduation or continuation will be entertained under any circumstances. The candidates will have to choose between post graduation and joining the Assam Rifles.

3. The appointment of Dr Potshangbam Priyo Kumar Singh is provisional and is subject to following certificate(s) being verified by this Department:-

- (a) Compulsory Rotating Internship Certificate.
- (b) Original MBBS Degree.
- (c) Original SC/ST/OBC certificate in the prescribed form from the competent authority.
- (d) Verification of character and antecedents from police authority.

4. You are hereby requested to report to this Directorate (Medical Branch) on or before 17 Nov 2003 for further posting to unit. The appointment letter is valid for a period of 45 days from the date of issue. In case you have not reported within the stipulated period of 45 days, the offer of appointment will be treated as cancelled.

5. Your inter-se-seniority will be guided by merit list despite date of joining.

6. If you accept the offer of appointment on terms and conditions mentioned above, you should send your letter of acceptance to the undersigned immediately and also report for duty to the Headquarters Directorate General Assam Rifles (Medical Branch), Shillong-793011 on or before 17 Nov 2003 for getting your further place of posting orders.

24 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

-4-

1. If the declaration given or any information furnished by the officer proves to be false or the officer is found to have willfully suppressed any material information, he/she will be liable for removal from service and such other action, as Government may deem necessary.

  
( S K Kar )  
Lt Colonel  
Offg Colonel (Medical)  
for DG Assam Rifles

Copy to:-

1. Under Secretary to the Govt of India  
Ministry of Home Affairs  
(Pers. D)  
New Delhi-110001
2. Pay and Account Office  
Assam Rifles  
Laitumukhrah Market, Manbha Villa  
Shillong-793003
3. Headquarters  
C/O 99 APO  
Assam Rifles
4. Commandant  
Assam Rifles  
C/O 99 APO
5. MS Branch (Internal)
6. Office copy.

File No: 705095

## REGISTERED

Bharat Sarkar  
 Government of India  
 Chh Mantralaya  
 Ministry of Home Affairs  
 Mahanideshalaya Assam Rifles  
 Directorate General Assam Rifles  
 Shillong - 793 11

L14015/ARMC/2003/M-I

09 Oct

2003

केन्द्रीय प्रशासनिक अदायक  
 Central Administrative Tribunal

Dr (Mrs) T. Niang Khan Ching  
 Village: Rabunamai  
 PO: Mao  
 Manipur

PIN: 795150

24 JUL 2009

गुवाहाटी न्यायालय  
 Guwahati Bench

APPOINTMENT OF MEDICAL OFFICER (ASSISTANT COMMANDANT)  
 IN ASSAM RIFLES SELECTED THROUGH COMMON RECRUITMENT  
 OF MEDICAL OFFICERS FOR THE YEAR 2000-2001 BY DG ITBP

1. On the basis of your performance in the interview conducted by DG ITBP/BSR during the year 2002, you have been selected for appointment of medical officer (Assistant Commandant) in Assam Rifles. The President is pleased to appoint you as medical officer on temporary basis in Assam Rifles.

(a) The post of Medical officers in Assam Rifles is combatised in the rank of Assistant Commandant and you will have to undergo a course of training in that regard. You will be on probation for a period of 2 (two) years from the date of appointment which may be extended at the discretion of the competent authority. You shall be required to undergo such training as prescribed by the competent authority. Failure to complete the period of probation to the satisfaction of the competent authority or to successfully complete the prescribed training will render you liable to discharge from service without reasons being assigned. On the completion of the period of probation, you, if consider fit for appointment, be confirmed in the post through a confirmation order and if not confirmed, the appointment will continue on temporary basis and may be terminated at any time by a month's notice given by the competent authority without assigning any reasons. However, an officer who is not confirmed will not be retained in service beyond the minimum period of initial engagement. The appointment authority, however, reserve the right of terminating the service of the appointee at any time or before the expiration of the stipulated period of notice by making payment to you of a sum equivalent to the pay and allowances for the period of notice on unexpired portion thereof.

(b) The appointment may be terminated by the central Government in accordance with the provisions contained in Assam Rifles Act as amended from time to time.

TRUE COPY

Abon Samir  
 Advocate

24 JUL 2009

Guwahati Bench

(c) The condition that on your appointment as Medical Officer, you will be required to serve in the Assam Rifles for the minimum period of initial engagement which is 10 years as prescribed in applicable rules or government instructions issued from time to time. The appointing authority, may during the period of your appointment permit you for good and sufficient reasons, to resign from the Force with effect from such that as may be specified in the order accepting your resignation provided date on the acceptance of your resignation you will be required to refund to the government, a sum equal to three months pay and allowances received by you prior to the date of your resignation or if the cost of training imparted to you in the force is greater than the said sum, the cost of such training. Provided that in the case of your seeking discharge from service within the period of three months from the date of appointment, the sum equal to three months pay and allowances shall be calculated with reference to three months pay and allowances, which would have been received but for discharge.

(d) The candidate should have completed satisfactorily the compulsory rotating internship before joining service. in case where this has not been completed, all details should be furnished for consideration of the government.

(e) The scale of pay of the post is Rs.8,000-275-13,500. The initial pay of such candidates who are in Govt service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scale.

(f) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

(g) Dearness and other allowances will be admissible according to orders of the Central Government.

(h) The officers will be required to contribute compulsorily to the General Provident Fund in accordance with the rules in force from time to time.

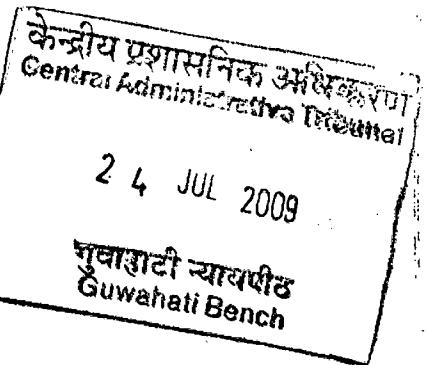
(i) He/She is required to contribute towards Assam Rifles Group Insurance Scheme, such rates as may be prescribed by the department according to rules.

(k) The appointment carries with it the liability to serve in any part of India or outside.

(l) Submission of a declaration in the case of married appointee that you have only one spouse living and not married to a person having a spouse living. In the event of your having more than one wife living or married to a person having a spouse living in which case such marriage is void by reasons of its taking place during the life time of such spouse, the appointment will be subject your being exempted from enforcement of the requirement in this behalf, if the competent authority is satisfied that there are special grounds for doing so.

(m) On appointment, the officer will be required to take an oath of allegiance to the constitution of India or make a solemn affirmation to that effect in the prescribed pro forma.

47 ✓



-3-

(a) On joining the post you will be governed by Acts, Rules and regulation as applicable to GROUP "A" combatant officers of Assam Rifles Cadres and Assam Rifles Medical Officers Cadre Recruitment Rules 2002, as amended from time to time. When serving with a Assam Rifles unit attached to or acting with any body of the regular Army, you will also be subject to the Army Act, with modifications as notified by the Government of India from time to time.

(b) The PG allowance shall be admissible to the medical officers who are possessing PG diploma and PG degree qualification as per existing rules.

2. No request for extension of joining time for doing post graduation or continuation will be entertained under any circumstances. The candidates will have to choose between post graduation and joining the Assam Rifles.

3. The appointment of Dr (Mrs) T. Niang Khan Ching is provisional and is subject to following certificate(s) being verified by this Department:-

- (a) Compulsory Rotating Internship Certificate.
- (b) Original MBBS Degree.
- (c) Original SC/ST/OBC certificate in the prescribed form from the competent authority.
- (d) Verification of character and antecedents from police authority.

4. You are hereby requested to report to this Directorate (Medical Branch) on or before 24 Nov 2003 for further posting to unit. The appointment letter is valid for a period of 45 days from the date of issue. In case you have not reported within the stipulated period of 45 days, the offer of appointment will be treated as cancelled.

5. Your inter-se-seniority will be guided by merit list despite date of joining.

6. If you accept the offer of appointment on terms and conditions mentioned above, you should send your letter of acceptance to the undersigned immediately and also report for duty to the Headquarters Directorate General Assam Rifles (Medical Branch), Shillong-793011 on or before 24 Nov 2003 for getting your further place of posting orders.

24 JUL 2009

गुवाहाटी न्यायदीर्घ  
Guwahati Bench

7. If the declaration given or any information furnished by the officer proves to be false or the officer is found to have willfully suppressed any material information, he/she will be liable for removal from service and such other action, as Government may deem necessary.

  
( S K Kar )  
Lt Colonel  
Offg Colonel (Medical)  
for DG Assam Rifles

Copy to:-

1. Under Secretary to the Govt of India  
Ministry of Home Affairs  
(Pers. D)  
New Delhi 110001
2. Pay and Account Office  
Assam Rifles  
Laitumukhrah Market, Manbha Villa  
Tillong-793003
3. Headquarters  
Assam Rifles  
C/O 99 APO
4. Commandant  
Assam Rifles  
C/O 99 APO
5. MS Branch (Internal)
6. Office copy.

Tele No: 705665

REGISTERED

Bharat Sansar  
 Government of India  
 Grah Mantralaya  
 Ministry of Home Affairs  
 Mahanideshalaya Assam Rifles  
 Directorate General Assam Rifles  
 Shillong - 793 011

I/14015/ARMC/2003/M-1

09 Oct 2003

Central App.

Dr Ch. Saleo Mao  
 Vill: Rabunamai  
 PO: Mao  
 Manipur  
 PIN: 795150

24  
 2009  
 गुवाहाटी आदायांक  
 Guwahati Bench

APPOINTMENT OF MEDICAL OFFICER (ASSISTANT COMMANDANT)  
 IN ASSAM RIFLES SELECTED THROUGH COMMON RECRUITMENT  
 OF MEDICAL OFFICERS FOR THE YEAR 2000-2001 BY DG ITBP

1. On the basis of your performance in the interview conducted by DG ITBP/BSF during the year 2002, you have been selected for appointment of medical officer (Assistant Commandant) in Assam Rifles. The President is pleased to appoint you as medical officer on temporary basis in Assam Rifles.

(a) The post of Medical officers in Assam Rifles is combatised in the rank of Assistant Commandant and you will have to undergo a course of training in that regard. You will be on probation for a period of 2 (two) years from the date of appointment which may be extended at the discretion of the competent authority. You shall be required to undergo such training as prescribed by the competent authority. Failure to complete the period of probation to the satisfaction of the competent authority or to successfully complete the prescribed training will render you liable to discharge from service without reasons being assigned. On the completion of the period of probation, you, if consider fit for appointment, be confirmed in the post through a confirmation order and if not confirmed, the appointment will continue on temporary basis and may be terminated at any time by a month's notice given by the competent authority without assigning any reasons. However, in case, a who is not confirmed will not be retained in service beyond the minimum period of initial engagement. The appointment authority, however, reserve the right of terminating the service of the appointee at any time or before the expiration of the stipulated period of notice by making payment to you of a sum equivalent to the pay and allowances for the period of notice on unexpired portion thereof.

(b) The appointment may be terminated by the central government in accordance with the provisions contained in Assam Rifles Act as amended from time to time.

True copy  
 Dated 26/10/2009  
 Advocate

24 JUL 2009

गुवाहाटी न्यायालय  
Guwahati Bench

(c) The condition that on your appointment as Medical Officer, you will be required to serve in the Assam Rifles for the minimum period of initial engagement which is 10 years as prescribed in applicable rules or government instructions issued from time to time. The appointing authority, may during the period of your appointment permit you for good and sufficient reasons, to resign from the Force with effect from such that as may be specified in the order accepting your resignation provided date on the acceptance of your resignation you will be required to refund to the government, a sum equal to three months pay and allowances received by you prior to the date of your resignation or if the cost of training imparted to you in the force is greater than the said sum, the cost of such training. Provided that in the case of your seeking discharge from service within the period of three months from the date of appointment, the sum equal to three months pay and allowances shall be calculated with reference to three months pay and allowances, which would have been received but for discharge.

(d) The candidate should have completed satisfactorily the compulsory rotating internship before joining service. in case where this has not been completed, all details should be furnished for consideration of the government.

(e) The scale of pay of the post is Rs.8,000-275-13,500. The initial pay of such candidates who are in Govt service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scale.

(f) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

(g) Dearness and other allowances will be admissible according to orders of the Central Government.

(h) The officers will be required to contribute compulsorily to the General Provident Fund in accordance with the rules in force from time to time.

(i) He/She is required to contribute towards Assam Rifles Group Insurance Scheme, such rates as may be prescribed by the department according to rules.

(k) The appointment carries with it the liability to serve in any part of India or outside.

(l) Submission of a declaration in the case of married appointee that you have only one spouse living and not married to a person having a spouse living. In the event of your having more than one wife living or married to a person having a spouse living, in which case such marriage is void by reasons of its taking place during the life time of such spouse, the appointment will be subject your being exempted from enforcement of the requirement in this behalf, if the competent authority is satisfied that there are special grounds for doing so.

(m) On appointment, the officer will be required to take an oath of allegiance to the Constitution of India and to take an affirmation to that effect in the presence of the officer.

Central Administrative Tribunal  
Guwahati Bench

24 JUL 2003

(iii) On joining the post you will be governed by Acts, Rules and regulation as applicable to GROUP "A" combatant officers of Assam Rifles Cadres and Assam Rifles Medical Officers Cadre Recruitment Rules 2002, as amended from time to time. When serving with a Assam Rifles unit attached to or acting with any body of the reg'lr Army, you will also be subject to the Army Act, with modifications as notified by the Government of India from time to time.

(iv) The PG allowance shall be admissible to the medical officers who are possessing PG diploma and PG degree qualification as per existing rules.

2. No request for extension of joining time for doing post graduation or continuation will be entertained under any circumstances. The candidates will have to choose between post graduation and joining the Assam Rifles.

3. The appointment of Dr Ch. Saleo Mao is provisional and is subject to following certificate(s) being verified by this Department:-

- (a) Compulsory Rotating Internship Certificate.
- (b) Original MBBS Degree.
- (c) Original SC/ST/OBC certificate in the prescribed form from the competent authority.
- (d) Verification of character and antecedents from police authority.

4. You are hereby requested to report to this Directorate (Medical Branch) on or before 24 Nov 2003 for further posting to unit. The appointment letter is valid for a period of 45 days from the date of issue. In case you have not reported within the stipulated period of 45 days, the offer of appointment will be treated as cancelled.

5. Your inter-se-seniority will be guided by merit list despite date of joining.

6. If you accept the offer of appointment on terms and conditions mentioned above, you should send your letter of acceptance to the undersigned immediately and also report for duty to the Headquarters Directorate General, Assam Rifles (Medical Branch), Shillong-793011 on or before 24 Nov 2003 for getting your further place of posting orders.

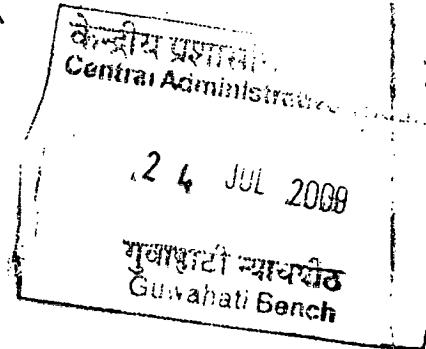
-1-

7. If the declaration given or any information furnished by the officer proves to be false or the officer is found to have willfully suppressed any material information, he/she will be liable for removal from service and such other action, as Government may deem necessary.

*S K Kar*  
 ( S K Kar )  
 Lt Colonel  
 Offg Colonel (Medical)  
 for DG Assam Rifles

Copy to:-

1. Under Secretary to the Govt of India  
 Ministry of Home Affairs  
 (Pers. D)  
 New Delhi-110001
2. Pay and Account Office  
 Assam Rifles  
 Laitumukhrah Market, Manbha Villa  
 Shillong-793003
3. Headquarters  
 Assam Rifles  
 C/O 99 APO
4. Commandant  
 Assam Rifles  
 C/O 99 APO
5. MIS Branch (Internal)
6. Office copy.



Tele No : 705095

REGISTERED

Sharat Sarkar  
 Government of India  
 Grah Mantralaya  
 Ministry of Home Affairs  
 Mahanideshalaya Assam Rifles  
 Directorate General Assam Rifles  
 Shillong- 793011

I.14015/8-78/99/MO/M-1

17 Sep 2002

**The Complainant:**  
 17 Assam Rifles  
 C/O 99 APD

केन्द्रीय प्रशासनिक अदायक  
 Central Administrative Tribunal

124 JUL 2009

गुवाहाटी बायांग  
 Guwahati Bench

TERMINATION ORDER IN RESPECT OF MEDICAL  
 OFFICER ON ADHOC BASIS

is Ref this Directorate letter No I.14015/8-78/99/MO/M-1  
 dated 03 Aug 1995 and Ministry of Home Affairs letter  
 No I.45028/47/99/Pers-II/Pers-III dated 11 Sep 2002.

2. Ministry in their letter under ref has not agreed for extension of tenure in respect of Medical Officers on Adhoc basis in Assam Rifles.

3. The Director General Assam Rifles is pleased to terminate Dr P Priya Kumar Singh \_\_\_\_\_ as Medical Officer on Adhoc basis with effect from 17 Sep 2002 in the post of Medical Officer (Adhoc).

*SKK*  
 ( S K Kar )  
 Lt Colonel  
 JADW(Medical)  
 for DG Assam Rifles

Copy to :-

1. Pay and Accounts Officer (AR) - for information please.  
 Manbha Villa, Laitumkhrah  
 Shillong- 03

2. Under Secretary to the  
 Government of India  
 Ministry of Home Affairs  
 (Pers-II/Pers-III)  
 New Delhi- 110001  
 - for information with reference  
 to Ministry's letter Number  
 I.45028/47/99/Pers-II/Pers-III  
 dated 11 Sep 2002.

3. Headquarters  
 Manipur Range Assam Rifles  
 C/O 99 APD  
 - for info please.

4. Dr P Priya Kumar Singh  
 Medical Officer  
 17 Assam Rifles  
 C/O 99 APD  
 - for info, please.

5. MS Branch (Internal)  
 - for info, please.

*Tanu Roy*  
*Flora Senwong*  
*Advocate*

Tele No : 705095

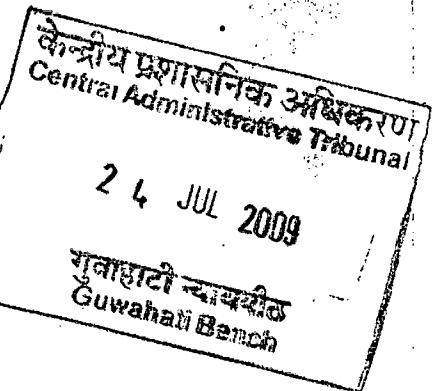
REGISTERED

Bharat Sarkar  
 Government of India  
 Grah Mantralaya  
 Ministry of Home Affairs  
 Mahanideshalaya Assam Rifles  
 Directorate General Assam Rifles  
 Shillong- 793011

I.14015/8-78/99/MO/M-1

17 Sep 2002

The Commandant  
 21 Assam Rifles  
 C/O 99 APD

TERMINATION ORDER IN RESPECT OF MEDICAL OFFICER ON ADHOC BASIS

- Ref this Directorate letter No I.14015/8-78/Appt-MO/ME(A) dated 26 Jul 95 and Ministry of Home Affairs letter No I.45028/47/99/Pers-II/Pers-III dated 11 Sep 2002.
- Ministry in their letter under ref has not agreed for extension of tenure in respect of Medical Officers on Adhoc basis in Assam Rifles.
- The Director General Assam Rifles is pleased to terminate Dr (Mrs) Niang Khan Ching as Medical Officer on Adhoc basis with effect from 17 Sep 2002 in the post of Medical Officer (Adhoc).

*gmk*  
 ( S K Kar )  
 Lt Colonel  
 JAO (Medical)  
 for DG Assam Rifles

TRUE COPY

Flora Samanta

Advocate Copy to :-

- Pay and Accounts Officer (AR) - for information please.  
 Menbha Villa, Laitumkhrah  
 Shillong- 03
- Under Secretary to the Government of India  
 Ministry of Home Affairs  
 (Pers-II/Pers-III)  
 New Delhi- 110001 - for information with reference to Ministry's letter Number I.45028/47/99/Pers-II/Pers-III dated 11 Sep 2002.
- Headquarters  
 Manipur Range Assam Rifles  
 C/O 99 APD - for info please.
- Dr (Mrs) Niang Khan Ching  
 Medical Officer  
 21 Assam Rifles  
 C/O 99 APD
- MS Branch (Internal) - for info please.

received  
 on 06.10.02  
 NLS

Tele No : 705095

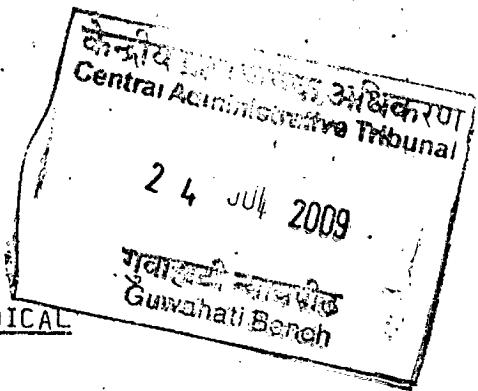
REGISTERED

Bharat Sarker  
 Government of India  
 Grah Mantraleya  
 Ministry of Home Affairs  
 Mahanideshalaya Assam Rifles  
 Directorate General Assam Rifles  
 Shillong- 793011

I.14015/8-78/99/MO/M-1

17 Sep 2002

The Commandant  
 21 Assam Rifles  
 C/O 99 APO

TERMINATION ORDER IN RESPECT OF MEDICAL  
OFFICER ON ADHOC BASIS

- Ref this Directorate letter No I.14015/8-78/Appt/MO/ME(A) dated 08 May 96 and Ministry of Home Affairs letter No I.45028/47/99/Pers-II/Pers-III dated 11 Sep 2002.
- Ministry in their letter under ref has not agreed for extension of tenure in respect of Medical Officers on Adhoc basis in Assam Rifles.
- The Director General Assam Rifles is pleased to terminate Dr Ch Salgo Mao as Medical Officer on Adhoc basis with effect from 17 Sep 2002 in the post of Medical Officer (Adhoc).

TRUE COPY

Jnan Barua  
Advocate

*SKK*  
 ( SK Kar )  
 Lt Colonel  
 JAD (Medical)  
 for DG Assam Rifles

Copy to :-

- Pay and Accounts Officer (AR) - for information please.  
 Manbha Villa, Laitumkhrah  
 Shillong- 03
- Under Secretary to the Government of India  
 Ministry of Home Affairs  
 (Pers-II/Pers-III)  
 New Delhi- 110001  
 - for information with reference to Ministry's letter Number I.45028/47/99/Pers-II/Pers-III dated 11 Sep 2002.
- HQdquarters  
 Manipur Range Assam Rifles - for info please.  
 C/O 99 APO
- Dr Ch Salgo Mao  
 Medical Officer  
 21 Assam Rifles  
 C/O 99 APO  
*J. Salgo Mao*
- MS Branch (Internal) - for info please.

From: ARMC-26P Asst Comdt  
P Priyokumar Singh  
Medical Officer  
32 Assam Rifles

To: Mahanideshalaya Assam Rifles  
Directorate Gen Assam Rifles  
Shillong -11

(Through proper channel)

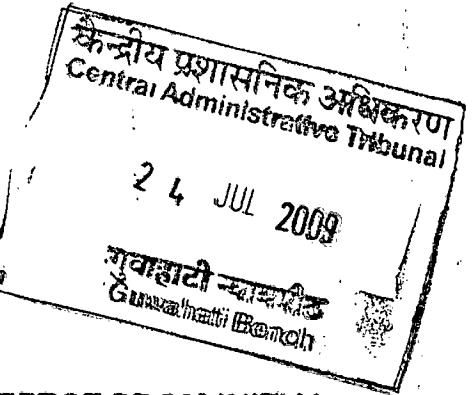
**Sub: PRAYER FOR REGULARISATION OF SERVICE WITH EFFECT FROM INITIAL APPOINTMENT IN ASSAM RIFLES IN PURSUANCE TO THE JUDGEMENT AND ORDER OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH DATED 13 NOV 2002 PASSED IN O.A. NO. 192/2002**

Sir,

1. I have the honour of submitting the following few lines for your kind consideration and favourable action.
2. I applied for the post of Medical Officer in pursuance to advertisement issued by the Directorate General Assam Rifles, Ministry of Home Affairs, Shillong in the year 1994 and I was declared selected for appointment to the cadre of Medical Officer on adhoc basis and I joined Assam Rifles on 11 July 1995.
3. This is to bring to your kind notice that although I was appointed on adhoc basis, I was recruited against a regular vacancy through a duly constituted selection board and after advertisement inviting applications from the open market. I had submitted several representations for permanent absorption as regular Medical Officer in Assam Rifles. I had also submitted willingness certificate for permanent absorption in Assam Rifles as desired by Directorate General Assam Rifles. There are several occasions that Home Ministry regularized the services of adhoc Medical Officer with approval of UPSC. I may mention that in September 1994, Ministry of Home Affairs regularized services of six adhoc Medical Officers namely (1) Dr (Mrs) Sharmila Das (2) Dr I K Chakhrayan (3) Dr Saroj Kumar Pandey (4) Dr B N Singh (5) Dr Ambika Prasad (6) Dr Th Shyam Charan Singh.
4. In the meantime, while I was expecting the order of permanent absorption in Assam Rifles, advertisement came in June 2001 for appointment to group A General Medical Officers cadre in the rank of Assistant Commandant in BSF, CRPF, ITBP and Assam Rifles under the Ministry of Home Affairs, Government of India. I also applied for said post with preference to Assam Rifles through proper channel as directed by DGAR. But I was denied of interview on the ground that I was over aged. Then the Hon'ble Central Administrative Tribunal, Guwahati Bench passed an interim order permitting me to appear in the interview for combatised cadre of Medical Officers in relaxation of upper age limit as an interim measure without prejudice to the right for regular absorption in Assam Rifles.
5. The Central Administrative Tribunal, Guwahati Bench by judgement and order dated 13 Nov 2002 directed the Ministry of Home Affairs, Government of India to consider the matter for regularization with similarly situated persons, taking note of their services in Assam Rifles on adhoc basis and also declare the result of the interview by taking remedial measures of relaxation of age. In the meantime I was selected in the interview and I started serving as combatised Medical Officer (Asst Comdt) in Assam Rifles since 20 Oct 2003.

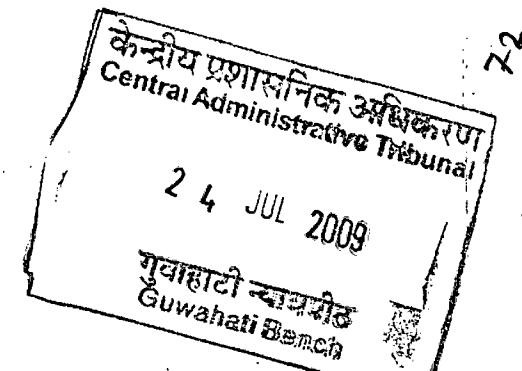
TRUE COPY  
Monon Kumar  
Advocate

Contd 2/...



57

-2-

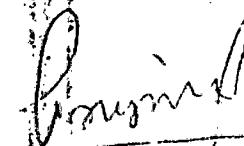


6. In view of the above I would like to submit that although I was appointed on adhoc basis, I was appointed in regular vacant post on being selected by a duly constituted Selection Board after inviting applications from the open field! There fore I am entitled to be treated on regular basis for the long seven years period of adhoc service as it was done in the case of similarly situated persons.

7. It is therefore requested that you may be graciously pleased to consider the matter for regularization of my service as a regular Medical Officer wef my initial appointment in Assam Rifles thereby allowing me all consequential service benefits.

8. I will remain grateful to you for your act of kindness in considering the matter at the utmost priority.

Yours' faithfully,



(ARMC-026P, Asst Comdt)  
P Priyokumar Singh

Station : Field

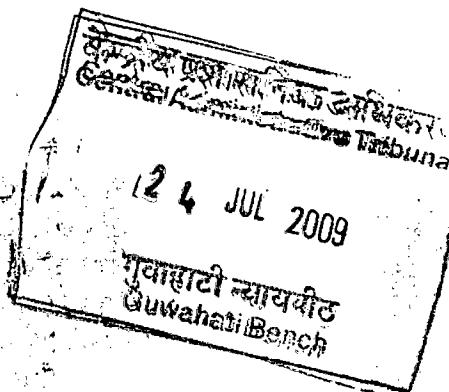
Date : 03/08/ 2006

Encl :

1. Appointment letter of initial service (adhoc basis)
2. Pay Slips of initial service
3. Central Administrative Tribunal Order
4. Appointment letter of combatised Medical Officers

From : ARMC 033N Asst Comdt  
 T Niangkhan Ching  
 Medical Officer  
 26 Assam Rifles

To : Mahanideshalaya Assam Rifles  
 Directorate General Assam Rifles  
 Shillong - 11  
 (Through proper channel)

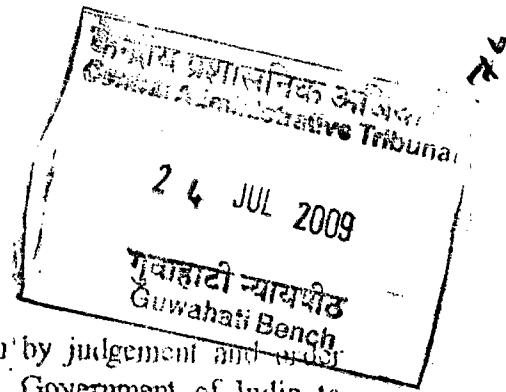


Subject : REQUEST FOR REGULARIZATION OF SERVICE  
 FROM INITIAL APPOINTMENT MEDICAL OFFICER  
 (ADHOC) IN ASSAM RIFLES.

Sir.

- With due respect I beg to state the following lines for your kind consideration and necessary action.
- That as per the advertisement issued by the Directorate General Assam Rifles, Ministry of Home Affairs, I applied for the post of Medical Officer. I appeared interview on 20 Sep 1994 at Manipurkheri, Imphal. I was selected and joined Assam Rifles as Medical Officer (Adhoc) on 30 Jun 1995. I served in Assam Rifles without any interruption from 30 Jun 1995 to 17 Sep 2002 on adhoc basis.
- I was appointed on adhoc basis but recruited against a regular vacancy through a duly constituted selection board after advertisement inviting applications from open market. I was told that the post is likely to get regularized because on many occasions Ministry of Home Affairs regularized services of Adhoc Medical Officers with approval of UPSC. In Sep 1994, Ministry of Home Affairs regularized 06 (six) Adhoc Medical Officers namely (i) Dr (Mrs.) Shamila Das (ii) Dr J K Chakhray (iii) Dr. Saroj Kumar Pandey (iv) Dr. B N Singh (v) Dr. Ambika Prasad (vi) Dr. Th Shyam Charan Singh. I submitted willingness certificate for permanent absorption in Assam Rifles as desired by Directorate General Assam Rifles.
- Directorate General Assam Rifles conveyed to us that Ministry of Home Affairs has turned down the issue of permanent absorption in Assam Rifles. But directed all Medical Officers (Adhoc/contract) to apply for the post of Medical Officer (Asst. Comdt) in CPOs for the year 2000-2001. I applied for the post with preference to Assam Rifles through proper channel as directed by DGAR. I was not allowed to appear for the interview because I was over aged. In pursuant to the Central Administrative Tribunal Court, Guwahati Bench, filed by Dr. P P K Singh, an interim order was passed to allow to appear before the interview board for selection of Medical officer in CPO. I appeared for the said interview on 24 Aug 2002 at 15 Bn MBP, Tigri Camp, Delhi.

TRUE COPY  
 Aron Sengupta  
 Advocate



5. The Central Administrative Tribunal, Guwahati Bench by judgement and order dated 13 Nov 2002 directed the Ministry of Home Affairs, Government of India to consider the matter of regularization with similarly situated persons, taking note of their services in Assam Rifles on Adhoc basis and to declare the result of the interview by taking remedial measures of age relaxation. Guwahati High Court passed an order on 30 Jun 2003 for the authority to declare the result of the examination held in the month of Aug 2002 and considering the age of the respondent/applicant as ordered by the learned Tribunal.

6. I was informed that I had been selected in the interview and I joined as Medical Officer (Asst Comdt) in Assam Rifles on 11 Nov 2003. My date of birth is 08 Feb 1962. At the time of appointment as MO (Asst Comdt) I was already 41 yrs 09 months and 03 days. If my previous service is not counted I will not be able to complete 20 yrs pensionable service.

7. In view of the above, I would like to submit that although I was appointed on adhoc basis, I was appointed in regular vacant post on being selected by duly constituted selection board and I enjoyed all the privileges of regular Medical Officer including annual increments, leaves facilities, LTC and Medical Claims facilities etc.

8. I therefore request you to kindly consider the matter for regularization of my service as a regular Medical Officer with effect from my initial appointment in Assam Rifles and thereby allowing me all consequential service benefits.

9. For the kind act of which I will remain ever grateful to you.

Yours Sincerely

*T. Niangdian Ching*

Station : Field  
Dated : 28 Sept. 2006

ARMC 133N Asst Comdt  
T Niangdian Ching

Encl :

- (i) Appointment letter of initial service (Adhoc)
- (ii) Central Administrative Tribunal order
- (iii) Guwahati High Court order
- (iv) Declaration of result by DG ITDP
- (v) Appointment letter of Medical Officer (Asst Comdt)

From : ARMC 032H Asst Comdt  
 CH Sasee Mao  
 Medical Officer  
 26 Assam Rifles

To : Mahanideshalaya Assam Rifles  
 Directorate General Assam Rifles  
 Shillong - 11

(Through proper channel)

Subject : PRAYER FOR REGULARIZATION OF SERVICE  
 WITH EFFECT FROM INITIAL APPOINTMENT OF  
 ADHOC SERVICE.

Sir,

1. With due respect and humble submission I beg to state the following lines for your kind consideration and favourable action.

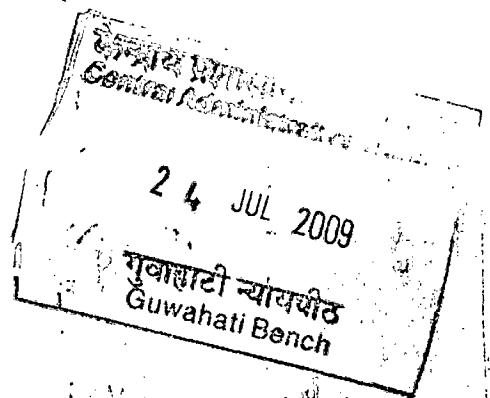
2. That, I appeared interview for the post of Medical Officer (Adhoc) on 20 Dec 1995 under Directorate General Assam Rifles, Ministry of Home Affairs, Government of India. I got selected and joined Assam Rifles as Medical Officer on 25 April 1996. I served continuously in Assam Rifles from 25 April 1996 to 7 Sep 2002 without any interruption in my service on Adhoc basis.

3. I was recruited against a regular vacancy through advertisement by a constituted selection board. We were told that the post is likely to be regularized. Ministry of Home Affairs have regularized services of Medical Officers (Adhoc) on many occasions with approval of UPSC. In 1994, 66 (sixty six) Medical Officer (Adhoc), were regularized by Ministry of Home Affairs. I have submitted my willingness certificate for permanent absorption in Assam Rifles as desired by Directorate General Assam Rifles.

4. After many years of expectation, DGAR informed that regularization of Medical Officer (Adhoc) was not accepted by Ministry of Home Affairs. So, Directorate General Assam Rifles directed all Adhoc/contract Medical Officers to forward applications for the post of Medical Officer (Asst Comdt) in Central Police Organisations for the year 2000-2001. My application was forwarded through Directorate General Assam Rifles with preference to Assam Rifles, but denied interview by Directorate General ITBP because I was over aged. In pursuant to the orders of Central Administrative Tribunal court, Guwahati bench filed by Dr. P. P. K. Singh. I was allowed to appear before the interview board for selection of Medical Officer in CPO.

5. I appeared in interview/Medical examination for the post of Medical Officer (Asst Comdt) in CPOs for the year 2000-2001 on 24 Aug 2001 at 15 Bn ITBP Delhi, while I was still serving as Medical Officer (Adhoc).

True copy  
 Suman Senma  
 Advocate



6. The Central Administrative Tribunal, Guwahati Bench by judgement and order dated 13 Nov 2002 directed the Ministry of Home Affairs, Government of India to consider the matter of regularization with similarly situated persons, taking note of their services in Assam Rifles on Adhoc basis and also declare the result of the interview by taking remedial measures of relaxation of Ago. On 30 Jun 2003, Guwahati High Court also passed an order for the authority to declare the result of the examination held in the month of August 2002 and considering the age of the respondent/applicant as ordered by the learned Tribunal.

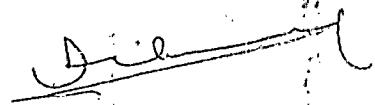
7. When I got intimation that I was selected in the interview and I joined as Medical Officer (Asst Comdt) in Assam Rifles on 11 Nov 2003.

8. In view of the above, I would like to submit that although I was appointed on adhoc basis, I was appointed in regular vacant post on being selected by duly constituted selection board and I enjoyed all the privileges of regular Medical officer including annual increments, leaves facilities, LTC and Medical Claims etc.

9. It is therefore requested that you may kindly consider the regularization of my service as a regular Medical Officer wef my initial appointment in Assam Rifles and thereby allowing me all consequential service benefits.

10. For your kind act of which I will remain ever grateful to you

Yours Sincerely



ARMC 032H Asst Comdt  
CH Saleo Mao

Station : Field  
Dated : 28...Sept... 2006

Encl :

- (i) Appointment letter of initial service (Adhoc)
- (ii) Central Administrative Tribunal order
- (iii) Guwahati High Court order
- (iv) Declaration of result by DG ITBP
- (v) Appointment letter of Medical Officer (Asst Comdt)

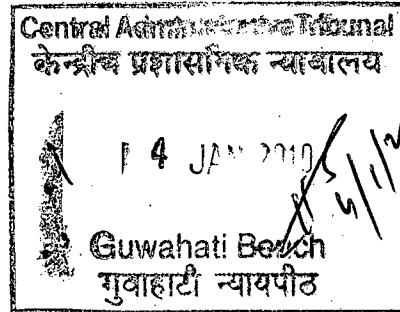
File by -  
The Respondents  
The Trial Court  
Mamta Singh  
Sri Singh  
4/11/2012

1/2/2012  
SRO 2 (Med)  
SO 2 (Med)  
Direction General Audit  
File No. -793011  
Exhibit No. 1

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

### GAUHATI BENCH: GUWAHATI

O A NO. 138 / 2009



#### IN THE MATTER OF :

Dr. P Priyo Kumar Singh and Ors

..... Applicants.

-VS-

Union of India and others

..... Respondents.

-AND-

#### IN THE MATTER OF :

Written Statement on behalf of the  
Respondents.

#### ( WRITTEN STATEMENT ON BEHALF OF RESPONDENTS )

I, Major Rajni Nayal D/o Shri Narayan Singh aged about 33 years, presently serving as Staff Officer – 2 (Medical) do hereby solemnly affirm and state as follows :

1. That I am presently serving as Staff Officer – 2 (Medical). A copy the above Original Application has been served upon the respondents. I have gone through the same and, being acquainted with the facts and circumstances of the case, I have been authorized to file the written statement on behalf of the respondents.

2

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
4 JAN 2010
Guwahati Bench गुवाहाटी न्यायपीठ

संदर्भ संख्या : ७९३०/१/१  
केन्द्रीय प्रशासनिक न्यायालय  
Directorate General Assam Rifles  
फॉर्म संख्या : ७९३०/१  
28

2. That I do not admit any of the averments except which are specifically admitted here-in-after and the others shall be deemed to have been denied.
3. That before traversing various paragraphs of the present Original Application, the answering respondent would like to place the preliminary objection and brief facts of the case.

#### PRELIMINARY OBJECTION

4. The subject Original Application has been filed by the applicants who are employed as Combatant, Assistant Commandants (Medical Officer) in the Assam Rifles, an Armed Force of the Union of India. In terms of Section 2 (a) of the Central Administrative Tribunal Act, 1985, the provisions of the said Act shall not apply to any member of the Armed Force of the Union. Assam Rifles is one of the Armed Forces of the Union, and the applicants are not civilian Government servants but Assam Rifles Medical Officers, presently serving in the rank of Assistant Commandant and hence this Hon'ble Tribunal has no jurisdiction to entertain the present OA filed by the Applicants. In this context reliance is placed on the recent decision of Hon'ble CAT, Hyderabad Bench in OASR No 2511/2009 filed by Shri R Ramu Vs DGAR, wherein the Hon'ble CAT has held that "As the applicant is not a civilian government servant and is a constable in Assam Rifles, which comes under Armed personnel, the office objection is upheld. 2. Return the application to present before the proper forum".

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

Therefore, this Original Application is not maintainable as per law before the Hon'ble CAT and is liable to be dismissed on this ground itself.

Section 2 (a) of the Central Administrative Tribunal Act 1985  
is annexed herewith and marked as Annexure R-1

Copy of Hon'ble CAT, Hyderabad Bench order dated 29.09.2009 passed in OASR No. 2511/2009 is annexed herewith and marked as **Annexure R-2**.

## BRIEF FACTS

5. That the applicants were appointed as Medical Officers on ad-hoc basis vide orders dated 03.08.1995, 26.07.1995 and 08.05.1996 respectively in the Assam Rifles for a period of six months with certain terms and conditions as brought out in appendix A -1 to A-3 of the OA, as well as terms and conditions which formed a part of the said ad-hoc appointment letters and which have not been deliberately annexed to Appendix A-1 to A-3 of the instant OA by the applicants to hide certain facts.

Copy terms and conditions supplied with appendix A-1 to A-3 of the instant OA to the ad-hoc appointees are annexed herewith and marked as **Annexure R-3**.

4 JAN 2010

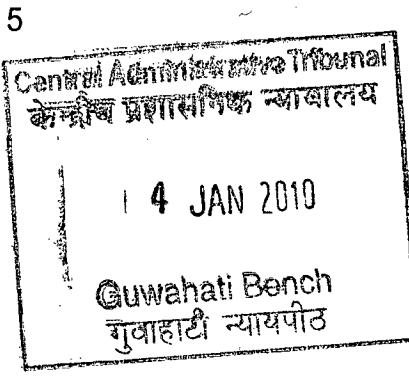
## Guwahati Bench গুৱাহাটী ন্যায়পীঠ

65 -

Dr Cal/Maj.  
एस० औ० २ (फैक्टरी)  
SO २ (Med)

অসম মিডিয়া অ্যাসোসিয়েশন  
Assam Media Association  
Directorate General Assam Rule  
শিল্পাচার-793011  
মালিক-793011

6. That the applicants had rendered their services on ad-hoc basis since the time of their joining, till 17.09.2002, when the termination orders of the ad-hoc appointees were issued. The attention is drawn to Annexure H-1 to H-3 of the present OA.
7. That meanwhile the Ministry of Home Affairs, Government of India vide letter dated 05 September 2000, for the first time issued directions for constitution of Medical Officers Selection Board for recruitment of Medical Officers in CRPF, BSF, ITBP and Assam Rifles for making direct recruitment to the post of Medical Officers in the rank of Assistant Commandant. Subsequently, after following due procedure and also keeping in mind the order of Hon'ble CAT, the Applicant No. 1 was given age relaxation, pursuant to which he was considered and hence got selected and was later given the rank of Assistant Commandant a combatised post in Assam Rifles.
8. That the applicant No.1, vide his representation dated 06.03.2002 made a request to Member Secretary, Medical Officers Selection Board, ITBP (MHA), Govt. of India for permanent absorption as Medical Officer. That, thereafter, the applicant approached the Hon'ble Central Administrative Tribunal, Guwahati Bench by filing O.A No. 192/2002 with a prayer for relaxation of age. The Hon'ble Court after hearing was pleased to pass a judgement and order dated 13.11.2002 and directed the respondents to declare the result of the applicant by taking remedial measure of relaxation of his age and consider the case for regularization (Annexure F to OA).

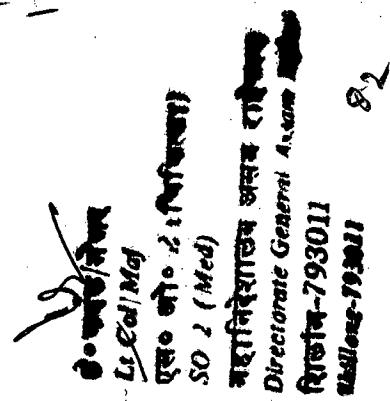
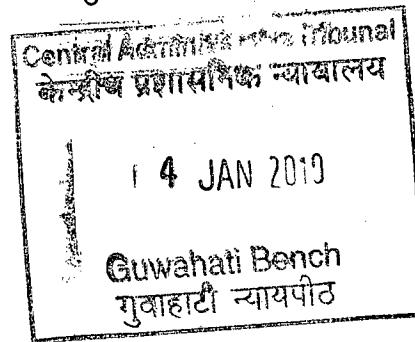


সিলভেস্টাৰ অসম রাজ্য  
Directorate General Assam Rifles  
ফোন-৭৯৩০১১  
ফোন-৭৯৩০১১

9. That it is to be stated here that vide order dated 17.09.2002 the respondent authority issued orders for terminating the earlier ad-hoc appointment of the applicants with effect from 17.09.2002 (Annexure H-1 to H-3 of the instant OA refers)
10. That in compliance with the above order passed by the Hon'ble Tribunal, the respondent authority allowed the applicants to appear in selection procedure by relaxing the age for combatised post of Assistant Commandant. The applicants after coming out successfully from the selection procedure were appointed as Medical Officers (Assistant Commandant) in Assam Rifles vide orders dated 01.10.2003, 09.10.2003 and 09.10.2003 respectively.
11. That it is stated that there is an Department of Personnel and Training (D.O.P.T) Office Memorandum No. 28036/1/2001-Estt(D) dated 23.07.2001 on the subject of restriction on regularization of ad-hoc appointment. As per the said O.M, ad-hoc appointee has to be replaced by a regularly selected candidate. In the instant case the applicant was regularly appointed after following the laid down selection procedure in 2003, when the post Medical Officer, Group 'A' was combatised in the rank of Assistant Commandant.

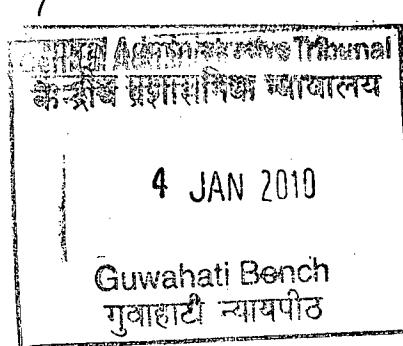
Copy of D.O.P.T Office Memorandum dated 23 July 2001 is attached herewith and marked as **ANNEXURE-R-4**.

12. That the post of Medical Officers(Assistant Commandant), in Assam Rifles, was non existent prior to the advertisement published in 2000-2001. The post of Medical Officers(Assistant Commandant) in Assam Rifles has started vide



Min. of Home Affairs letter dated 05 September 2000, wherein for the first time directions were issued for the constitution of Medical Officers Selection Board for recruitment of Medical Officers in CRPF, BSF, ITBP and Assam Rifles for making direct recruitment to the post of Medical Officers (Assistant Commandant level). Pursuant to which in 2001 applications from eligible candidates were invited for the post of Medical Officers (Assistant Commandant). It is also pertinent to bring out the fact that the applicant and others belong to the first batch of combatised post of Medical Officers (Assistant Commandant) in Assam Rifles. These facts are well within the knowledge of the applicants also. The applicants were allowed to appear in the examination after giving the age relaxation in deference to the order of the Hon'ble CAT.

13. Regarding 6 doctors, whose cases were submitted to the Department of Health and Family Welfare for regularization, they had become the part of CGHS (Central Government Health Service) under the Ministry of Health and Family Welfare, Govt. of India and not under the respondents authority. That the applicants have themselves admitted at para 4.8 of OA No. 192 of 2002 that the force was running acute shortage of Medical Officers and the Department of Central Government Health Service could not provide required number of Medical Officers to Assam Rifles. In such compelling circumstances, with the approval of the Central Government Health Service, Govt. of India, the DGAR appointed the applicant and other Medical Officers on ad-hoc basis after observing all required formalities. However, no combatised post of Medical Officers (Assistant Commandant) in Assam Rifles



was existent at that time. Therefore, seeing the shortage in CPOs (CRPF, BSF, ITBP and Assam Rifles) the combatised post of Medical Officer (Assistant Commandant level) was introduced in group 'A' vide letter dated 05 September 2000.

A copy of letter dated 05 September 2000 is attached herewith and marked as **ANNEXURE R-5**.

14. That the contention of the applicants in para1 of the OA is misconceived and incorrect and hence denied as stated. It is submitted that the applicant No 1 was appointed as Medical Officer on ad-hoc basis with effect from 11 July 1995 vide this Directorate letter No. I.14015/6-78/Appt-MO/ME(A)/30 dated 13 June 1995 and even No dated 03 August 1995. The applicant accepted the appointment as Medical Officer on ad-hoc basis with the terms and conditions(annexure A-1 to A3 of the instant OA and Annexure R-3 refers) . It is discernible from the said annexures that the appointment was on ad-hoc basis for a period of six months for which approval had been taken from Ministry of Health and Family Welfare as no combatised post of Medical Officers(Assistant Commandant) was existent at that time. Appointment on ad-hoc basis of the applicant was terminated with effect from 17 September 2002 and accordingly termination letter was issued vide this Directorate letter No. I.14015/B-78/99/MO/M-I dated 17 September 2002. The applicant had applied for the combatised post of Medical Officers(Assistant Commandant) in Assam Rifles, wherein the selection procedure was conducted by MOSB (Medical Officers Selection Board), ITBP, Ministry of Home Affairs in year

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

4 JAN 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

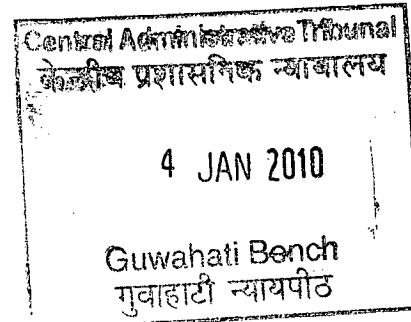
2

Le Col Major  
प्रोफेशनल सेवा वर्ग  
SO 2 (Med)

न्यायपीठ अधिकारी अधिकारी अधिकारी  
Directorate General Assam Rifles  
सिराजगढ़-793011  
सिराजगढ़-793011

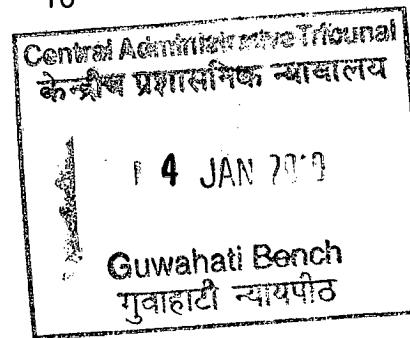
2000-2001. He was denied to participate in the selection for the post of Medical Officers(Assistant Commandant) in Assam Rifles since he was over aged . The applicant filed an OA in the Hon'ble CAT, Guwahati Bench, Guwahati and Hon'ble CAT Guwahati Bench vide order dated 13 November 2002 (Annexure F of OA refers) passed in Original Application No. 192 of 2002, directed the respondents to consider the case of the applicant and like persons taking note of their services in the Assam Rifles on ad-hoc basis and consider their cases on the basis of their performance. The respondents were accordingly ordered to declare the results of the applicant No 1 by taking remedial measures of relaxation of his age and consider the case for regularization. In deference to the CAT order, the applicant was permitted to appear for selection of the said combatised post of Medical Officers(Assistant Commandant) in Assam Rifles. Subsequently, the applicant was considered for the said post and after following the due procedure of selection the applicant was appointed in the combatised post of Medical Officers(Assistant Commandant) in Assam Rifles with effect from 20 Oct 2003.

15. That in the intervening period between 17 September 2002 (date of termination of ad-hoc service) to 19 October 2003 (prior to date of appointment as Medical Officers(Assistant Commandant) in Assam Rifles) the applicants were not serving in the Assam Rifles. Therefore, the Applicant No 1 had a break in service of 01 year, 01 month and 2 days, whereas Applicant Nos 2 and 3 had a break in service of 01 year, 01 month and 23 days. Therefore during the said period of break in service, the applicants



were not serving in the Assam Rifles and hence the said gap period as well as the ad-hoc, contractual service cannot be regularized from the date of their initial contractual appointment as ad-hoc Medical Officers, since they had been freshly inducted in the combatised post of Medical Officers (Assistant Commandant) in Assam Rifles with effect from the date of their appointment as Medical Officers(Assistant Commandant) in Assam Rifles, in 2003. It is further respectfully submitted that the appointment of Medical Officers in the rank of Assistant Commandant for the first time in Assam Rifles was done in year 2003 and the applicant was of the first batch. There was no combatised group A post of Medical Officer in the rank of Assistant Commandant prior to the year 2003. Hence the applicants are not eligible for regularization in the rank of Assistant Commandant (Medical Officer) as belonging to the first batch of Medical Officers in Assistant Commandant Rank.

16. That the contention of the applicants in para 2 of the OA is misconceived and incorrect and hence denied as stated. It is submitted that in terms of Section 2 (a) of the Central Administrative Tribunal Act 1985 provisions of the said Act shall not apply to any member of the Armed Force of the Union. Assam Rifles is one of the Armed Forces of the Union, and the applicants are not civilian Government servants but Assam Rifles Medical Officer presently serving in the rank of Assistant Commandant and hence this Hon'ble Tribunal, has no jurisdiction to entertain the present OA filed by the Applicants. In this context reliance is placed on the recent decision of Hon'ble CAT, Hyderabad Bench in OASR No 2511/2009 filed by Shri R

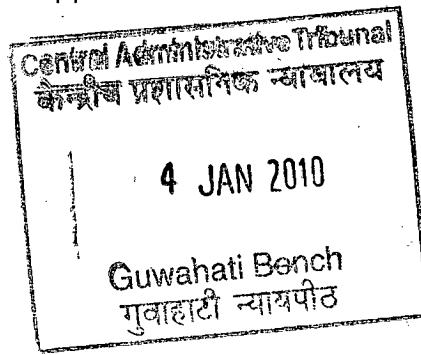


শহীদ মুক্তি  
Lt. Col. Maj  
স্টেট অৰু ২. প্ৰক্ৰিয়া  
SO 2 (Med)

শহীদ নিয়োগ অসম রাজ্য  
Directorate General of Posts  
পুরোগঠ-৭৯৩০১  
মুল্লোগঠ-৭৯৩০১

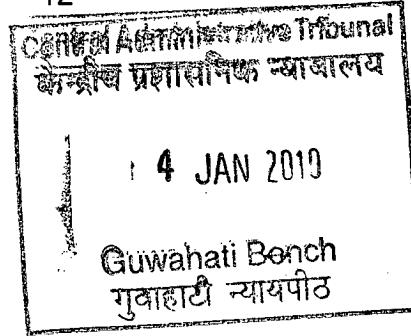
Ramu Vs DGAR, wherein the Hon'ble CAT has held that "As the applicant is not a civilian government servant and is a constable in Assam Rifles, which comes under Armed personnel, the office objection is up held. 2. Return the application to present before the proper forum". Therefore, this Original Application is not maintainable as per law before the Hon'ble CAT and is liable to be dismissed on this ground itself. (**Annexures R-1 and R-2 refers**)

17. That with regard to statements made in para 3 to 4.1 of the Original Application, no comments being offered being a matter of statutory provisions and the personal knowledge of the applicants.
18. That with regard to statement made in para 4.2 to 4.5 of the Original Application, the respondents beg to submit that the contention of the applicants in above paras is misconceived and incorrect and hence denied as stated. It is submitted that in 1994 there was no combatised post of Medical Officers(Assistant Commandant) existing in the Assam Rifles. It is incorrect to state that the applicants were recruited. The applicants were given the formal order of appointment as Medical Officers **on ad-hoc basis** (Annexure A-1 to A-3 of OA refers) subject to the terms and conditions mentioned in annexure R-3 and the applicants were not recruited against the regular vacancy since there was no combatised post of Medical Officers(Assistant Commandant) existing in the Assam Rifles in the year 1994 which came into existence only in year 2003. It was admitted by the applicants in para 4.4 of the instant OA that they were given formal order of appointment as Medical Officers **on ad-**



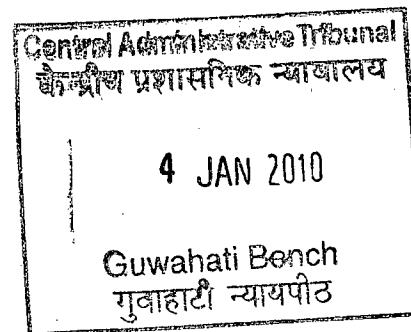
hoc basis. (Annexure A-1 to A-3 of OA refers). It is the own admission of the Applicant No. 1 in his earlier OA No. 192 of 2002 that his appointment on ad-hoc basis was done by Assam Rifles after taking approval of Ministry of Health and Family Welfare. It is pertinent to mention here that there was no combatised post of Medical Officers(Assistant Commandant)present in Assam Rifles prior to the year 2003. Hence the applicants are not eligible for regularization in the rank of Assistant Commandant (Medical Officer) with effect from their initial date of joining the service in Assam Rifles. It is futher pertinent to bring out that the applicants belong to the first batch of combatised rank of Medical Officers(Assistant Commandant)in Assam Rifles whose selection had been based on certain eligibility criteria (**Physical and Medical Standards being combatants**) required by the said combatised post.

19. That with regard to statement made in para 4.6 of the Original Application, the respondents beg to submit that the contention of the applicants being misconceived and incorrect hence denied. It is submitted that the applicants have not brought out certain facts which have been admitted by them in para 4.8 in OA No 192 of 2002, wherein, it has been admitted that even for appointing them on ad-hoc basis, the respondent authorities had taken the approval of Ministry of Health and Family Welfare and not the Ministry of Home Affairs. It is further respectfully submitted that there was no combatised post in the rank of Medical Officers(Assistant Commandant)present in Assam Rifles prior to the year 2003. The



applicants were issued the formal order of appointment as Medical Officers **on ad-hoc basis** and the applicants were not recruited against the regular vacancy since there was no combatised post of Medical Officers(Assistant Commandant)present in Assam Rifles till year 2003.

20. That with regard to the statement made in para 4.7 of the Original Application, the respondent beg to submit that the contents of the para is misconceived and incorrect hence denied as stated. It is further submitted that when the applications for the post of Medical Officers(Assistant Commandant) in Assam Rifles were invited from eligible candidates vide the advertisement, at that time all the Medical Officers were serving in ad-hoc appointment as Civilian Doctors were also informed, so that, if they are willing, they can apply for the post. The post of Assistant Commandant Medical Officers was combatised in the year 2003 and the applicants belong to the first batch of combatised post of Medical Officers(Assistant Commandant) in Assam Rifles with certain eligibility criteria of physical and medical standards. The element of surprise felt by the applicant is incorrect and misconceived, and hence, the same is denied. Moreover, the applicant has mentioned that his ad-hoc service rendered in Assam Rifles should have been considered for giving age relaxation, when the applicant was applying for combatised appointment. It is further submitted that there is no provision for such relaxation for the Doctors serving on ad-hoc appointment. However, in deference to the Hon'ble CAT order dated 13 November 2002(Annexure F of OA refers); the applicant was permitted to appear in the selection procedure for the said combatised post of



Medical Officers(Assistant Commandant) in Assam Rifles. Moreover, as per para 5 of annexure E of the instant OA, the Applicant No 1 vide letter dated 06 March 2002 had admitted that he under his own volition had failed to mention it in his application that he is an OBC candidate and hence is eligible for age relaxation. It is pertinent to mention here that no person can claim a right based on his own ignorance. However, subsequently the applicant was selected for the said post and was appointed as Medical Officers(Assistant Commandant) in Assam Rifles in year 2003, after giving age relaxation in deference to Hon'ble CAT order. That in the intervening period between 17 September 2002 (date of termination of ad-hoc service) to 19 October 2003 (prior to date of appointment as Medical Officers(Assistant Commandant) in Assam Rifles) the applicants were not serving in the Assam Rifles. Therefore, the Applicant No 1 had a break in service of 01 year, 01 month and 2 days, whereas Applicant Nos 2 and 3 had a break in service of 01 year, 01 month and 23 days. Therefore during the said period of break in service, the applicants were not serving in the Assam Rifles and hence the said gap period as well as the ad-hoc, contractual service cannot be regularized from the date of their initial contractual appointment as ad-hoc Medical Officers, since they had been freshly inducted in the combatised post of Medical Officers (Assistant Commandant) in Assam Rifles with effect from the date of their appointment as Medical Officers(Assistant Commandant) in Assam Rifles, in 2003. It is further respectfully submitted that the combatised post of Medical Officers (Assistant Commandant) in Assam Rifles in year 2003 and the applicants belong the first batch itself. There was no combatised post of

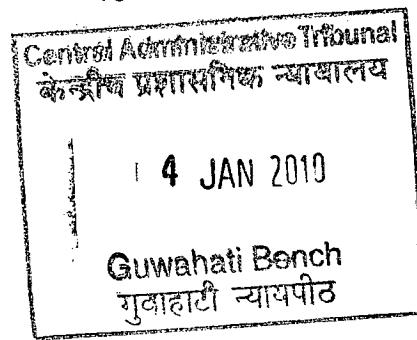
Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
4 JAN 2019
Guwahati Bench गुवाहाटी न्यायालय

20  
L/Cpl/Maj  
एस० ब००२ (फिल्म)  
SO 2 (Med)

महानियशालय असम राज्य  
Directorate General Assam Rifles  
नियंत्रण-793011  
फोन-793011

Medical Officers (Assistant Commandant) prior to the year 2003; hence the applicants are not eligible for regularization in the rank of Medical Officers (Assistant Commandant) with effect from their initial date of joining the service in Assam Rifles. Since the post of Assistant Commandant Medical Officer was combatised in the year 2003 and the applicants belong to the first batch of combatised rank of Assistant Commandant in Assam Rifles with certain eligibility criteria (**Physical and Medical Standards being combatants**) for the regular appointment as Assistant Commandants in Assam Rifles.

21. That with regard to the statement made in para 4.8 of the Original Application, the respondent beg to submit that as per para 5 of annexure E of the instant OA, the applicant vide letter dated 06 March 2002 have admitted that he under his own volition had failed to mention it in his application that he is an OBC candidate and hence is eligible for age relaxation. It is pertinent to mention here that no person can claim a right based on his own ignorance. The post of Medical Officers (Assistant Commandant) was combatised in the year 2003 and the applicants belong to the first batch of combatised rank of Assistant Commandant in Assam Rifles with certain eligibility criteria (**Physical and Medical Standards being combatants**) .
22. That with regard to the statement made in para 4.9 of the Original Application, the respondents beg to submit that relaxation of age was given to the Applicant No 1 to appear in selection test for combatised post of Medical Officer in deference to the Hon'ble CAT Guwahati Bench vide

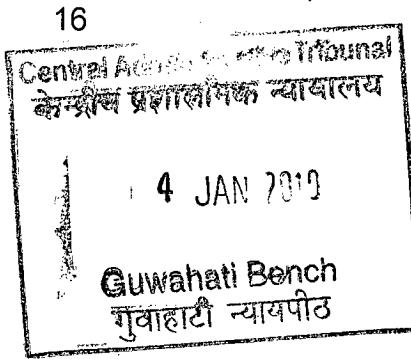


2

SO / (Med)  
मरणस्त्रियालय अधिकारी  
Directorate General/Avans  
रिपोर्ट-793011  
Guwahati-793011

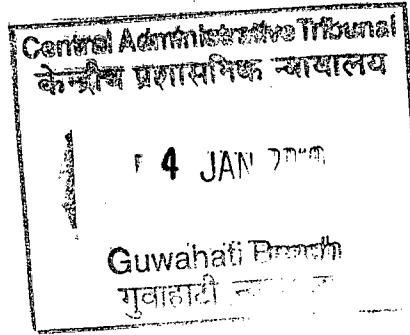
order dated 13 November 2002 (Annexure F of OA refers) passed in Original Application No. 192 of 2002.

23. That with regard to the statement made in para 4.10 of the Original Application, the same is a matter of record and anything contrary to the records is not admitted by the answering respondents.
24. That with regard to the statement made in para 4.11 of the Original Application, the respondent beg to submit that the applicants were working on **ad-hoc basis** and as per terms of appointment, ad-hoc appointees can be terminated after a period of six months (annexure A-1 to A-3 of OA and Annexure R-3 refers). The applicants were apprised in their termination letters( Annexures H-1 to H-3) that their further extension was not agreed to and that their services in the post of Medical Officer( Ad-hoc) were terminated with effect from 17 Sept 2002.
25. That with regard to the statement made in para 4.12 of the Original Application, the contents of the applicants are misconceived and incorrect hence denied. It is further respectfully submitted that the applicant accepted the appointment as Medical Officer in Assam Rifles **on ad-hoc basis** based on the terms and conditions as mentioned in Appendix A of the appointment letter(annexure A-1 to A-3 of OA and Annexure R-3 refers). The applicants had applied for the post of Medical Officers (Assistant Commandant) for which the selection had been carried out by Medical Officers Selection Board (MOSB), ITBP during 2000-2001. Subsequently the applicants were selected



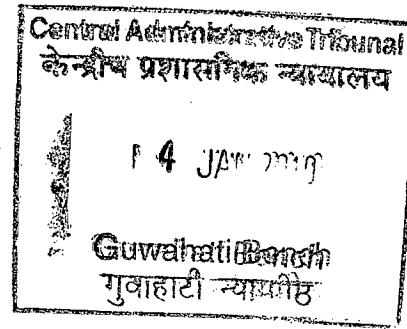
for the said post and were appointed as Medical Officers (Assistant Commandant) in Assam Rifles in the year 2003 ( date of reporting of Applicants Nos 1,2 and 3 to the new appointment were 20 October 2003, 11 November 2003 and 11 November 2003 respectively). It is pertinent to mention that there was no combatised post of Medical Officers (Assistant Commandant) in Assam Rifles prior to the appointment of applicants as Assistant Commandant in Assam Rifles in year 2003 as the applicants belonged to the first batch of combatised Medical Officers (Assistant Commandant) in Assam Rifles. That in the intervening period between 17 September 2002 (date of termination of ad-hoc service) to 19 October 2003 (prior to date of appointment as Medical Officers(Assistant Commandant) in Assam Rifles) the applicants were not serving in the Assam Rifles. Therefore, the Applicant No 1 **had a break in service of 01 year, 01 month and 2 days**, whereas Applicant Nos 2 and 3 had a break in service of **01 year, 01 month and 23 days**. Therefore during the said period of break in service, the applicants were not serving in the Assam Rifles and hence the said gap period as well as the ad-hoc, contractual service cannot be regularized from the date of their initial contractual appointment as ad-hoc Medical Officers, since they had been freshly inducted in the combatised post of Medical Officers (Assistant Commandant) in Assam Rifles with effect from the date of their appointment as Medical Officers(Assistant Commandant) in Assam Rifles, in 2003.

26. That with regard to the statement made in para 4.13 of the Original Application, the respondent begs to submit that even though the age



relaxation was not entitled to the Applicant No 1 as he had not mentioned his OBC status in the application form under his own volition, but the Applicant No 1 was allowed to appear for selection procedure for the post of Medical Officers(Assistant Commandant) in deference to the Hon'ble CAT order dated 13 November 2002 passed in OA No. 192 of 2002 and subsequently the applicant Nos 1, 2 and 3 were selected for the post and were appointed as Medical Officers(Assistant Commandant) wef 20 Oct 2003, 11 November 2003 and 11 November 2003 respectively and the applicants are still serving as regular officers. It is pertinent to mention here that no person can claim a right based on his own ignorance.

27. That with regard to the statements made in paras 5 to 11 of the Original Application, it is submitted that the same are repetitive and have adequately been commented upon in the preceding paragraphs.



### VERIFICATION

I, Major Rajni Nayal D/o Shri Narayan Singh aged about 33 years, r/o Laitmukhrah, East Khasi Hills District Shillong, presently serving as Staff Officer -2 (Medical) do hereby solemnly affirm and verify that I am fully conversant with the facts and circumstances of the case. I have been duly authorized to file this written statement on behalf of the respondents.

The statements made in paragraphs 1 to 3, 5, 16, 19, 21 and 26..... are true to my knowledge and those made in paragraphs 4, 7 to 15, 17, 18, 20, 22 to 25 being matters of record are true to my information derived there from, which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 4<sup>th</sup> day of January 2010 at Guwahati.

Signature  
14th Jan 2010  
Major Rajni Nayal (Signature)  
SO 2 (Med)  
Directorate General Administration  
Guwahati-793011  
Phone-793011

Mongam

2

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

4 JAN 2010

Guwahati Bench  
गुवाहाटी न्यायपीठ

The Administrative Tribunals  
Act, 1985<sup>1</sup>  
[ No. 13 of 1985 ]

An Act to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any Corporation <sup>2</sup>[ or Society ] owned or controlled by the Government <sup>2</sup>[ in pursuance of Article 323-A of the Constitution ] and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

CHAPTER I  
Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Administrative Tribunals Act, 1985.

(2) It extends,—

(a) in so far as it relates to the Central Administrative Tribunals, to the whole of India;

(b) in so far as it relates to Administrative Tribunals for States, to the whole of India, except the State of Jammu and Kashmir.

(3) The provisions of this Act, in so far as they relate to the Central Administrative Tribunal, shall come into force on such date as the Central Government may, by notification, appoint.

(4) The provisions of this Act, in so far as they relate to an Administrative Tribunal for a State, shall come into force in a State on such date as the Central Government may, by notification, appoint.

1. Published in the Gazette of India Extraordinary, dated the 27th February, 1985—Provisions relating to Central Administrative Tribunal come into force with effect from the 1st July, 1985, *vide* GSR No. 527 (E), dated the 1st July, 1985.

2. Inserted *vide* The Administrative Tribunals (Amendment) Act, 1986 (No. 19 of 1986).  
Takes effect from the 22nd January, 1986.

०० फैल भंज  
Lt Col Maj  
एस० ओ० २, चिकित्सा  
०० २ (Med)  
महानिदेशालय असम राज्य  
Directorate General Assam  
शिलांग-793011  
Shillong-793011

## SWAMY'S — CENTRAL ADMINISTRATIVE TRIBUNAL

2. **Act not to apply to certain persons.**— The provisions of this Act shall not apply to—

- (a) any member of the naval, military or air forces or of any other armed forces of the Union;
- <sup>1</sup>(b) *deleted*;
- (c) any officer or servant of the Supreme Court or of any High Court <sup>2</sup>[ or Courts subordinate thereto ];
- (d) any person appointed to the Secretarial staff of either House of Parliament or to the Secretarial staff of any State Legislature or a House thereof or, in the case of a Union Territory having a Legislature, of that Legislature.

3. **Definitions.**— In this Act, unless the context otherwise requires,—

- <sup>3</sup>(a) “*Administrative Member*” means a Member of a Tribunal who is not a Judicial Member within the meaning of Clause (i);
- <sup>4</sup>(aa) “*Administrative Tribunal*”, in relation to a State, means the Administrative Tribunal for the State or, as the case may be, the Joint Administrative Tribunal for that State and any other State or States;
- (b) “*application*” means an application made under Section 19;
- (c) “*appointed day*”, in relation to a Tribunal, means the date with effect from which it is established, by notification, under Section 4;
- (d) “*appropriate Government*” means,—
  - (i) in relation to the Central Administrative Tribunal or a Joint Administrative Tribunal, the Central Government;
  - (ii) in relation to a State Administrative Tribunal, the State Government;
- (e) “*Bench*” means a Bench of a Tribunal;
- (f) *Central Administrative Tribunal*” means the Administrative Tribunal established under sub-section (1) of Section 4;
- (g) “*Chairman*” means the Chairman of a Tribunal;
- (h) “*Joint Administrative Tribunal*” means an Administrative Tribunal for two or more States established under sub-section (3) of Section 4;
- <sup>3</sup>(i) “*Judicial Member*” means a Member of a Tribunal appointed as such under this Act, and includes the Chairman or a Vice-Chairman

1. Deleted *vide* The Administrative Tribunals (Amendment) Act, 1986 (No. 19 of 1986). Deemed to have been deleted with effect from the 1st November, 1985.

2. Inserted *vide* The Administrative Tribunal (Amendment) Act, 1987 (No. 51 of 1987). Takes effect from the 22nd December, 1987.

3. Inserted } *vide* The Administrative Tribunals (Amendment) Act, 1986 (No. 19 of 1986). Takes effect from the 22nd January, 1986.

4. Renumbered

Guwahati Bench  
গুৱাহাটী

৩০ কমিউনিটি

৪/১ Maj

\* এস০ ও০ ১. চিকিৎসা।

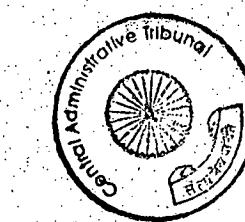
১০/১ (Med)

মহানিদেশালয় অসম রাইজেন্স

Directorate General Assam RGA

শিলাংগ-৭৯৩০১।

ফোন-৭৯৩০১।



Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

4 JAN 2010

Guwahati Bench  
गुवाहाटी न्यायालय

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD.

OASR. NO. 2511/2009

DATE OF ORDER: 29-09-2009

BETWEEN:

R.Ramu

Applicant

AND

The Director General, Assam Rifles, Shillong, Meghalaya-793011.

Respondent

COUNSEL FOR THE APPLICANT: MR. P. V. N. N. SASTRY

COUNSEL FOR THE RESPONDENT: MR. P. LAKSHMANA RAO, ADDL. CGSC

CORAM:

THE HON'BLE MR. JUSTICE P. LAKSHMANA REDDY, VICE CHAIRMAN

THE HON'BLE TRIBUNAL MADE THE FOLLOWING ORDER:-

Heard counsel for the applicant. As the applicant is not a civilian Government Servant and is a constable in Assam Rifles, which comes under Armed Personnel, the office objection is up held.

2. Return the application to present before the proper forum.

Sd/-

(T. NARENDER REDDY)  
DEPUTY REGISTRAR (JUDL)

प्रमाणित प्रति  
CERTIFIED TRUE COPY

केस संख्या:

CASE NUMBER: 02. SR. 2511/09

निर्णय का तारीख:

DATE OF JUDGEMENT: 29-9-09

प्रति तीव्रात किया गया दिन

COPY MADE READY ON: 11-11-09

१० बर्बंड/मेर

12/1 May

एस० ओ० २ (चिकित्सा)

SD-2 (Med)

महानिदेशालय असम राइफल्स

Directorate General Assam Rifles

शिलांग-793011

Shillong-793011

अनुसन्धान विभाग के लिए लिखितारी  
Section Officer / Court Officer  
केन्द्रीय प्रशासनिक न्यायालय  
Central Administrative Tribunal  
हैदराबाद आरपीए/ Hyderabad Bench

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय

14 JAN 2019

Guwahati Bench  
गुवाहाटी न्यायालय

Appendix

TERMS AND CONDITIONS

- (a) The appointment is purely temporary for a period of 6 (six) months from the date of joining till the vacant post is filled by regular medical officer or six months whichever is earlier.
- (b) In case the post is not filled up within the six months, the ad-hoc appointment may be continued for a period of another six months or till the post is filled on regular basis whichever is earlier.
- (c) This is merely an offer of appointment on adhoc basis and this will not give you any benefits/claim for appointment on regular basis.
- (d) Failure to complete the period of appointment to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason.
- (e) The scale of pay of the post is Rs. 2200-75-2800-EB-100-4000/- per month. The initial pay of such candidates who are in Govt service will be fixed according to the rules and those who are not in service will be fixed at the minimum of the pay scale.
- (f) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.
- (g) Dearness and other allowances will be admissible according to orders of the Central Govt.
- (h) Non practicing allowances as admissible at the rates prevailing under Central Government Orders.
- (j) The appointment carries with it the liability to serve in any part of India or out-side.
- (k) On appointment the officer will be required to take an oath of allegiance to the constitution of India or make a solemn affirmation to that effect in the prescribed proforma.
- (l) Other terms and conditions will be regulated by the relevant rules and orders that may be in force from time to time.
- (m) No request for change of posting will be entertained under any circumstances.

Dr. Pal Maj  
एस० ओ० २ (विकिता)  
(Med)  
प्रदानिदेशालय असम राज्य  
Directorate General Assam Govt.  
शिलांग-793011  
Ph. No. 793011

Central Administrative Tribunal  
अन्तर्राष्ट्रीय प्रशासनिक न्यायालय

4 JAN 2010

Guwahati Bench  
गুৱাহাটী ন্যায়পীঠ

-2-

(n) No request for extension of joining time to the place of posting will be entertained.

(o) If the declaration given or any information furnished by the officer proves to be false or the officer is found to have wilfully suppressed any material information he/she will be liable for removal from service and such other action as Govt may deem necessary.

डॉ. क. राम/सेक्रेटर  
Lt Col (Med)  
एस० ओ० २ (सिपिलिटी)  
SD 2 (Med)  
प्रदानितशालय असম राज्य  
Brahmaputra General Assam  
Mobile-793011  
Home-793011

No.28036/1/2001-Estt(D)

Government of India

Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

New Delhi -110 001

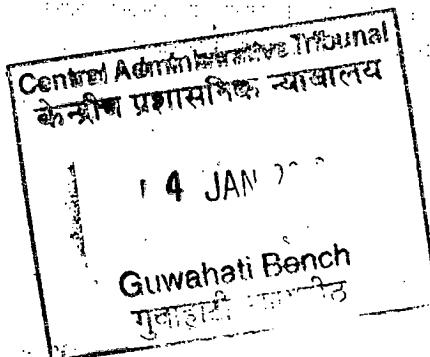
July 23, 2001

## OFFICE MEMORANDUM

Subject: Restriction on regularization of ad-hoc appointment - regarding

The undersigned is directed to say that as per the Department of Personnel and Administrative Reforms O.M. No.22011/3/75-Estt(D) dated October 29, 1975 and the Department of Personnel and Training O.M.No.28036/8/87-Estt (D) dated March 30, 1988, persons appointed on ad-hoc basis to a grade are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer (absorption), as the case may be, at the earliest opportunity. These instructions also provide that whenever an appointment is made on ad-hoc basis, the fact that the appointment is ad-hoc and that such an appointment will not bestow on the person a claim for regular appointment should be clearly spelt out in the orders of appointment. It should also be made clear that the service rendered on ad-hoc basis in the grade concerned would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

- Instances have, however, come to the notice that despite the clear provisions, as mentioned above, persons appointed on ad-hoc basis, when replaced, approach the courts of law for regularizing their appointment and in many cases, directions are given for regularizing the period of ad-hoc appointment with consequential benefits like seniority etc.
- In this regard, it is stated that issue of regularization of ad-hoc employees has been considered in several judgements of the Hon'ble Supreme Court. In the case of R.N. Nanjundappa Vs T. Thimmaiah & Ors (AIR 1972 SC 1767), the Supreme Court observed that regularization is not itself a mode of recruitment and any act in the exercise of executive power of the government can not override rules framed under Article 309 of the Constitution. In the case of State of Orissa Vs Sukanti Mahapatra (AIR 1993 SC 1650), the Supreme Court has observed that assuming that their having served for long years is a valid reason for regularization, that without any thing more, will not meet the requirement of the action being in public interest and what has been done under the impugned orders is to regularize the illegal entry into service as if the Rules were not in existence. In another case of K.C. Joshi Vs Union of India (AIR 1991 SC 284), the Supreme Court observed that the ad-hoc appointees can not be put on a higher pedestal over the candidates who stood the test of merit and became successful in a competitive recruitment and secured ranking according to the merit in



2/-  
Col Maj  
এসো আৰো পিক্সেল  
১১/১ (Med)  
মহানন্দ প্ৰশাসনিক ব্যাবস্থা  
Administrative General Assam  
শিলাংগ-793011  
শিলাংগ-793011

the approved list of candidates. In the case of State of Haryana and others Vs Pilar Singh and others (1992 SC 2130), the Supreme Court observed that direction to regularize ad-hoc appointments, work charged employees would only result in encouraging of unhealthy practice of back door entry what can not be done directly can not be allowed to be done in such indirect manner. In the case of Dr. M.A. Haque Vs Union of India (1993 2SCC 213), the Supreme Court held that the recruitment rules made under Article 369 of the Constitution have to be followed strictly and not in breach. If a disregard of the rules and the bypassing of the Public Service Commission are permitted, it will open a back door for illegal recruitment without limit. In the case of Dr Arundhati A. Pargankar and another Vs State of Maharashtra (AIR 1995 SC 962), the Apex Court has held that a continuous service by itself do not give rise to the claim of regularization.

4. Therefore, as already stated in DoP&T's O.M.s referred to above, an ad-hoc appointee has to be replaced by a regularly selected candidate as per provisions of the recruitment rules and in accordance with the prescribed procedure at the earliest possible and in no case such an officer should be regularized. In the cases, where a judicial order is received for regularization of an ad-hoc employee, steps may be taken to enquire the same in the light of the specific conditions on which the offer of appointment on ad-hoc basis was made, the policy of the Government in this regard and the various judicial pronouncements of the apex court. If in a particular case, the concerned Ministry/Department desires to consider acceptance of the judicial order, the matter should be invariably referred to the Department of Legal Affairs and the Department of Personnel and Training as per this Department's O.M.No.28027/9/99-Gen(A) dated May 1, 2002, which says that whenever there is a court order against the Government of India, pertaining to service matters, no such order shall be implemented by the concerned Ministry/Department without first referring the matter to the Department of Legal Affairs and to the Department of Personnel and Training for advice.

5. It has all along been emphasized in the existing instructions that ad-hoc appointments should be made only in rare cases and in real exigency of work, where the post cannot be kept vacant until regular candidate becomes available. It has been emphasized, in particular, that ad-hoc appointment by direct recruitment from the open market should be resorted to only as a last resort. This is because, once a person is appointed from outside the Government on ad-hoc basis, such arrangement is generally continued for long periods, either because a regularly selected candidate is not available or some other vacancy in the grade/cadre becomes available against which he is adjusted. Consequently, when efforts are made to replace such an officer, he/she invariably approaches a court of law for regularization of their appointment. Apart from the fact that regularization of appointment in such cases is not in public interest as they have not come through proper selection procedure and on merit, regularization also creates problems in the matters of seniority, promotion, pension etc. However, notwithstanding these instructions, ad-hoc appointments by direct recruitment from open market are being made as a matter of routine. In fact, on many occasions, such appointments are being made only to avoid the post getting abolished in terms of the relevant instructions of the Ministry of Finance, providing for automatic abolition of posts if they remain vacant for more than one year. Of late, instances of ad-hoc appointments from open market have substantially increased resulting in more and more court cases being filed for regularization of service of such ad-hoc appointees.

4 July 2019

লি. কল. মেজু  
L. Col. Maj  
এসো. ওৱা. ২. (ফিল্ড)  
৩০ ? (Med)  
প্রদানিদেশালোক অসম রাইজেন্স  
President General Assam Rifles  
রেলওয়ে-793011  
৩০০০০০-৭৯৩০১১

6. In view of the aforesaid undesirable trend, the matter has been reviewed and it has been decided that hereafter no appointment shall be made on ad-hoc basis by direct recruitment from open market. When the vacant post cannot be kept vacant for functional considerations, efforts may be made to entrust the additional charge of the post to a serving officer under provisions of FR-49, failing which only appointment by ad-hoc promotion/ad-hoc deputation may be considered. If in an exceptional case (e.g. in the case of an operational organization), it is inescapable to resort to ad-hoc appointment by direct recruitment, prior concurrence of the Department of Personnel and Training (Establishment 'D' Section) may be obtained by giving full and complete justification for the same.

7. Continuation of an ad-hoc appointment beyond one year will, as per the existing instructions, continue to require the prior approval of Department of Personnel and Training as before.

8. This order takes effect from the date of its issue.

9. All Ministries/Departments are requested to bring these instructions to all concerned for guidance and compliance.

(R.K. GOEL)

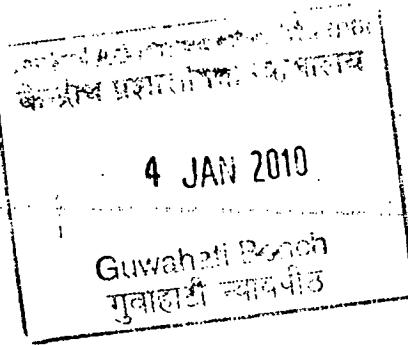
Deputy Secretary to the Government of India

To

All Ministries/Departments of the Government of India

Copy to :-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. Rajya Sabha Secretariat, New Delhi.
4. The Lok Sabha Secretariat, New Delhi.
5. The Comptroller and Auditor General of India, New Delhi.
6. The Union Public Service Commission, New Delhi with reference to their letter No. 273/21A/II-S.II dated 22.2.2001.
7. The Staff Selection Commission, New Delhi.
8. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
9. All Officers and Sections in the Department of Personnel and Training Establishment ('D') Section (200 copies).
10. Evaluation Center, DoP&T (20 copies).
11. NIC, DoP&T for placing the order on the website of the DoP&T (persmin.nic.in).



80 कम्पल मर्केट  
लेन्ड मार्क  
एस० ओ० १२ चिकित्सा  
८००१२ (Med)  
महानिदेशालय असम राज्य  
Directorate General Assam P&T  
रोडपोल-793011  
मॉबाइल-793011

No.145022/108/2000-Pers.  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

New Delhi the 5 September, 2000

To,

The Director General,  
ITBP, CGO Complex,  
New Delhi.

Subject: Constitution of Medical Officer Selection Board for recruitment of Medical Officers in CRPF, BSF, ITBP & Assam Rifles for the year 2000-2001.

I am directed to say that the Central Government have decided to constitute a Medical Officers Selection Board for the year-2000-2001 for making direct recruitment to the post of Medical Officer (Asstt. Comdt. level) in CRPF, BSF, ITBP & Assam Rifles with following composition:-

1.	DG, BSF/CRPF/ITBP/CISF/AR	Chairman (By rotation)
2.	Addl.DG/IG, CRPF/BSF/ITBP/AR (Leaving the Force whose DG is Chairman)	Member
3.	Director (Medical) BSF/CRPF/ITBP	Member (By rotation)
4.	Representative from MIA	Member
5.	DIG (Admin), ITBP	Member Secretary

2. The board may co-opt a specialist from Central Health Services belonging to SC/ST category in case there is no other member belonging to these categories in the Board.

3. The MOSB will conduct the recruitment in accordance with the scheme enclosed. ITBP will provide the facilities for providing secretariat assistant to the MOSB-2000. The other participating forces will also extend such help as may be required by the Chairman, MOSB-2000 for conducting the recruitment.

4. It is requested that urgent necessary action may please be taken to initiate the recruitment process for direct recruitment of Medical Officers in CRPF, BSF, ITBP & Assam Rifles in accordance with the scheme of selection. Following time schedule may please be observed:-

1.	Issue of advertisement	- 10.5.2001
2.	Issue of series of advertisement for Motivating Doctors to apply (Advertisement to appear once every week)	- 17.05.2001 to - 17.06.2001
3.	Scrutiny of applications	- 01.08.2001
4.	Start of Interviews	- 01.09.2001
5.	Finalisation of result	- 31.09.2001

4 JAN 2010

Guwahati Bench  
गुवाहाटी न्यायालय

50 दिनांक नंबर  
15th of May  
एस० ओ०८२ प्रिलिया  
(Med)  
प्रान्तिक देश असम  
Secretary General Assam  
793011  
Phone-793011

5. After issue of the main advertisement inviting application for recruitment the forces may come up with advertisements/news-items/articles in News-papers wherein the special perks available to the Doctors in our forces like time scale promotions, the highlighted as also emphasising on adventure aspects of joining the Para-Military Forces so that the Doctors on the look out for employment may feel motivated towards joining the forces. It is for the forces to come up with innovative advertisements in this regard. Also DGs may arrange to appear on some TV Channels bringing out the benefits available to the Doctors in joining the forces.

6. It may be noted that a system of allocation through a roster system has been provided for in the enclosed scheme. This fact may be prominently mentioned in the advertisement so that perspective candidates are aware that allocation of selected candidates will be done "not on choice" but through a roster system.

7. DG, CRPF & DG, BSF are being requested to forward the details of vacancies in the rank of Medical Officers in their respective organizations, which are required to be filled up through direct recruitment during the year 2000-2001. It is requested that advertisement for this recruitment may be issued by 10.5.2001 positively. Copy of the advertisement sent to MIA for information.

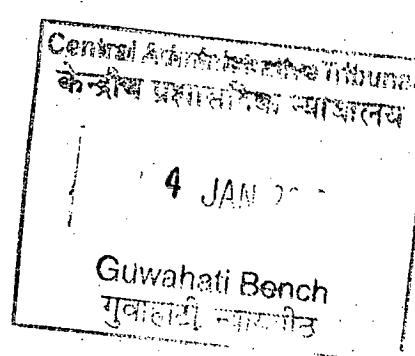
Yours faithfully,

Sd/-  
(SAMEER SHARMA)  
DIRECTOR (PERS)

Copy to forwarded for information & necessary action to:-

1. DG, CRPF
2. DG, BSF
3. DG, ASSAM RIFLES

Copy to Pers.II/Pers-III for information.



১০ কোটি/সেপ্টেম্বৰ  
১০ মে ২০০১ (বিকাশ)  
এস০ আ০ ১ (বিকিনি)  
(Med)  
প্ৰযোৱাবিদ্বাৰা অসম রাষ্ট্ৰ  
Directorate General Assam  
ৰাঙ-৭৩০১  
Date-10.3.2001

(29) - 90 - 06

**SCHEME FOR COMMON RECRUITMENT OF MEDICAL OFFICERS  
(ASSISTANT COMMANDANT) IN CENTRAL FORCES ORGANIZATIONS.**

**1. Common Recruitment**

- 1.1 Direct recruitment of Medical Officers (Assistant Commandant) in BSF, CRPF, ITBP and Assam Rifles will be made through Common Recruitment to be conducted by a Medical Officers' Selection Board (CPOs) nominated by the Ministry of Home Affairs.
- 1.2. The common recruitment of Medical Officers (Assistant Commandant) will be made through a selection made on the basis of interviews only by the duly constituted Medical Officers' Selection Board (CPOs). The dates on which and the place(s) at which the interviews will be held shall be fixed by the MOSB (CPOs).

**2. Option from candidates**

- 2.1 A candidate may opt for the post of Medical Officer in any one or more CPOs mentioned above. For which he wishes to be considered in the order of preferences. While making appointment, due consideration will be given to the preferences exercised by the candidate and having regard to his rank in the order of merit.

**3. Calculation of vacancies**

- 3.1 The total number of vacancies of Medical Officers (Asstt. Commandant) in BSF, CRPF, ITBP & Assam Rifles will be worked out as on of the year of recruitment.
- 3.2. The number of vacancies out of the total number to be reserved for candidates belonging to Schedule Caste, Scheduled Tribes and Other Backward Classes (OBCs) will be worked out in accordance with the instructions issued by the Government from time to time.

**4. Age limit**

- 4.1 The age limit for recruitment of Medical Officers (Asstt. Commandant) will be not exceeding 30 years as on the crucial date. The crucial date for determining the age limit shall be normal closing date for receipt of applications from candidates (and not the closing date prescribed for those posting applications from North-Eastern States, J&K State, Andaman & Nicobar Islands, Lakshadweep, etc.)
- 4.2 Relaxation of age limit shall be admissible as under:-
  - i) Upto a maximum of five years, if a candidate belongs to the Scheduled Caste or a Scheduled Tribes.
  - ii) Upto a maximum of three years if a candidate belongs to the Other Backward Classes (OBCs).
  - iii) Upto a maximum of five years in the case of Govt. servants and Medical Graduates who joined the Army Medical Corps as Short Service Regular Commissioned Officers and are

4 JAN 2010

Guwahati Bench  
গুৱাহাটী বৰ্ষাণী

১০ মেসেন্ট/সেক্রেটা  
Lt Col Maj  
SSO 1 (Med)  
নেছানিদেশাভ্যন্ত অবৰু রাজ্য  
Directorate General Assam  
পৰিবেশ-793011  
০৩৭৫-০৩৭১

released after completing the initial period of assignment of five years. The age relaxation upto five years shall also be admissible to the SSCOs whose assignment "has been extended beyond five years and in whose case the Ministry of Defence issues a certificate that they will be released on three months" notice on selection from the date of receipt of offer of appointment. The relaxation in age limit shall be admissible upto a maximum of ten years if such Govt. servants and SSCOs belong to the Scheduled Castes or the Scheduled Tribes and upto a maximum of eight years if such officers belong to the Other Backward Classes (OBCs).

## 5. Qualifications

- 5.1. A recognised medical qualification of allopathic system of medicine included in the First or Second Schedule or Part-II of the Third Schedule (other than licentiate qualifications) to the Indian Medical Council Act, 1956. Holders of educational qualifications included in Part-II of the Third Schedule should also fulfil the conditions stipulated in sub-section (3) of section (13) of the Indian Medical Council Act, 1956.
- 5.2. Completion of Compulsory Rotating Internship-Candidates who may not have completed the rotating internship shall be eligible to apply and appear for the Interview provided that, if selected, they shall have satisfactorily completed the compulsory Internship before appointment.

## 6. Physical and Medical Standards

- 6.1. The candidate should conform the following physical standards: -

		<u>Male</u>	<u>Female</u>
i)	Height	157.5 Cms. (Relaxable by 2 Cms. for Gorkhas, Garhwalis, Kumaonis, Dogras, Marathas and by 3 Cms. in respect of Adhivasis).	142 Cms.
ii)	Chest	77 Cms.-Unexpanded 82 Cms.-Expanded	well developed
iii)	Weight	Proportionate to height and age	Proportionate to height and age.

## 6.2. Medical Standards

a)	<u>Eye sight :</u> Distant Vision <u>Better eye</u> (Corrected Vision) 6/6 or 6/9	Near vision <u>Worse eye</u> (Corrected Vision) 6/12 J.I 6/9
----	---	---

- b) The candidates must not have knock knees, flat foot or squint in eyes and they should possess high colour vision. The candidates will be tested for colour vision by Ishahara's test as well as Edrich-Green Lantern Test. They must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties.

31

c) Subject to (a) & (b) above, the standards of medical fitness for the candidates would be the same as prescribed by the Government for the IPS.

#### 7. Medical Officers' Selection Board

7.1. The Medical Officers (CPOs) Selection Board for direct recruitment of Medical Officers in CPOs will be constituted as under:-

(i)	DG, BSF/CRPF/ITBP/CISF/AR	Chairman (By rotation)
(ii)	Addl.DG/IG, CRPF/BSF/ITBP/AR (Leaving the Force whose DG is Chairman)	Member
(iii)	Director (Medical) BSF/CRPF/ITBP	Member (By rotation)
(iv)	Representative from MHA	Member
(v)	DIG (Admn), ITBP	Member Secretary

7.2. The Board will conduct Interviews of the candidates who satisfy the age and educational qualifications.

7.3. The candidates called for Interview from outstation locations shall be paid travelling expenses as admissible under the provisions of Ministry of Finance OM No 1-19045/1/74-F/IV-B dated 30.01.76 (Govt decision No. 8 below SR 132.)

7.4. The Interview which will carry 200 marks shall be held to test the General Knowledge and ability of the candidates in the field of their academic study and also in the nature of personality test to assess the candidates' intellectual curiosity, balance of judgement and alertness of mind, ability for social cohesion, integrity of character, initiative and capability for leadership.

7.5. The minimum standard for the purpose of selection at the Interview shall be 40% of the total marks prescribed for Interviews.

#### 8. Merit list

8.1. The Medical Officers' Selection Board will arrange the candidates in the order of merit as disclosed by the marks awarded to each candidate in the Interview and in that order of combined merit list to be approved by the Govt., so many candidates as are found to be qualified based on the minimum standard shall be recommended for appointment up to the number of unreserved vacancies decided to be filled on the result of the selection.

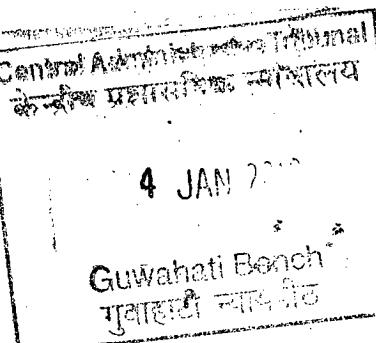
8.2. The Board will also compile and submit merit lists separately for Scheduled Castes, Scheduled Tribes and OBC candidates to the Government for approval.

#### 9. Medical Examination

9.1. The general category candidates who attain the minimum prescribed standard for selection at the Interview and all the SC, ST and OBC candidates will be required to undergo Medical Examination by the duly constituted CPOs Medical Board on a day following the date of Interview.

9.2. The CPOs Medical Board for conducting the Medical Examination shall consist of three Chief Medical Officers including Selection Grade Officers possessing Postgraduate qualifications, one each in Medicine, Surgery and Ophthalmology. The senior most of the three CMOs shall function as the Presiding Officer of the Medical Board.

শোকেল সেজা  
Lalol Maj  
এসো ও০ ১. চিকিৎসা  
১০০ (Med)  
মহানিদেশালয় অসম রাষ্ট্র  
Directorate General Assam Rifles  
শিলং-৭৯৩০১১  
নথি-৭৯৩০১১



9.3. No fee shall be payable to the Medical Board by the candidates for the Medical Examination.

10. Allocation/appointment of selected candidates

10.1. Candidates approved by the Government for appointment as Medical Officers shall be allocated between the four CPOs on the basis of a roster, if the number of vacancies of BSF is "X" that of CRPF "Y", ITBP "Z" and Assam Rifles "A" then the percentage weightage factor for the 4 Forces will be asunder: -

$$\text{BSFs proportion "X"} = \frac{X}{X+Y+Z+A}$$

$$\text{CRPFs proportion "Y"} = \frac{Y}{X+Y+Z+A}$$

$$\text{ITBPs proportion "Z"} = \frac{Z}{X+Y+Z+A}$$

$$\text{Assam Rifles proportion "A"} = \frac{A}{X+Y+Z+A}$$

Allocation of the ranking candidate will be as under: -

	BSF Share	CRPF Share	ITBP Share	Assam Rifles Share
Allocation factor Of the rank	(n.X- allocation Made upto previous rank)	(n.Y allocation Made upto previous rank)	(n.Z allocation Made upto previous rank)	(n.A allocation Made upto previous rank)

The rank candidates will get allotted to the Forces whose allocation factor is highest and so on.

In case of shortfall in selection i.e. number of Doctors qualifying for recruitment being less than the number of vacancies the allocation will be proportionately reduced for all the Forces.

Separate allocation roster will be adopted for each category i.e. General/SC/ST/OBC.

10.2. The appointment of selected candidates will be subject to the Govt. being satisfied after such inquiry as may be considered necessary that the candidates having regard to their character and antecedents are suitable in all respects for appointments to the posts.

10.3. The appointment will be further subject to the candidates satisfying the competent authority of their having satisfactorily completed the Compulsory Rotating Internship.

10.4. Subject to the provisions as mentioned above, successful candidates will be considered for appointment on the basis of the order of merit assigned to them by the Selection Board.

80 इन्डियन  
लेन्डर  
by Col Maj

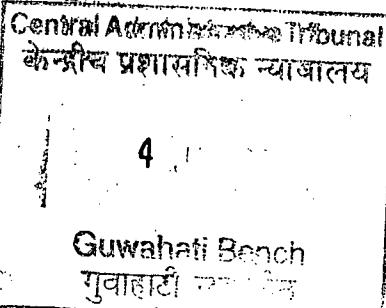
एस बी ओ० २ (चिकित्सा)  
SD २ (Med)  
महानिदेशालय असम राज्यसभा  
Directorate General Assam PAF  
शिलांग-793011  
Maj-793011

10.5. The Selection Board will not maintain any reserve lists of successful candidates. In case of any shortfall in the appointment of selected candidates against the total vacancies in each category, the same shall be reported to the Government for consideration of further allocation from the list of successful candidates.

11. General

11.1 The Force whose Officer is nominated to be the Member Secretary of the Medical Officers' Selection Board, will utilise the facilities available in his Directorate for providing secretariat assistance, equipment, stores items and stationery to the Selection Board.

11.2 The expenditure involved in the selection process including payment of travelling expenses to the candidates called for interviews shall be met by the CPO entrusted with the recruitment from its sanctioned budget grant of the year of recruitment.



१० अक्टूबर / २०१८  
Lt Col Maj  
एस० ओ० २ डिफिल्ट  
(Med)  
प्रशासनिक न्यायालय असम राज्य  
Directorate General Assam  
रिलॉग-793011  
फोन्नॉम-793011