

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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[Signature]
24/7/2015

SECTION OFFICER (JUDL.)

[Signature]

FROM No. 4.
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 15/2009
2. Misc Petition No. _____
3- Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) ZAKIR HUSSAIN BARBHUIYA & 2 ORS.

Respondants UNION OF INDIA & ORS.

Advocate for the Applicant(s) DR. J.L. SARKAR
MR. S.N. TAMULI

Advocate for the Respondant(s) Adl. CGSC Kankar Daj

Notes of the Registry Date Order of the Tribunal

The application is in form
is filed/C. F. No. 50/-
deposited with PO/BS
No. 39 & 389551
Dated 2.2.2009

N. Sanyal
Dy. Registrar
6.2.09

09.02.2009

Heard Dr J.L.Sarkar, learned
counsel appearing for the Applicant and
Mr K. Das, learned Adl. Standing
counsel for Govt. of India (to whom a
copy of this Original Application has
already been supplied) and perused the
materials placed on record.

Admit. Issue notice to the
Respondents requiring them to file their
written statement by 30.03.2009.

Appointment, of any candidate
(selected, pursuant to their recruitment
made under Advertisement published
under Employment News dated
19.11.2005 under Annexure-H and
Advertisement published in Dainik
Jugasankha on 13.12.2006 under
Annexure-M) so far made in the post of
"Fireman", shall abide by the ultimate
result of this case. The Respondents,
accordingly should intimate all the
selected/appointed candidates about

Three copies of the
Application with envelope
are received for issue
notice and a copy
of the same served to
Sp. CGSC.

6/2/09
1989(2)SCC 541

R. Ramakrishna v UOI

N

2

O.A. 15/09

09.02.2009 No.15/2009; so that they shall remain free to contest this case.

No fresh appointment of "Fireman" should be made (till 30.03.2009) by the Respondents; without leave of this Tribunal.

While passing the aforesaid ad-interim restraint order, liberty is hereby granted to the Respondents to approach this Tribunal (even at an earlier point of time than 30.03.2009) for modification of the ad-interim order/to take leave from this Tribunal.

Send copies of this order to the Applicants and the Respondents (along with notices).

Free copies of this order be also handed over to the counsel appearing for the parties.

[Signature]
09.02.09
(M.R. Mohanty)
Vice-Chairman

pg

O.A. No. 15/09 (M.P. No. 25/09)

Dr. J.L. Sarkar, learned counsel appearing for the Applicants is present. Mr. Kankan Das, learned Addl. Standing counsel appearing for the official Respondents, seeks more time to file written statement.

By way of filing M.P. No. 25/2009, 25 petitioners have sought permission to be impleaded as Respondent Nos. 4 to 28 in this case No. 15/2009. They have claimed that they are selected candidates and for the reason of the interim order dated 09.02.2009 passed in O.A. No. 15/2009, they have been prevented to be appointed; although selected.

Contd...

01.9.2.09

Pl. issue notices to the respondents requiring them to file their ~~obj's~~ 30.3.09.

Pl. send copies of this order to the Applicants and the Respondents ~~and~~ notices.

Free copies of this order be also handed over to the counsel appearing for the parties.

[Signature]

R
Copy
Free
Adm
19/2/09

^{copies}
Notice ~~to~~ order del.
09-2-2009 send to
of section for issuing
to the Respondents by
Regd. Adm post and
the copy handed
over of this order
to the ld. counsel
appearing for the
party.

M. No. 837 to 839 30.03.2009
M- 2-3-2009
17.2.09

① Service report awaited.

23
27.3.09

O.A.15/2009/M.P.No.25/09

Contd.
30.03.2009

Copies of this M.P. No.25/2009 have already been served on Dr.J.L.Sarkar, learned counsel appearing for the Applicants and on Mr.Kankan Das, learned Standing counsel representing the official Respondents.

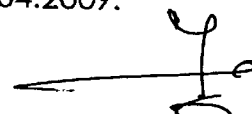
Heard. The petitioner Nos.1 to 25 in M.P. No.25/2009 are, hereby, permitted to be impleaded as Respondent Nos. 4 to 28 in O.A. No.15/2009.

M.P. No.25/2009 is, accordingly, allowed.

On the prayer of Mr.B.Sarma, learned counsel for the petitioners in M.P. No.25 of 2009/newly added Respondent Nos.4 to 28 are permitted to file their written statement in O.A. No.15/2009 by 29.04.2009.

Mr.Kankan Das, learned Addl. Standing counsel representing the official Respondent Nos. 1 to 3, is also permitted to file a written statement by 29.04.2009.

Call this matter on 29.04.2009.


(M.R.Mohanty)
Vice-Chairman

/bb/

Impleaded as
respondents no-4 to
28 vide order dated
30/3/09 passed in
OA 15/09 (MP No-25/09)

~~Case~~
9/4/09.

O.A. 15 of 09 M.P.No.36 of 2009

29.04.2009

Dr.J.L.Sarkar, learned counsel

appearing for the Applicant is present. Despite two adjournments no written statement has yet been filed by the Respondents. Mr. K. K. Das, learned Addl. Standing Counsel appearing for the official Respondents prays for time to file written statement.

Mr. U. K. Nair, learned counsel representing newly impleaded Respondent Nos.4 to 28, has filed M.P.No.36 of 2009 seeking vacation of interim order passed in this case.

Dr.J.L.Sarkar, learned counsel appearing for the Applicant, prays for sometime to file objection to the M.P.No.36 of 2009.

In the aforesaid premises, call this matter on 25th May 2009; by ^{with} ~~this~~ time the Respondents should file written statement to the O.A and the Applicant should ~~be~~ filed objection to the M.P. No.36 of 2009. Mr.U.K.Nair, undertakes to file more documents to support the M.P.No.36 of 2009 by the next date.

Interim order dated 09.02.2009 shall continue to remain in force till 25.05.2009.

(M.R. Mohanty)
Vice- Chairman

Copies of order dt. 29-4-09 is prepared & send to of section for issuing to the applicant & Respondent by post and the copy handed over to Ld. Counsel both parties

Issued vide M.No. 2245 to 2252

Dt. 07-5-2009

COM 30.4.09

22.05.09

*no objection filed in MP
no objection filed in MP*

lm

O.A. 15 of 2009

25.05.2009 Dr. J. L. Sarkar, learned counsel appearing for the applicant is present. Mr.K.K.Das, learned Addl. Standing Counsel representing the official Respondents files written statement after serving copy thereof on Dr. J. L. Sarkar, learned counsel for the Applicant.

2. A petition (M.P.No.36 of 2009) has been filed by Mr. U. K. Nair, learned counsel for the private/impleaded parties. Dr. J. L. Sarkar, learned counsel for the Applicant has filed objection thereto in Court to-day after serving a copy thereof on the learned counsel for the other side.

3. Call this matter on 15.06.2009; by which time the Respondents should cause production of the final Select List; may be, in sealed cover for perusal of this Bench.

4. Call this matter on 15.06.2009.

5. Interim order dated 09.02.2009 shall remain in force till 15.06.2009.

(N.D. DAYAL)
Member(A)

(M.R. Mahanty)
Vice-Chairman

1m

15.6.09
W/S filed by
the Respondents.
Copy served.

15/6/09

15/6/09
Deposited in court by
the Respondents.

15.06.2009

Heard Dr J.L. Sarkar, learned Counsel appearing for the Applicants, in both the cases (O.A.Nos. 15 & 81 of 2009), Mr Kankan Das, learned Addl. Standing Counsel appearing for the official Respondents in O.A.No.15/2009; Ms Usha Das, learned Addl. Standing Counsel appearing for the official Respondents in O.A.No.81/2009 and Mr U.K. Nair, learned Counsel for the Private Respondents in both the cases on the point of extension/vacation of interim order (dated 09.02.2009 passed in O.A.No.15/2009) pursuant to M.P. No.36/2009 (filed by Private Respondents) and objection of the Applicants in O.A.No.15/2009.

Orders reserved.

Counsel for the parties are permitted to place the list of citations by 22.06.2009.

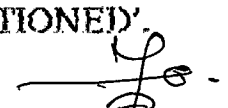

(M.R. Mohanty)
Vice-Chairman

nkm

25.06.2009

While preparing the order (after hearing dated 15.06.2009) Ms Usha Das, learned Addl. Standing Counsel for the Union of India in O.A.No.81 of 2009 filed a list of Books on 17.06.2009 and, on behalf of the Applicants in O.A. No. 15 of 2009, (a) Memorandum dated 18/23.06.2009 and (b) Memorandum dated 21/23.06.2009 has been filed on 23.06.2009, after serving copies thereof on the Advocates of other side.

List both these cases (O.A.Nos.15 & 81 of 2009) on 03.07.2009 under the heading 'TO BE MENTIONED'.


(M.R. Mohanty)
Vice-Chairman

nkm

29/06/09

Notice served
on Respondts. No.
8 & 11.

~~29/6/09~~
29/6/09

- ① Notices duly served on R.No-4,5,6,8,10,11 & 15.
- ② Notice received back on R.No-12.
- ③ Wfs filed by the respondents.


My
30.6.09.

O.A.15/2009

03.07.2009

Dr.J.L.Sarkar, learned counsel for the Applicants; Mr.Kankan Das, learned Addl. Standing counsel for the Union of India and Mr.B.Sarma, learned counsel representing respondent Nos. 4 to 28 are present.

Call this matter on 07.08.2009 'to be mentioned'.


(M.R.Mohanty)
Vice-Chairman

/bb/

07.08.2009

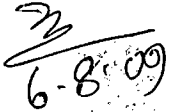
At the outset, Ms Usha Das, learned Addl. Standing Counsel for the Government of India produced (i) a copy of the new Recruitment Rules of 2006 (pertaining to recruitment of Firemen in question) under SRO dated 05.07.2006, after serving copies of the same on the Counsel for other parties; and (ii) a Departmental File relating to these cases.

Although we are to hear relating to interim matters, since all pleading/materials have been placed on record; on consent of parties; these 2 cases are taken up for final hearing.

Heard Dr J.L. Sarkar, learned Counsel for the Applicants (in both O.A.Nos.15 & 81 of 2009); Mr U.K. Nair, learned Counsel appearing for the private respondents/intervenors in both the cases; Ms Usha Das, learned Addl. Standing Counsel for the Union of India representing the official Respondents in O.A.No.81/2009 and Mr Kankan Das, learned Addl. Standing Counsel for the Government of India representing the official Respondents in O.A.No.15/2009.




w/s filed.



6-8-09

We also perused the materials place on record.

Hearing concluded. Orders reserved.

Received departmental records
Alsha Das
Addl Chsc
11/09/09.


(M.K. Chaturvedi)
Member (A)


(M.R. Mohanty)
Vice-Chairman

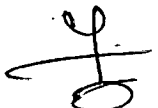
nkm

11.09.2009

Judgment pronounced in open Court, kept in separate sheets. The O.A. is dismissed in terms of the order. No costs.

Received Alsha Das
Addl Chsc
11/9/09.


(M.K. Chaturvedi)
Member (A)



(M.R. Mohanty)
Vice-Chairman

18/09/2009


/bb/

Common judgment order dtd 11/09/2009 send to the D/section for issuing to the Reporters & all other Bench, by Regd post.

D/No. 11578
Dtd. 11580
1/10/09


18/9/09

Original judgment kept in O.A. No. 15/2009.


18/9/09

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI
O.A.No.15/2009 with O.A. No.81/2009

Dated 11.09.2009

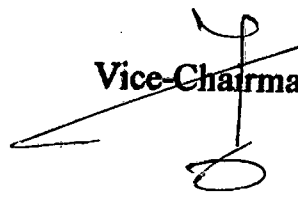
Zakir Hussain Barbhuiya & others Applicants
By Advocate: Dr. J.L.Sarkar in both the cases

Versus

Union of India & others Respondents
By Advocates: Mr Kankan Das, Addl.C.G.S.C. in O.A.No.15/2009
Ms. Usha Das, Addl. C.G.S.C. in O.A.No.81/2009
Mr. U.K. Nair for private Respondents in both the cases.

Present: The Hon'ble Mr. Manoranjan Mohanty, Vice-Chairman
The Hon'ble Mr. M. K. Chaturvedi, Administrative Member

- 1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
- 2. Whether to be referred to the Reporter or not? Yes/No
- 3. Whether their Lordships wish to see the fair copy of the judgment? Yes/No
- 4. Whether to be forwarded to other Benches? Yes/No


Vice-Chairman/Administrative Member

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A.No. 15 of 2009

With

O.A.No.81 of 2009

This the 11th day of September 2009

Present: The Hon'ble Mr. Manorjan Mohanty, Vice-Chairman
The Hon'ble Mr. M.K. Chaturvedi, Administrative Member

O.A.No.15 of 2009

1. Zakir Hussain Barbhuiya
S/o Abdur Rashid Barbhuiya
Vill : Barjatrapur
P.O: Barjatrapur
P.S.: Barkhala
Dist. Cachar
Assam- 788 001

2. Sri Tazim Uddin Mazumdar
S/o Abdul Jalil Mazumdar
Vill: : Beladahar
P.O: Nizjaynagar
P.S.: Silchar Sadar
Dist. Cachar
Assam- 788 025

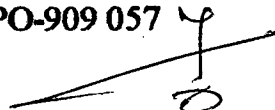
3. Pranoy Ch.Das
S/o Sri Paresh Ch.Das
P.O.: Rajnagar
Dist. Cachar
Assam-788 025

Applicants

By Advocate Dr. J.L. Sarkar

Versus

1. Union of India
Represented by the Secretary
Ministry of Defence
Sena Bhawan
New Delhi
2. The Director General of
Ordinance Services
Army Hqrs. DHQ P.O.
New Delhi- 110 011
3. The Commanding Officer
57 Mtn Division Ordinance Unit
C/o 99 APO-909 057



- 12
4. Ram Kumar, C/o Ram Gopal,
resident of Vill-Chak 6H,
PO-Patroda
Dist.- Sriganganagar
Rajasthan-335 701
 5. Ravi Prakash,
C/o Sumer Siongh,
Resident of Vill-Manpur
P.O.Manpur
Dist.-Faridabad,
Haryana-121 105
 6. Anil Kumar,
C/o Randhir Singh,
Resident of Vill-Samalkha,
P.O. Beejna,
Dist. Karnal,
Haryana- 132 001
 7. Raju Biswas,
C/o Gopal Chandra Baswas,
Resident of Vill-Ramnagar Lamagram,
P.O. Tarapur,
Dist. Cachar, Assam-788 003
 8. Apurba Baruah,
C/o Horesh Baruah,
Resident of Vill-Kamargaon,
PO & PS-Kamargaon,
Dist. Golaghat,
Assam 785 619
 9. Siva Baruah,
C/o Jugedranath Baruah,
Resident of Vill-Gelakey Changmaigaon,
PO & PS-Gelakey,
Dist. Sivanagar,
Assam-785 696
 10. Sudarshan Baruah,
C/o Nityananda Baruah,
Resident of Vill-Missamari,
PO & PS-Halem,
Dist. Sonitpur,
Assam- 784 170
 11. Nabajyoti Baishya,
C/o Jogendra Nath Baishya,
Resident of Vill-Dalibari,
PO-Dadara,
PS- Hajo,
Dist. Kamrup, Assam-781 104
- 7
0

12. Nikhil Basumatary,
S/o Lt. Longa Basumatary,
Resident of Vill No.1 Shamukia,
PO-Khelmati, PS-Tezpur,
Dist. Sonitpur, Assam 784 152
13. Ranjan Sarkar,
S/o Raj Kishor Sarkar,
Resident of Vill-Fulkumari,
PO-Silikhaguri, PS- Bijni,
Dist. Chirang, Assam-783 390
14. Md. Laikat Ali Khan,
S/o Md. Safiur Rahman Khan,
Resident of Vill-Garoleti,
PO-Patiladaka,
Dist. Bongaigaon, Assam 783 391
15. Karuna Kumar,
S/o Jogeswar Kumar,
Resident of Vill-Niz-Jhaparabari,
PO-Bengbori, PS-Paneri,
Dist.-Udalguri[B.T.A.D.],
Assam-784 523
16. Dhruba Jyoti Das,
S/o- Lt. Bharat Das,
Resident of Vill-Gendhali Gaon,
PO- Gourmorah, PS-Pulibor,
Dist. Jorhat, Assam-785 614
17. Bhaskar Pegu,
S/o Gunadhar Pegu,
Resident of Vill-Chinaichukgaon,
PO-Bormukali,
PS- Pulibor,
Dist. Jorhat, Assam-785 614
18. Phiju Gogi,
C/o Biren Gogi,
Resident of Vill-Rangajan Bongalgaon,
P.O. Rangajan, PS-Titabor,
Dist. Jorhat, Assam
19. Ram Bahadur Chetry,
C/o Sher Bahadur Chetry,
Resident of Vill-Lakhipather,
PO & PS-Lakhipather,
Dist. Tinsukia,
Assam- 786 171
20. Amul Singphoo,

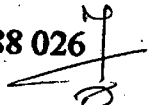
- C/o Khogen Shyam,
Resident of Vill-Pather Shyam Gaon,
PO-Deogharia,
PS-Titabor,
Dist. Jorhat, Assam-785 630
21. Bankim Ch. Deka,
S/o Suchendra Nath Deka,
Resident of Hindu Japari,
PO-Taptola,
Dist. Morigaon, Assam-782 121
22. Prasenjit Sinha,
C/o Jogesh Ch.Sinha,
Resident of Vill-Kachubari,
PO-Tinokhal,PS- Patherkandi,
Dist-Karimganj, Assam-788 724
23. Raja Miri,
S/o Taku Miri,
Resident of Vill No.1 Tokownigaon,
PO- Samdang,
Dist. Tinsukia, Assam 786 190
24. Joydip Rajongshi,
S/o Khagen Rajbongshi,
Resident of Vill-Alichiga-Mikirkhat,
PO-Puranigudam,
Dist. Nagaon, Assam-782 141
25. Rajesh Miri,
S/o Taku Miri,
Resident I of Vill No.1
Tokownigaon, PO Samdang,
Dist-Tinsukia, Assam-786 190
26. Babul Sinha,
C/o Khaichouba,
Resident of Vill. & PO-Tikarburunge,
Dist. Cachar, Assam
27. Suresh Kumar,
C/o-Om Prakash,
Resident of Vill- Mandlana,
PO-Dharsu,
Dist. Mohinderarh, Haryana-123 001
28. Vijay Singh,
C/o Hanumana Ram,
Resident of Vill-Rajpura,
PO-Ghardanakalam,
Dist. Jhunjhunu, Rajasthan.

By Advocates Mr Kankan Das, Addl.C.G.S.C.
Mr U. K.Nair for private Respondents

..Respondents

O.A.No.81 of 2009

1. Rajib Sinha,
S/o Julan Sinha
Vill. & PO- Srikona,
Dist. Cachar[Assam]-788 026
2. Ananta Kumar Das,
S/o Arun Kumar Das
Vill: Srikona
PO- Srikona
Dist. Cachar[Assam]0 788 026
3. Sujit Paul,
S/o Sunil Paul
Vill: Kumarpara
PO: Arunachal
Dist.Cachar[Assam]-788 025
4. Sudip Chandra Paul,
S/o Jyotish Chandra Paul,
Vill: Kumarpara
PO: Arunachal
Dist. Cachar[Assam]-788 025
5. Joydeep Paul,
S/o Jyotish Chandra Paul,
Vill: Kumarpara
PO: Arunachal,
Dist. Cachar [Assam]-788 025
6. Sujoy Paul,
S/o Samendra Paul,
PO: Arunachal
Dist.Cachar [Assam]- 788 025
7. Nivu Chandra Dey,
S/o Nirendra Chandra Dey
Vill: Badarpur Part II
PO: Niz Joynagar,
Dist. Cachar [Assam]-788 025
8. Bachchu Ali Barbhuiya,
S/o Liakat Ali Barbhuiya,
PO: Srikona
Dist. Cachar [Assam]- 788 026



9. **Altaf Hussain Laskar,**
S/o Lt. Haris Ali
Vill: Tupkhana Pt.I
PO: Arunachal
Dist. Cachar [Assam]-788 025
10. **Lalit Sinha,**
S/o Julan Sinha,
Vill: Srikona Pt.I
PO Srikona
Dist.Cachar [Assam]- 788 026
11. **Jalal Uddin Barbhuiya**
S/o Maskandar Ali Barbhuiya,
Vill.& PO: Krishnapur,
Via: Arunachal
Dist. Cachar [Assam]-788 025
12. **Abdul Noor Laskar**
S/o Badar Uddin Laskar,
Vill: Tupkhana Pt.I
PO: Arunachal
Dist. Cachar [Assam]- 788 025
13. **Alim Uddin Laskar,**
S/o Ashai Mia Laskar
Vill: Tupkhana Pt.I
PO: Arunachal
Dist. Cachar [Assam]-788 025
14. **Alom Hussain Laskar**
S/o Mainul Haque Laskar,
Vill: Tupkhana Pt.I
PO: Arunachal
Dist. Cachar [Assam]-788 025
15. **Anwar Hussain Barbhuiya,**
S/o Namar Ali Barbhuiya,
Vill: Tupkhana Pt.I
PO: Arunchal
Dist. Cachar [Assam]-788 025

Applicants

By Advocate Dr. J. L.Sarkar

Versus

1. **The Union of India**
Represented by the Secretary
Defence Ministry, New Delhi
Sena Bhawan-110 001
2. **The Director General of**
Ordnance Services

Army Hqrs. DHQ PO
New Delhi-110 011

3. **Commanding Officer**
57 MTN DIV ORD Unit
C/o 99 APO-909 057
4. **Sri Apurba Baruah,**
S/o of Sri Haresh Baruah
Village & PO; Komar Gaon
PS: Kumar Gaon
Dist. Golaghat
Assam-785 619
5. **Sri Joydeep Rajbongshi**
S/o Sri Khagen Rajbongshi
Village: Mikirhat
PO: Puranigudam
PS: Samaguri,
Dist. Nagaon
Assam-782 141
6. **Sri Naba Jyoti Baishya**
S/o Sri Jogendra Nath Baaishya
Village: Dalibari, PO: Dadara
PS: Hajo, Dist. Kamrup
Assam-781 104
7. **Sri Amul Singphoo**
C/o Sri Khogen Shvam
Village: Deogharia,
PO: Pather Shyam Gaon
PS: Titabor,
Dist.-Jorhat
Assam-785 630
8. **Sri Ranjan Sarkar**
C/o Sri Raj Kishor Sarkar
Village: Fulkumari, PO: Silkhaguri
P.S. Bijni, District: Chirang [BTC]
Assam- 783 390
9. **Sri Nikhil Basumatary**
C/o Sri Longo Basumatary
Village No.1 Shamukia, PO: Khelamati
PS: Puthimari, Dist. Snitpur
Assam-784 152
10. **Sri Babul Sinha**
C/o Khaichouba Sinha
Village & PO: Tikarburunga
P.S. Katigorah, Dist. Cachar
Assam
11. **Md. Liakat Ali Khan**
S/o Md. Safiur Rahman Khan
Village: Garoliti, PO: Patiledaka



- Dist.: Bongaigaon,
Assam-783 391
12. Sri Raju Biswas
C/o Gopal Chandra Biswas
Village: Ramnagar, Lamagram
PO: Tavapur [Khelma]
Dist. Golaghat
Assam
13. Sri Ram Kumar
C/o Ram Gopal
R/o Vill: Chak 6H,
PO: Patroda
Dist: Sriganganagar,
Rajasthan-335 701
14. Sri Anil Kumar
S/o Sri Randhir Singh
Village: Samalkha, PS: Beejna,
District Karnal [Haryana]
Pin: 132 001
15. Sri Siva Baruah
S/o Sri Jogendra Baruah
Village: Gelokey Changmagaon
PO & PS Gelokey,
District: Sivasagar
Assam-785 696

Respondents

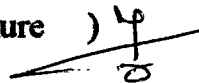
By Advocates Ms. Usha Das, Addl.C.G.S.C.
Mr. U.K.Nair for private Respondents

O.A.No.15 of 2009 with O.A.No.81 of 2009
JUDGMENT

Manoranjan Mohanty, Vice-Chairman-

Applicants (3 in number) in O.A. No.15 of 2009 faced a recruitment (for the posts of "Fireman" in 57 MTN.DIV.ORD. Unit); for which screening and physical tests were taken during 1st week of May 2007. By way of filing (on 06.02.2009) the present Original Application (No.15/2009) under Section 19 of the Administrative Tribunals Act, 1985, the Applicants have prayed as under:-

"8.1 That post of fireman (Gr.D Civilian) advertised by the employment notice and subsequent advertisement shall be filled up strictly following the requirements of the aforesaid Rules 2003 (a rule under Article 309, Annexure)



8 The result of the recruitment test be published following requirements of the said Rules of 2003 and the applicants be considered and appointed against the vacant posts advertised.

8.3 The candidates with qualification of matriculation only without any firefighting certificate shall not be considered for appointment against the advertised posts.

8.4 The instructions under letter dated 11.11.2005 (Annexure) to read qualification as matriculation only be set aside and quashed.

8.5 The qualification in the advertisement dated 13.12.2006 (Annexure-M) showing matriculation be set aside and quashed and mandated to be matriculation with firefighting training from institute of repute. The qualification for six months training in advertisement dated /2005 be set aside and quashed, and/or declared as having been waived by the respondents and substituted as matriculation with certificate of fire training from an institute of repute.

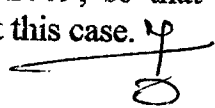
8.6 Any other relief or reliefs the Hon'ble Tribunal may kindly grant.

8.7 Cost of the case."

1.1 On 09.02.2009, while admitting the case (O.A. No.15/09) following interim orders were passed:-

"Appointment of any candidate (selected, pursuant to their recruitment made under Advertisement published under Employment News dated 19.11.2005 under Annexure-H and Advertisement published in Dainik Jugasankha on 13.12.2006 under Annexure-M) so far made in the post of "Fireman", shall abide by the ultimate result of this case.

Respondents, accordingly, should intimate all the selected/appointed candidates about pendency of this Original Application No.15/2009; so that they shall remain free to contest this case.



No fresh appointment of 'Fireman' should be made (till 30.03.2009) by the Respondents; without leave of this Tribunal.

While passing the aforesaid ad-interim restraint order, liberty is hereby granted to the Respondents to approach this Tribunal, even at an earlier point of time than 30.03.2009, for modification of the ad-interim order/to take leave from this Tribunal."

1.2 On 30.03.2009, on behalf of the Official Respondents, time was taken (up to 29.04.2009) for filing written statement. On that day (30.03.2009) the prayer (made in M.P.25/2009) of 25 persons (who claimed that (a) they are selected candidates and (b) for the reason of the interim order dated 09.02.2009, passed in O.A. No.15/2009, they have been prevented to be appointed; although selected) to be impleaded as Respondent Nos. 4 to 28 in O.A.No.15/2009 was allowed. They were also permitted, on 30.03.2009, to file their written statement by 29.04.2009.

1.3 On 29.04.2009 while the Official Respondents again took time till 25.05.2009 to file written statement; the newly impleaded private Respondent Nos.4 to 28 of O.A.No.15 of 2009 filed a Petition (Misc. Petition No.36/2009) seeking vacation/modification of the interim orders dated 09.02.2009 and for issuance of a direction (to the Official Respondents) to appoint them as 'Fireman' in accordance with their merit position. Applicants' side, on that day, took time to file an objection to the said Misc. Petition No.36/2009.

1.4 In their Misc. Petition No.25/2009 and Misc. Petition No.36/2009, the private/newly impleaded Respondents Nos. 4 to 28 of O.A.No.15 of 2009 disclosed, among other points, that some of the similarly placed candidates (as that of the three Applicants of O.A.No.15/2009) approached the Guwahati High Court with (i) a writ application [W.P (C) No. 2557/2007] ; which was dismissed on 26.11.2008; and (ii) and a Writ Appeal (No.51/2009) to the

Division Bench of the Hon'ble Court, wherein it was held (on 11.02.2009) that there were lack of jurisdiction with the Hon'ble Court (to entertain the dispute involved) and that this Tribunal has the jurisdiction.

1.5 On 25.05.2009, on behalf of the Applicants, an objection to M.P.No.36/2009 was filed. On behalf of the Official Respondents, on that 25.05.2009, a written statement (to the O.A.No.15/2009) was also filed; wherein it was prayed to dismiss/reject the case (O.A.No.15/2009) immediately, so as to facilitate issuance of appointment order to the selected candidates, for the Applicants are indulging in delaying tactics in issuing appointment orders to the short-listed candidates for appointment in the post of fireman which causes inconveniences to 57 Mountain Division Ordnance Unit in its day to day functioning without fire staff.

2. In the meantime, on 01.05.2009, the 15 candidates (who approached the Hon'ble Guwahati High Court in W.P.(C) No.2557/2007 and W.A. No. 51/2009, after being unsuccessful in the selection process of recruitment of Firemen in question) approached this Tribunal with O.A. No.81/2009; wherein they prayed as under:-

“8.1 The post of fireman (Gr.D Civilian) as advertised by the employment notice indicating DAVP No.7101/0153/2005 and subsequent advertisement shall be filled up strictly following the requirements of the aforesaid Rules 2003 (a Rule under Article 309, Annexure-F)

8.2 The result of the recruitment test be published following requirements of the said Rules of 2003 conducting fresh physical test under the supervision of higher authorities for a free and fair selection and the applicants be considered and appointed against the vacant posts advertised.

8.3 The candidates with qualification of matriculation only without any firefighting

certificate shall not be considered for appointment against the advertised posts.

8.4 The instructions under letter dated 11.11.2005(Annexure-E) to read qualification as matriculation only be set aside and quashed.

8.5 The qualification in the advertisement dated 13.12.06 (Annexure-G) showing matriculation be set aside and quashed and mandated to be matriculation with firefighting training from institute of repute. The qualification for six months training in advertisement indicating DAVP No.7101/0153/2005 be set aside and quashed, and/or declared as having been waived by the respondents and substituted as matriculation with certificate of fire training from an institute of repute in terms of the Rules 2003.

8.6 Any other relief or reliefs the Hon'ble Tribunal may kindly grant.

8.7 Cost of the case."

2.1 The following interim prayers were also made in the said O.A.No.81/2009;-

"9.1 No appointment shall be made for those with qualification only matriculation (no fire fighting training).

9.2 Early consideration of appointments of those (including the applicants) fulfilling qualifications as mandated by Rules 2003."

2.2 On 04.05,2009, while directing for issuance of notices to the Respondents of O.A.No.81/2009, no interim orders were passed (in view of the interim orders passed in O.A.No.15/2009) and the matter (O.A.No.81/2009) was posted to 25.05.2009 (to which date O.A.No.15/2009 was posted) awaiting written statement from the Respondents.



2.3 On 25.05.2009, the Official Respondents filed certain documents and, on 15.06.2009, they filed written statement in O.A.No.81/2009 with prayer to dismiss the said case.

3. In the above premises, the matters relating to [(a) extension of /vacation or alteration of interim order dated 09.02.2009] rendered in O.A.No.15/2009 and (b) grant of interim order in O.A.81/2009 was taken up on 15.06.2009; when Dr. J.L.Sarkar, learned Counsel appearing for the Applicants of both the cases, Mr.U.K. Nair, learned Counsel appearing for private Respondents in both the cases; Mr. Kankan Das, learned Additional Standing Counsel appearing for Official Respondents in O.A.No.15 of 2009 and Ms. Usha Das, learned Additional Standing Counsel appearing for the Official Respondents in O.A.No.81/2009 were heard and orders were reserved

3.1 On 17.06.2009, Ms. Usha Das, learned Addl. Standing Counsel appearing for Respondents in O.A.No.81/2009 filed a list of citations. On behalf of the Applicants in O.A.No.15/2009, (a) a Memorandum dated 18/23.06.2009 and (b) another Memorandum dated 21/23.06.2009 were filed on 23.06.2009. By an order dated 25.06.2009, both cases(O.A.Nos.15/2009 and 81/2009) were asked to be listed on 03.07.2009 under the heading 'TO BE MENTIONED'.

3.2 In her Memo Dated 17.06.2009, Ms. Usha Das, learned Addl. Standing Counsel gave a list of following citations;-

AIR(1986) SC 1043

(1995) 3 SCC 456

(1992) 4 SLR 65

In his Memo Dated 18.06.2009, Dr. J.L. Sarkar, learned Counsel for the



Applicants of both the cases, gave a list of following citations:-

(1989) SCC 175 (180)

1989(2) SCC 541

(1987) 2 SCC 544

AIR 1978 SC 17(21)

AIR 1974 SC 555

AIR 1978 SC 597

AIR 1986 SC 180


AIR 1961 SC 564

(1955) 1 SCR 613

AIR 1959 SC 149

In the said Memo dated 18.06.2009, Dr. J.L. Sarkar also prayed to list these matters before a Division Bench.

3.3 On 03.07.2009, these cases were asked to be listed on 07.08.2009. On 07.08.2009, these matters were taken up before us in the Division Bench, when, (while considering about interim matters) the Counsel for the parties took us through the matter on merit of both the cases and, in the said premises, final hearing to the entire matter (in both the cases) were taken up; when Ms. U.Das, learned Addl. Standing Counsel for Govt. of India produced before us a Departmental File and also produced (after serving copies thereof) the new Recruitment Rules (pertaining to recruitment of Firemen) of 05.07.2006 issued under the proviso to Article 309 of Constitution of India.

3.4 We heard the arguments of Dr. J.L. Sarkar, learned Counsel for the Applicants of both the cases; Mr. U.K. Nair, learned Counsel for the private Respondents of both the cases, Ms. Usha Das, learned Addl. Standing Counsel for Union of India representing the Respondents in O.A.No.81/2009 and Mr. 

Kankan Das, learned Addl. Standing Counsel representing the Respondents in O.A.No.15/2009; who took us through the materials placed on record.

3.5 By this common order both the cases are being disposed of.

4. Materials placed on record goes to show as under:-

4.1 By Letter No.A/26576/Fire Staff/OS-20/168/-D(O-II) dated 03.02 2000 (of the Under Secretary to the Govt. of India in the Ministry of Defence) that was addressed to the Chief of Army Staff (in supercession of all previous sanctions issued regarding authorization of Fir-fighting personnel in the Army Ordnance Corps) that Presidential Sanction to restructure the Fire-Fighting Cadre in the Army Ordnance Corps was conveyed revising Cadre structure along with revised designation, pay-scales and number of posts; wherein it was specified as under:-

Present Cadre		Restructured Cadre		Revised Pay Scale
Designation	Existing Strength	Designation	Revised Strength	
Fireman I/II	2826	Fireman	2826	Rs.2750-4400
XXX	XXX	XXX	XXX	XXX

4.2 In para-2 of the said letter dated 03.02.2000, it was stated as under:-

"The educational qualifications and guidelines for method of rectt. of above re-structured posts has been laid down in the Annexure-A to this letter, for which rectt. Rules will be notified in due course."

4.3 In Annexure-A to the above said Govt. letter dated 03.02.2000,, the qualification and Method of Recruitment for re-structured posts of Fire Staff (2000) was specified; relevant portion of which reads as under:-

Designation	Qualification	Method of Rectt.
Fireman	Matriculation & Trg. In fire-fighting under a State Fire-Service or an institute of repute	Direct Rectt.
XXX	XXX	XXX

4.4 Long after three and half years, a set of Recruitment Rules (called Army Ordnance Corps (GP 'C' and 'D' posts Non-Gazetted] Recruitment Rules, 2003) were issued on 13.11.2003 (in exercise of the powers under the proviso to Article 309 of the Constitution of India) under the signature of the Under Secretary to Govt. of India; wherein "Matriculation and Certificate of having undergone a Fire Course/Fire Service Training from an institute of repute" was shown to be the required qualification for the post of Fireman.

4.5 It appears from the copy of writ petition WP[C] No.2557/2007 of Hon'ble Guwahati High Court [filed as Annexure-H to the Original Application No.81/2009) and the copy of the Affidavit-in-Opposition filed (in said W.P(C) No.2557/2007) on behalf of the Official Respondents before the Hon'ble High Court of Guwahati (Annexure-2 to the M.P.No.36/2009 in O.A.No.15/2009) that on the request of the Civilian employees of 57 Mountain Division Ordnance Unit, the wards of the said Civilians were provided assistance to get them same sorts of elementary fire fighting training without verification of their physical fitness.

4.6. Under Annexure-B dated 06.07.2005, to O.A.No.81/2009, the Second in Command of 57 Mtn. Div. Ord. Dept. requested the Director of Fire Service Organisation of Assam to the following effect:-

“FIRR SERVICE TRG COURSE

1. It requested that wards of civilian employees of this unit be imparted fire service trg course at your school in Jul 05 session, as per lists 'A' & 'B' attached. Priority may please be accorded to indl of list 'A'.
2. It is further requested that experience certificate/Trg certificate may please be issued after completion of one month trg to each individual.
3. Your cooperation will be highly appreciated.”

4.7. In response to the above communication dated 06.07.2005, the Director of Assam State Fire Service Organisation wrote back to 57 Mtn. Dvn. Ord. Unit (on 16.07.2005) as follows:-

“Sub: FIRE FIGHTING TRAINING FOR CIVILIAN EMPLOYEES OF C/O-99 APO.

Ref: Letter No.0374/110/CIV/EST Dtd. 6th July/05.

1. With reference to the above, please find herewith the training Schedule of the North East Regional Fire Fighting Training Centre Sila, North-Guwahati under State Fire service Organisation Assam which will serve your purpose as desired.

2. Further I like to inform you that we have only 30 (thirty) Seats for basic Fire Fighting training Course where 23(twenty three) trainees are already undergoing training for a period of 25(twenty five) weeks w.e.f. 4-7-05.

3. We cannot accommodate all of your trainees at a time. However, we may accommodate 10(ten) trainees in each batch for a period of 1(one) month training Course.

4. You are requested to send 10(ten) trainees at a time. Before sending your candidates please finalise the date of commencement of the training from the undersigned well in advance.”

4.8. The contents of the above said letter dated 16.07.2005 of Assam Fire Service Organisation goes to show that, as if the said Director was entertaining a

proposal pertaining to Civilian Employees (trainees) of certain Armed Force Organisation; although the proposal was relating to the wards of the employees. A "Training Schedule with Terms and Conditions" was enclosed with the above said letter dated 16.07.2005. Relevant portion of the same is extracted below:-

**"TRAINING SCHEDULE
NORTH EAST REGIONAL FIRE FIGHTING TRAINING
CENTRE, SILA, NORTH GUWAHATI**

SLNo.	NAME OF THE COURE	DURATION OF COURSE
1.	Fire Fighting Training Course For station Officer/sub-O	25 weeks.
2.	Fire Fighting Training Course for R/Fireman	25 weeks
3.	Motor Maintenance and Pump Operation Training for Driver	10 Weeks.
4.	Refreshers Course for Station Officers/sub-O	6 Weeks.
5.	Refreshers Course for Leading Fireman/Fireman	4 Weeks.
6.	Refreshers Course for Drivers	4 Weeks.

4.9 Although no basic course for 4-weeks were available in the aforesaid Training Centre, by some unknown arrangements, 11- wards of the Civilian Employees of Respondent Organisation were entertained as trainees for the period between 01.08.2005 to 31.08.2005; as is evident from the letter dated 01.08.2005 of the Training Officer of NER Fire Fighting Training Centre/North Guwahati. Relevant portion of the said letter dated 01.08.2005 is extracted

below:-

4.10. In para 4 of the Affidavit in opposition filed (by the official Respondents) in W.P.(C) No.2557 of 2007 (a copy of which has been filed as Annexure-I to O.A.No.81/2009, it was clearly disclosed that 'on the request of the Civilian Employees (purely as a welfare measure to the Civilian Employees serving under the Division Ordnance Unit) the wards of the said Civilians were provided assistance to get themselves trained in the said course. No check for physical fitness was carried before the wards of Civilian Employees proceeded for the said one month fire training.

4.11 By a communication dated 11.11.2005 of Govt. of India in MoD, following amendments in Annexure-A to GOI/MoD Letter No.A/26576/Fire Staff 105/20/255/D (O-II) dated 03.02.2000 (Supra) were carried out:-

"Qualification for Firemen

For Matriculation & training in fighting under a State Fire Service or an Institute of repute.

Read: (a) Matriculate

(b) Must be physically fit and capable of performing strenuous duties and must have passed the test specified below:-

(i) Height without shoes – 165 cms provided that a concession 2.5 cms. height shall be allowed for members of the Scheduled Tribes.

(ii) Chest (un-expanded) - 81.5 cms.

(iii) Chest (on-expansion) - 85 cms.


(iii) Weight - 50 Kgs. (minimum)

(iv) Endurance Test:-

(aa) Carrying a man (fireman lift of 63.5 Kgs to a distance of 183 meters within 96 seconds.

(bb) Clearing 2.7 meters wide ditch landing on both feet (long ump)

(cc) Climbing 3 meters vertical rope using hands and feet.

2. This issue with the concurrence of Min of Def/Fin (O- 1B) vide their U.O.No.3310/O-1B/05 dated 10.11.2005." 

4.12 Accordingly, the aforesaid Rules of 2003 stood superseded by "Army Ordnance Corps. Fire Staff(Group 'C'-Non-Gazetted) Recruitment Rules 2006" and the same was published in Official Gazette being given SRO No.93 dated.05.07.2006. Under the said new Rules of 2006, requirement to become a Fireman was as under:-

"(ii) Matriculation.

(b) Must be physically fit and capable of performing strenuous duties and must have passed the test specified below:

(i) Height without shoes – 165 cms provided that in concession 2.5 cms height shall be allowed for members of the Schedule Tribes.

(ii) Chest (un-expanded) - 81.5 cms.

(iii) Chest (on-expansion)- 85 cms.

(iv) Weight - 50 Kgs (minimum)

(v) Endurance Test:

(aa) Carrying a man (fireman lift of 63.5 Kgs to a distance of 183 meters within 96 seconds.

(bb) Clearing 2.7 meters wide ditch landing on both feet (long jump).

(dd) Climbing 3 meters vertical rope using hands and feet."

4.13. An advertisement was published in Employment News (dated 19.11.2005) for recruitment to the posts of Fireman in 57 Mtn. Ord. Unit; wherein qualification required was shown as HSLC with Fireman Training for six months. It appears, the Applicants of both the cases (who, apparently, acquired only one month training in a Govt. Institute; as aforesaid, being identified as Civilian employees of the Respondent Organisation) applied in response to the said advertisement.

4.14 Before any recruitment was taken up, pursuant to the above said advertisement dated 19.11.2005, the same (Advertisement dated 19.11.2005) was cancelled on 10.01.2007 and a fresh advertisement was issued on 15.04.2007 for recruitment for posts of Fireman in the said 57 Mtn. Div. Ord. Unit and, in the said advertisement dated 15.04.2007, it was stated that the required educational qualification to be only Matriculation. This Advertisement was consistent with the new Rules of 2006.

4.15 Candidates (including those who applied pursuant to earlier Advertisement dated 19.11.2005) were called to face the recruitment (excepting those who were over-aged) and 48 candidates were selected and, out of those 48 selected candidates, 40 candidates are from the State of Assam, 01 was from Manipur, 04 from Haryana, 02 from Rajasthan and 01 from the State of Orissa.

5. Applicants of OA No.81/2009 (15 in number) approached the Hon'ble Guwahati High Court (in WP (C) No.2557/2007) challenging the selection of above said 48 candidates and the said writ application was dismissed on 26.11.2008.

6. The above order dated 26.11.2008, of the Hon'ble Court, became subject-matter of challenge before the Division Bench of the said Hon'ble High Court in Writ Appeal No.51/2009 and, because of the jurisdiction vested with this Tribunal (pertaining to 'recruitment to Govt. of India Services), the Division Bench of the Hon'ble Court allowed the Appeal, on 11.02.2009, and the order dated 26.11.2008 was set aside.

7. In the above premises, the Applicants of present OA No.81/2009 have approached this Tribunal and Similarly placed wards of the Civilian Employees of Respondent Organisation, who did not approach the Hon'ble Court, are now before us in OA No.15/2009.



8. The grievances of the Applicants, of both the cases, are that when the statutory requirement was Matriculation plus fire Fighting Training for six months, the candidates having no Fire-fighting Training could not have been entertained as candidates nor could they have been selected as Fireman; simply on the strength of Executive Instructions dated 11.11.2005, which was contrary to the statutory Rules of 2003. It has, however, been pointed out on behalf of the Respondents, that Applicants also had no six-months training. Dr. J.L. Sarkar, learned Counsel appearing for the Applicants of both the cases argued strenuously stating that the recruitment in question could not have been based on an executive instruction dated 11.11.2005; which was contrary to Statutory Rules of 13.11.2003. This argument was advanced despite the fact that Ms. Usha Das, learned Addl. Standing Counsel produced(on 07.08.2009) a copy of the new Recruitment Rules of 05.07.2006.

9. As has been seen, 1st Advertisement was issued on 19.11.2005 in accordance with the Old Recruitment Rules of 2003. But before recruitment, the new Recruitment Rules of 2006 were notified on 05.07.2006 and the 1st Advertisement dated 19.11.2005 was cancelled on 10.01.2007. A fresh Advertisement was, however, issued on 15.04.2007 with stipulations consistent with the new Rules of 2006. The Applicants were called to the selection and, having not been selected at fitness verification stage, approached the Hon'ble Court raising all sorts of allegations.

10. Thus, on the facts of the case, the above noted argument of Dr. Sarkar falls to the ground. We have found no violation of any statutory rules nor we have found any executive instructions to have over-ridden any provisions of any of the Statutory Rules in the matter of the recruitment in question and, as such,

there were no miscarriage of justice in the selection process that led to selection of 48 candidates for the post of Fireman in 57 Mtn. Div. Ord. Unit.

11. Applicants, who obtained some Fire-fighter training certificate (of covering only one month) apparently by sufficiently misleading Assam State Govt. authorities, were also not qualified under the Old Rules of 2003/the 1st Advertisement dated 19.11.2005; because they did not have six-months Training. They were apparently disqualified in the selection process. But by approaching the Court/Tribunal; they have sufficiently hindered the appointment of the selected candidates.

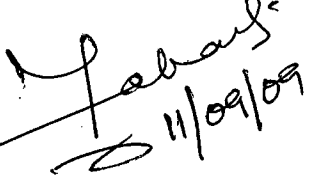
12. The 2nd in Command of 57 Mtn. Div. Ord. Unit ought not to have sponsored the children of the Civilian Staff without making it open for all the youth of the country. By that conduct, he not only misled the children of the Civilian Employees of his Unit, but violated the constitutional provisions of equality in the matter of getting public employment. It is not known as to how the authorities of Assam State Govt. were misled and treated the wards of civilian employees of a Military Unit (to be Civilian Employees) without verification of their physical standard and as to how they were given one month training in absence of prescribed course of one month.

13. In the Affidavit-in-opposition filed before the Hon'ble High Court it was clearly stated (by the official Respondents) about cancellation of the 1st Advertisement dated 19.11.2005 by an order dated 10.01.2007. Knowing that well, the Applicants did not disclose (in the body of the Original Application) about the cancellation dated 10.01.2007.

14. For the reason of our finding that there were no violation of any of the Rules governing the Recruitment in question and that no executive instructions

were allowed to over-reach the statutory provisions in the matter of recruitment of Firemen in question, we dismiss these cases; vacate the interim restraint order dated 09.02.2009 passed in O.A.No.15 of 2009 and, as a consequence, grant liberty to the Official Respondents to appoint the selected 48 candidates as Fireman under them. No costs.


 (M.K. Chaturvedi)
 Administrative Member


 (Manoranjan Mohaty)
 Vice-Chairman

cm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH : GUWAHATI

O.A. No. 81/2009

Shri Rajib Sinha & Ors. Vs Union of India & Ors.

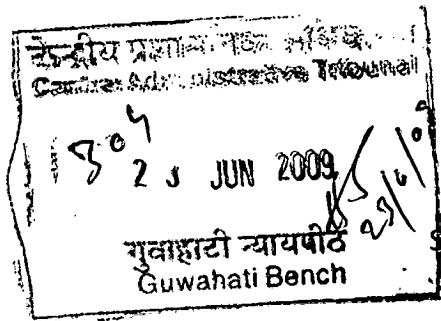
AND

O.A. No. 15/2009

Shri Z.H. Barbhuyan & Ors Vs Union of India & Ors.

AND

M. P. No. 36/2009 (In O.A No. 15/2009)



29
Filed by the counsel for the applicants
Through S. N. Tumuli
Advocate Date: 23/6/09

MEMORANDUM FILED BY THE COUNSEL FOR THE APPLICANTS

The counsel for the applicants humbly submits this additional memorandum as regards the legal submissions on the following cases (Citations filed by the respondents), *vis a vis* the cases in hand before the Hon'ble Tribunal:

1. Inderjit Gupta vs Union of India (AIR 2001 SC 3338: 2001 (6) SCC 637)

This is a case where Recruitment Rules of 1963 of Zoological Survey of India were amended by Recruitment Rules of 1987. (Judgment does not indicate whether these rules are under proviso to article 309 of the constitution.) Advertisement was made in terms of amended rules of 1987. The appellant did not apply for the post thinking that the Rule of 1987 was arbitrary (Para 2). The Hon'ble Supreme Court held the advertisement to be proper because Union of India has the **authority to change the Recruitment Rules and to provide a higher educational qualification than that provided in the earlier Rules ...** . It is, therefore, clear that the Rule of 1987 was within authority and was not arbitrary. That is, the Rule 1987 was valid and passed judicial scrutiny by the Hon'ble Apex Court.

In the instant cases of the applicants, amendment by the executive instructions by letter dated 5/11/2005 of a Rule under proviso to article 309 of the constitution is not within authority and as such is void *ab initio* and the advertisement for 48 posts prescribing lower qualification eliminating firefighting certificate/ experience is also not 'proper'. This point was raised before the Hon'ble Gauhati High Court in the Writ appeal No. 51/2009, the Hon'ble Division Bench has set aside the learned single Bench judgement, the above question remained open and availing the liberty by the applicants on Jurisdictional question, the case is pending before the Hon'ble Tribunal. This constitutional questions, in the humble submission of the counsel deserves to be decided by a Hon'ble Division Bench of the Tribunal.

Moreover in the case in hand before the Hon'ble Tribunal applicants participated in the test (Unlike the appellant in Inderjit vs Union of India). The result of the test has not yet been

Received
Sri. Tumuli
(M.N. Tumuli)
23/6/09
Received
C.O.P.
22-6-09
Received
Shri. Tumuli
Advocate
22/6/09

W.D.
JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

published. It is reiterated that Rules under article 309 cannot be amended by executive instructions.

Further in the case (Inderjit vs Union of India) before the Apex Court there were only two candidates of the same department who knew each other's qualification, unlike the case before the Hon'ble Tribunal, where there were thousands of candidates not known to each other without scope of knowledge of qualification of others. The *ratio* and *principles* of the Apex Court in the above case, in humble submission of the counsel for the applicants, are not applicable in the case in hand.

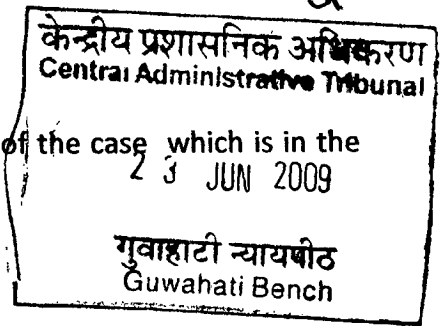
2. G.N. Nayak vs Goa University (AIR 2002 SC 790) .

In this case the legal battle was between two teachers of Goa University. It is on record that (Para 3) " ... no candidate could be found to fulfill the essential qualification for the post." The Universities are autonomous bodies. The executive council is the principal executive body of the University (Section 18) and is **empowered** to make statutes In exercise of the power, statutes of the University have been amended from time to time including statute 8 and 15 (Para 19) and accordingly advertisement and selection for the post of Professor was made. The Hon'ble Apex Court **did not find any fault in the amendments** . As such the amendments in that case were valid amendments. The disputes among the parties *inter se* were also regarding qualification and constitution of selection board. After adjudicating upon the disputes the Apex Court allowed the appeal. The *ratio* of the case is that the amendment of the statute by the University and finalising the selection for Professor was correct. That the Respondent No. 5 knew of the change of eligibility (Which were valid) and appeared, is not the sole reason for allowing the appeal . What the Apex Court said is that he knew of the changed eligibility condition and applied and the Apex Court found no infirmity in the amended eligibility condition by the Executive council. In this case also there were only two contestants who knew each other's qualifications. In the instant case (Before this Hon'ble Tribunal) candidates were in thousands. Nobody knew others's qualifications. And the amendments of the Rule under article 309 were not validly made.

In the Goa University case above , there was no legal question of **Rule under proviso to article 309 vs executive instructions** . The advertisement for 48 posts was on the basis of diluted qualifications in the matter of firefighting , ignoring mandate by Rule under proviso to article 309 by executive instructions. The constitutional question of **Rule under proviso to article 309 vs executive instructions** is of prime importance . This question has been kept open by the Hon'ble Division Bench of Gauhati High Court in appeal, while setting aside the judgment of the learned single judge, on Jurisdictional point . It is respectfully submitted that this legal and constitutional question could be decided by an Hon'ble Division Bench of the Tribunal. Decision/observation by an Hon'ble single Bench is likely to cause/create complications in the



matter of constitution of Division Bench in future for final hearing of the case which is in the category of Division Bench matter.



3. Madan Lal vs State of J & K (AIR 1995 SC 1088)

This is a case where petitioners and contesting Respondents passed the written tests and participated in the interview. The Apex Court held that after taking calculated chance and failing in interview petitioners cannot contend that the selection committee was not properly constituted. In the cases in hand before the Hon'ble Tribunal the result of the test has not yet been published /declared . The applicants in O.A No. 81/2009 immediately filed Writ petition before the Hon'ble Gauhati High Court , and now are before this Hon'ble Tribunal without any delay after the order in the Writ appeal .(The official respondents during this period did neither declare the result of the tests nor approached the Hon'ble High Court or the Hon'ble Tribunal to publish the result or to vacate the interim order of the Hon'ble Tribunal) . Unlike the Madan Lal's case the challenge before this Hon'ble Tribunal is **on constitutional matrix viz. namely validity of amendment of rule under proviso to article 309 by executive instructions** . It is **not** a case of challenging constitution of selection body nor prayer for assessment of the merit of candidates in the selection, by the Hon'ble Tribunal . **Madan Lal's ratio** has, in the humble submission of the counsel for the applicants, no application in the present case.

Applicants in O.A No. 15/2009 are entitled to similar results ^{of O.A No. 81/2009} but for abundant caution filed the way. In **Madan Lal** there was no infirmity of Rules. ^{On the law of taking calculated chance and through approaching court, the Hon'ble Tribunal may kindly like to give further and hearing} **Estoppel and waiver**

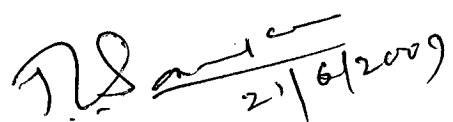
There is **no estoppel** or **waiver** against statute , constitution or fundamental rights . (**Olga Tellis Vs Bombay Municipal Corporation, AIR 1986 SC 180**)

The right of Enforcement of Rule under article 309 of Constitution of India cannot be whittled down by wrongly invoking **estoppel** or **waiver** . ^{of the applicants} This rights have merged into fundamental rights under article 14,15,16 and 21 of the constitution of India . The right under article 309 is also a statutory right.

As regards enforcement of rules under proviso to article 309 , in the instant case in hand, suppose there is no successful candidate, any person not fulfilling the qualification essentiality under the rules (Article 309) that is matriculate plus training from institute of repute, cannot be recruited. The recruitments cannot be made *dehors* the Rules of 2003.

The counsel is obliged for granting time to file the above .The memorandum signed by this counsel on 18/6/2009 is also being filed along with this memorandum.

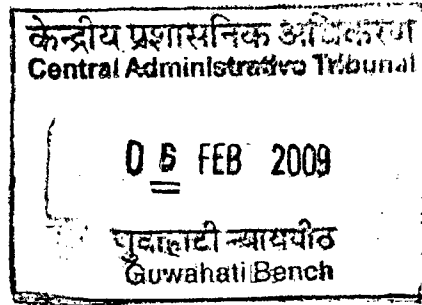
Submitted with respect


21/6/2009

Dr J. L Sarkar

Counsel for the applicants

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI



O.A. No. 15 /2009
Sri Zakir Hussain Borbhuyon

& Ors.

- V -

V.O.1 & Ors-

S Y N O P S I S

The applicants are unemployed young persons. They are H.S.L.C. (equivalent to matriculation) qualified and have fire fighting training from State Elementary fire fighting Training School, Guwahati, Govt. of Assam. The Rule framed under Art. 309 of the Constitution of India "The Army Ordnance Corps (G.P. 'C' and 'D' Posts 'Non-Gazetted) Recruitment Rules 2003 mandates qualification of Matriculation and Certificate of having undergone are Fire Course/ Fire Service Training from an Institute of repute for recruitment of Fireman, Civilian in Defence Services Group 'D'. Applicants submitted applications against advertisements for appointment of Fireman. Respondents issued executive instructions by letter dated 11.11.2005 deleting qualification of fire fighting Training, requiring only Matriculation and issued advertisement as such.

This O.A. is for enforcement of the Rules, 2003 with qualification therein, and that executive instruction dated 11.11.2005 is not applicable.

The applicants prays for consideration of appointment following the Rules 2003, with an interim prayer not to consider those who are without fire fighting training only matriculate.

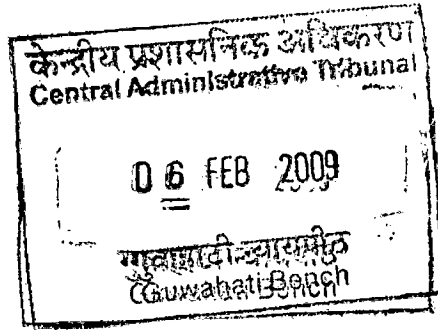
Filed by the Applicant
S. N. Tumuli
Advocate Date
Advocate

Received
S. N. Tumuli
06.02.09

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI



O.A.No.....15...../2009
Sri Zakir Hussain Barbhuyan

& Ors.

- V -

V.O.1 & Ors.

LIST OF DATES

Sl. No.	Dates	Particulars	Page/ Annexure
1.	13/11/2003	Govt. of India circulated the Army Ordnance Crops (Gp 'C' and 'D') posts Non Gazetted) Recruitment Rules 2003 - A Rule under Article 309 of the Constitution of India, Column 1, 3 and 8 of the schedule mandates that for recruitment of fireman Civilian in Defence service Gr.D Non Gazetted Qualification shall be matriculation and certificate of having undergone a fire course/certificate of training from an institute of repute.	Para 4.3 ANNEXURE G
	19/11/05	Advertisement published on 19/11/05 for recruitments of fireman in 57 Mnt Div and Ord Unit. Educational required HSLC pass + fireman training pass certificate from any Govt. or Govt. undertaking centre for six months course.	Para 4.4 ANNEXURE H

Contd....2

11/11/2005 By executive instructions from Govt. of India, Ministry of Finance instructions were issued that qualification for fireman, 'Matriculation

ANNEXURE L
Page 32.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
06 FEB 2009
गुवाहाटी बेंच
Guwahati Bench

and training in fire fighting under a state fire service or an institute of repute' should be read as matriculation i.e. requirement of fire service training was deleted. This is contrary to the Rules of 2003.

It is settlement law that the Rules under Article 309 prevails over the executive instructions.

13/12/2006 Advertisement for post of fireman in 57 Mountain Division Ord Unit. Qualification required was Matriculate. This qualification is contrary to the Rule of 2003 under 309 of the Constitution.

ANNEXURE M
Page 33

04/04/07
25/05/07 &
/04/07

Admit Cards issued calling the Applicants to appear in the screening and scrutiny of documents on 1/5/07. The applicants appeared & produced the original documents.

in reference to their application for the said post of fireman
Bunt

ANNEXURE I, J & K
Respectively

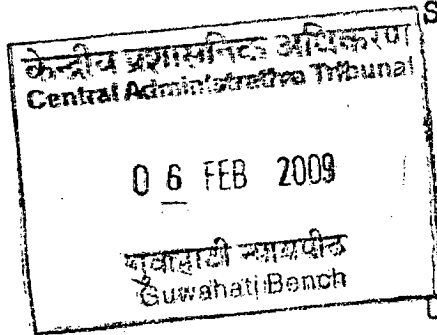
Prayer of the applicants is that recruitment shall be considered for candidates with qualification of fire fighting training under the Rules of 2003. Those only with matriculation are not eligible under the rules. Interim relief is also humbly prayed accordingly.

Filed by the Applicant
Through S. N. Tumuli
Advocate Date 6/2/09

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI.

O. A. No. .15.../2009.



Sri Zakir Hussain Barbhuiya & Ors.

... Applicants.

- VERSUS -

Union of India & Ors.

... Respondents.

I N D E X.

S.N.	Particulars	Page No.
1.	Original Application	Page No. 1 to 13..
2.	Verification	14
3.	Copy of the H.S.L.C. Certificate of Application No. 1.	Page No. 15..... ANNEXURE-'A'
4.	Copy of the H.S.L.C. Certificate of applicant No. 2.	Page No. 16..... ANNEXURE-'B'
5.	Copy of the H.S.L.C. Certificate of applicant No. 3.	Page No. 17..... ANNEXURE-'C'

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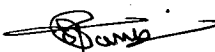
06 FEB 2009

গুৱাহাটী কেন্দ্রীয়
Guwahati Bench

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S.No	Particulars	Page No.
6.	Copy of the Fire Fighting Certificate of applicant No. 1 issued by Director of Fire Service, S.F.S.O, Assam.	Page No. 18..... ANNEXURE-'D'
7.	Copy of the Fire Fighting Certificate of the applicant No. 2 issued by Director of Fire Service, S.F.S.O, Assam.	Page No. 19..... ANNEXURE-'E'
8.	Copy of the Fire Fighting Certificate of applicant No. 3 issued by Director of Fire Service, S.F.S.O, Assam.	Page No. 20..... ANNEXURE-'F'
9.	Copy of the Army Ordinance Crops (C & D Non Gazetted) Recruitment Rules 2003.	Page No. 21..... ANNEXURE-'G'
10.	Advertisement for the 64 posts of Fireman published in a local Bengali quoting Employment News dated 19.11.05.	Page No. 23..... ANNEXURE-'H'
11.	Admit Card issued by the 2nd In Command, 57 Mountain Division Ordinance Unit to applicant No. 1, 2 and 3 respectively.	Page No. 26.. ANNEXURE-'I', 'J' & 'K' respectively.
12.	Copy of the letter dated 11.11. 2005 from the Under Secretary to the Govt. of India Ministry of Defence.	Page No. 32.... ANNEXURE-'L'
13.	Copy of the advertisement for 48 posts of Fireman dated 13.12.06 published in Dainik Yougo Sankha, Silchar.	Page No. 33.... ANNEXURE-'M'

Filed by



S. N. Tamuli

Advocate.

D 6 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH,
GUWAHATI.

4.7
Filed by the Applicant
Through S. N. Tumuli
Advocate Date... 6/2/09

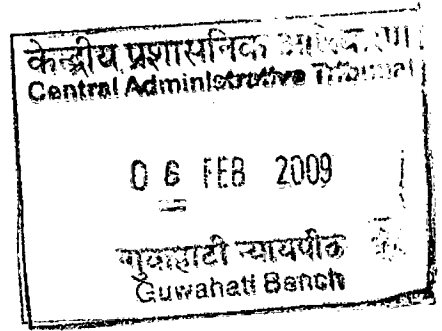
O. A. No. ...15..../2009

1. Zakir Hussain Barbhuiya
S/O Abdur Rashid Barbhuiya
Vill : Barjatrapur
P.O. : Barjatrapur
P.S. : Barkhala
Dist. Cachar
Assam, Pin: 788001.
2. Sri Tazim Uddin Mazumdar
S/O Abdul Jalil Mazumdar
Vill : Beladahar
P.O. : Nizjaynagar
P.S. : Silchar Sadar
Dist. Cachar
Assam, Pin: 788025.
3. Pranoy Ch. Das
S/O Sri Paresh Ch. Das
Vill : Sonth Manikpar
P.O. : Rajnagar
Dist. Cachar
Assam, Pin : 788025.

... Applicants

Contd....2

Zakir Hussain Barbhuiya



-: 2 :-

- VERSUS -

1. Union of India

Represented by

the Secretary

Ministry of Defence

Sena Bhawan

New Delhi-1

Pin:

2. The Director General of

Ordinance Crops Services

Army H Qrs . DHQ P.O .
New Delhi

Pin : 110011

3. The Commanding Officer

57 Mtn Division Ordinance Unit

C/O 99 APO

Pin : 909057

* 4. to 28 ... Respondents.
at page 2(a), 2(b) and 2(c).

*
I
Impleaded as respondents
no. 4 to 28, vide order
dated 30/3/09, passed
in OA 15/09 (MP No-25/09)

(pass
9/4/09)

DETAILS OF THE APPLICATION :

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION
IS MADE ;

This application is made for enforcement of Army
Ordinance Crops (Rg. 'C' & 'D' posts Non-Gazetted)
Recruitment Rules 2003 and advertisement bearing DAVP

Contd.....3

Zakir Hussain Basha

09 APR 2009

गुवाहाटी ब्याच
Guwahati Bench

4. Ram Kumar, C/o- Ram Gopal, resident of Vill- Chak 6H, P.O - Patroda, Dist- Sriganganagar, Rajasthan, 335701.
5. Ravi Prakash, C/o- Sumer Singh, resident of Vill- Manpur, P.O - Manpur, Dist- Faridabad, Haryana, 121105.
6. Anil Kumar, C/o- Randhir Singh, resident of Vill- Samalkha, P.O - Beejna, Dist- Karnal, Haryana, 132001.
7. Raju Biswas, C/o- Gopal Chandra Biswas, resident of Vill- Ramnagar Lamagram, P.O - Tarapur, Dist- Cachar, Assam, 788003.
8. Apurba Baruah, C/o- Horesh Baruah, resident of Vill- Kamargaon, P.O & P.S - Kamargaon, Dist- Golaghat, Assam, 785619.
9. Siva Baruah, C/o- Jugendranath Baruah, resident of Vill- Gelakey Changmaigaon, P.O & P.S- Gelakey, Dist- Sivasagar, Assam, 785696.
10. Sudarshan Baruah, C/o- Nityananda Baruah, resident of Vill- Missamari, P.O & P.S - Halem, Dist- Sonitpur, Assam, 784170.
11. Nabajyoti Baishya, C/o- Jogendra Nath Baishya, resident of Vill- Dalibari, P.O - Dadara, P.S- Hajo, Dist- Kamrup, Assam, 781104.
12. Nikhil Basumatary, S/o- Lt. Logna Basumatary, resident of Vill- No.1 Shamukia, P.O - Khelmati, P.S- Tezpur, Dist- Sonitpur, Assam, 784152.
13. Ranjan Sarkar, S/o- Raj Kishor Sarkar, resident of Vill- Fulkumari, P.O - Silikhaguri, P.S- Bijni, Dist- Chirang, Assam, 783390.
14. Md. Laikat Ali Khan, S/o- Md. Safiur Rahman Khan, resident of Vill- Garoleti, P.O - Patiladaka, Dist- Bongaigaon, Assam, 783391.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

09 APR 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

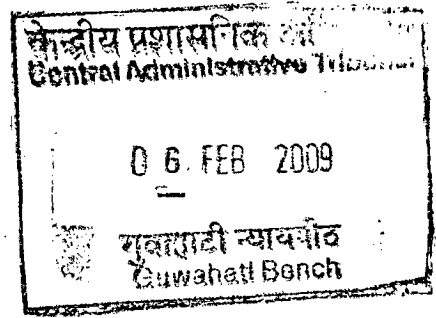
15. Karuna Kumar, S/o- Jogeswar Kumar, resident of Vill- Niz-Jhaparabari, P.O - Bengbori, P.S- Paneri, Dist- Udalguri (B.T.A.D), Assam, 784523.
16. Dhruba Jyoti Das, S/o- Lt. Bharat Das, resident of Vill- Gendhali Gaon, P.O - Gourmorah, P.S- Pulibor, Dist- Jorhat, Assam, 785614.
17. Bhaskar Pegu, S/o- Gunadhar Pegu, resident of Vill- Chinaichukgaon, P.O - Bormukali, P.S- Pulibor, Dist- Jorhat, Assam, 785614.
18. Phiju Gogoi, C/o- Biren Gogoi, resident of Vill- Rangajan Bongalgaon, P.O - Rangajan, P.S- Titabor, Dist- Jorhat, Assam.
19. Ram Bahadur Chetry, C/o- Sher Bahadur Chetry, resident of Vill- Lakhpathar, P.O & P.S- Lakhpathar, Dist- Tinsukia, Assam, 786171.
20. Amul Singphoo, C/o- Khogen Shyam, resident of Vill- Pather Shyam Gaon, P.O - Deogharia, P.S- Titabor, Dist- Jorhat, Assam, 785630.
21. Bankim Ch. Deka, S/o- Suchendra Nath Deka, resident of Hindu Japari, P.O - Taptola, Dist- Morigaon, Assam, 782121.
22. Prasenjit Sinha, C/o- Jogesh Ch. Sinha, resident of Vill- Kachubari, P.O - Tinokhal, P.S- Patherkandi, Dist- Karimganj, Assam, 788724.
23. Raja Miri, S/o- Taku Miri, resident of Vill- No.1 Tokownigaon, P.O - Samdang, Dist- Tinsukia, Assam, 786190.
24. Joydip Rajongshi, S/o- Khagen Rajbongshi, resident of Vill- Alichiga- Mikirkhat, P.O - Puranigudam, Dist- Nagaon, Assam, 782141.
25. Rajesh Miri, S/o- Taku Miri, resident of Vill- No.1 Tokownigaon, P.O - Samdang, Dist- Tinsukia, Assam, 786190.
26. Babul Sinha, C/o- Khaichouba, resident of Vill. & P.O - Tikarburunge, Dist- Cachar, Assam.
27. Suresh Kumar, C/o- Om Prakash, resident of Vill- Mandlana, P.O - Dharsu, Dist- Mohinderarh, Haryana, 123001.

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Central
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केन्द्रीय प्रशासनिक अधिकरण
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09 APR 2009
मुवाहाटी न्यायापीठ
Guwahati Bench

28. Vijay Singh, C/o- Hanumana Ram, resident of Vill-
Rajpura, P.O - Ghardanakalam, Dist- Jhunjhunu,
Rajasthan.



-: 3 :-

No. 7101/0153/2005 as per the above Rules and also to appoint the applicants as per the above Rules as Civilian in Defence Services.

2. JURISDICTION :

Applicants declares that the subject matter of the application is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

Applicant also declares that the application is made within the limitation prescribed by the Section 21 of the Administrative Tribunal Act- 1985.

1995 (supp-3) sec-231

4. FACTS OF THE CASE :

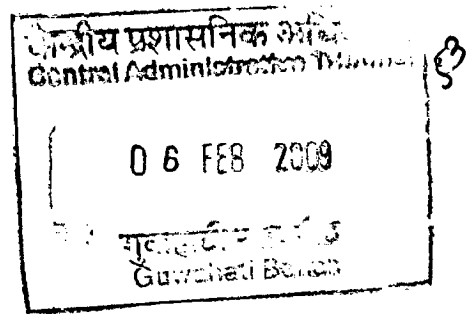
4.1 That the applicants are citizens of India and as such are entitled to the rights and privileges guaranteed by the Constitution of India.

4.2 That the applicants have passed the H.S.L.C. Examination from Board of Secondary Examination, Assam.

All the applicants have also successfully completed one month fire fighting training course under the State Elementary Fire Fighting Training School, Govt. of Assam, Guwahati. The three applicants are very poor unemployed

Contd..... 4

Zakir Ansari Barbhui



-: 4 :-

persons and are not in a position to persue the case by individual applications and as such very humbly prays before this Hon'ble Tribunal to file this common application under Rule 5 of the CAT procedure Rules 1987.

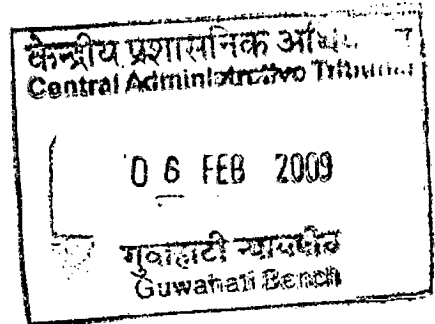
Copies of the H.S.L.C. Examination passed certificates of applicant No. 1, 2 and 3 are endorsed as Annexure- A, B and C respectively.

Copies of the Certificate of completion of Fire Fighting Course of applicants are enclosed as Annexure- D, E and F respectively.

4.3 That, it is stated that Fireman Civilian with qualification of matriculation and training in fire fighting under state fire service or an institute of repute were appointed under executive instruction from Ministry of Defence, Govt. of India during some period up to 2003 and a Rule under Article 309 of the Constitution was issued by the Govt. of India, Ministry of Defence by notification dated 13.11.2003. While in search of jobs the applicants could learn that there is scope for appointment as Fireman as defence civilian for matriculates with fire course/fire service training from an institute of repute. As such they made endeavours to have such training under the institute of repute of the Government of Assam viz. State Elementary Fire Fighting Training School and successfully completed the training and obtained the certificate ~~and~~ as indicated

Contd....5

Zakir Ansari Barbin



-: 5 :-

in the preceding paragraph, duly signed by the Director of Fire Service, State Fire Service Organisation, Assam. The rules for recruitment of fireman as civilians in defence services, Group-D, Non Gazetted is contained in the Army Ordinance Corps (Gr. 'C' & 'D' posts non-gazetted) Recruitment Rules 2003. This is a rule under Article 309 of the Constitution of India. The Schedule under the said Rule contains Fireman with the classification as civilian in defence services Gr. D non-gazetted (Column-3) Education qualification in Column-8 is Matriculation and certificate of having undergone a fire course/fire service training from an institute of repute. After the rule came into force the executive instructions in the matter as explained above became non-est and insperative. (It is stated that the said rule 2003 is still controlling the field and no amendment to the same have been made)

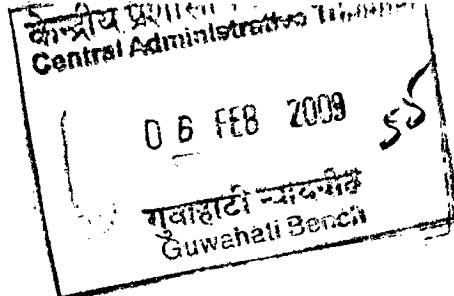
A copy of the said recruitment Rule 2003 is enclosed as Annexure-G.

4.4 That an advertisement for appointment was published in a local news paper inviting applications for 64 posts of fireman. Educational Qualification was H.S.L.C. Exam. pass plus Fireman Training passed certificate from any Govt. or Govt. Undertaking Centre for six months course. The advertisement was in Bengali indicating DAVP No. 7101/0153/2005.

Photo copy of the advertisement (Bengali) with a copy translated

Contd....6

Zakir Ansari Barbin



-: 6 :-

to English is enclosed as
Annexure-H.

4.5 That the applicants submitted their candidature for appointment as fireman civilian in response to the advertisements enclosing the certificates of qualification including the fire fighting passed certificate issued by the State Elementary Fire Fighting Training School, Guwahati, Assam. They received admit card for appearing in the screening and scrutiny of documents and testing of candidates for fireman. Following were the Roll Nos :

Applicant No. 1	-----	3263
Applicant No. 2	-----	1149
Applicant No. 3	-----	2353

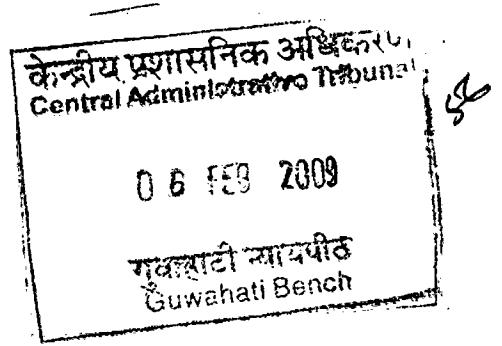
They were advised to report on 1.5.2007 at 6.00 A.M. at Traffic Control Post, Kalibari, Masimpur, Dist. Cachar, Assam along with the original documents mentioned in the letter of admit card. The applicants in compliance with the said admit cards duly appeared in the notified venue, produced the documents had submitted before the authorities for necessary/required test.

Copies of the admit cards of the applicant No. 1, 2 and 3 are enclosed as Annexure-I, J & K respectively.

4.6 That after the scrutiny of papers and test

Contd....7

Zakir Ansari BARKIN



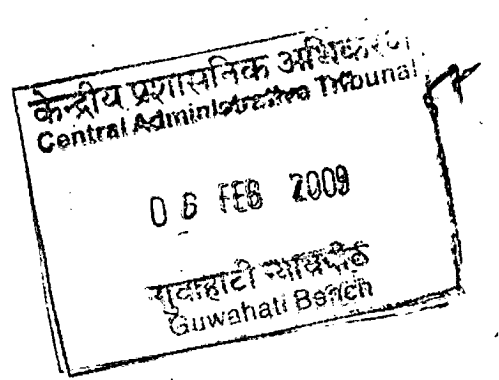
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as indicated in the admit cards the applicants have been anxiously waiting for offer of appointment on the reason that they possess certificates of training from the institution of the Govt. of Assam. And the said training fulfils the condition of qualification prescribed by the said Rules of 2003, a rule under Article 309 of the Constitution of India for recruitment of Fireman, Civilian in Defence. The applicants came to know that there were number of candidates who were only matriculates without any training of firefighting as mandated by the said Rule-2003. The applicants reasonably expected appointment under the said recruitment process. The applicants have a legitimate expectation in the above process of recruitment having possess the required qualifications under the aforesaid rules.

4.7 That the applicants made inquiry in the offices at Massimpur and came to know that no appointment has yet been made due to confounding confessions in the department as regards the qualification requirements. The respondents issued the admit cards and call the applicants for the test on the strength of the said qualifications in the said recruitment Rules 2003 and the certificate issued by the institution of Govt. of Assam. The applicants also came to know that there were certain candidates who did not possess the qualification of firefighting training mandated by the said Rules 2003 and such non qualified candidates were persons of favour of some of the officers

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Zakir Hussain Barbhuiya

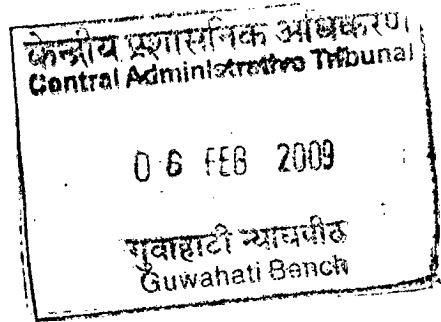


-: 8 :-

of the Respondent department in other words the reason of favouritism/undue favour have been causing the delay and denying the applicants fruits of their legitimate expectations. The applicants have come to know that the qualification requirement is being diluted by wrongly referring to a circular dated 11.11.2005 issued by the Ministry of Defence with reference to their letter dated 3.2.2000. Under the said letter dated 11.11.2005 the qualification for fireman was as matriculation and training in fire fighting under a state fire service or an institute of repute has been substituted by only matriculation. Thereafter following these there has been an advertisement for 48 vacancies of fireman requiring qualification Matriculation. The said advertisement in Bengali Daily Dainik Yougo Sankha, Silchar, 13 December 2006. It is respectfully stated that the alteration of the required qualification of matriculation and firefighting training (as mandated by the recruitment rules of 2003) to matriculation has been done under an executive instructions without reference to the said rules under Article 309. The said executive instructions cannot override the mandates of the Rules of 2003. The advertisement published in the Dainik Yougo Sonkha mentioned above with qualification matriculation is also de hors the Rule of 2003 and the said qualification of matriculation is irregular and illegal and not applicable for recruitment of civilian fireman under the 2003 Rules. It is stated that the same advertisement in Dainik Yougo Sankho has been circulated as DAVP No. 7101(200) 2006.

Contd....9

Zakir Hussain Barbhuiya



-: 9 :-

In the circumstances stated above the Respondents have made gross irregularities in the matter of qualification requirement and have mixed up persons/candidates who are not equals. This has confused the entire process of requirement. Under such a camouflage undue favour is sought to be done to some indigable candidates. The applicants to be very clean approaches the Hon'ble Tribunal and submits that undue delay is being made in appointing them in service under the said Rules.

Copies of the letter dated 11.11.2005 and advertisement dated 13.12.2006 (Dainik Yougā Sankha) are enclosed as Annexure- L and M respectively.

That it is stated that the advertisement for 64 posts of fireman in Employment News of 19.11.2005 mentioned requirement of educational qualification H.S.L.C. and fire Training passed certificate from any Government or Govt. Under taking Centre for six months course whereas the said Rules of 2003 mandated requirement of matriculate having undergone fire course/fire service training from an institute of repute. It does not mandate six months training. Respondents could locate this and had to proceed for the recruitment in terms of the said Rules of 2003 and decided to call candidates with any training from Govt. or Institute of repute. Accordingly the applicants who have one months training as explained above were called for the test. The requirement of ~~six~~ months training in the advertisement was modified/waived to act in conformity with the and in compliance of the said rules of 2003. The applicants could learn

Contd....10

Zakir Ansari B.S.B.K.P.

that the candidates with six months fire fighting training were not available. It is reiterated that there is no scope for recruitment of persons with qualification of matriculation without fire fighting training.

That the applicants humbly submits that delay in the finalisation of the recruitment and issue of appointment letters to the applicants is causing loss to them. The delay is due to confusion created by the Respondents themselves. Result have not been published and appointments have not been made.

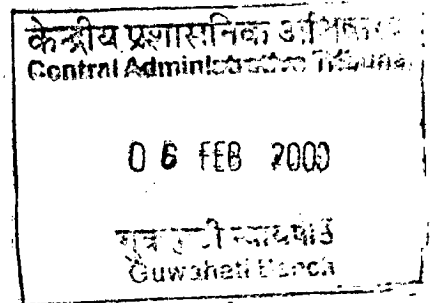
5. GROUNDS WITH LEGAL PROVISIONS :

5.1 For that for recruitment of fireman (defence civilian) Gr. D the mandates of Recruitment Rules of 2003 enacted under Article 309 of the Constitution of India shall apply.

5.2 For that any executive instructions in the matter of recruitment to post covered by the said Rules-2003 shall not be applicable.

5.3 For that it is well settled law that executive instructions must give way to Rules under Article 309 of the Constitution of India.

5.4 For that the Rules of 2003 does not mandate any period of training, the six months period of training in the advertisement is inconsistance with the said Rules and as such is void by operation of law, and has been harmonised by taking as maximum period of training, and the respondents



acted accordingly.

5.5 For that the respondents have waived the advertisement of six month training and issued call letters to the applicants.

5.6 For that amendment of the qualification requirement by letter dated 11.11.05 that is an executive instruction is not permissible and is bad in law and as such inoperative.

5.7 For that Rules under Article 309 cannot be amended by executive instructions.

5.8 For that candidates called on the basis of the amendment by letter dated 11.11.2005 i.e. only matriculates with no training are not eligible to be considered for the posts and the advertisement stipulating qualification as matriculate only shall not confer any legal scope for recruitment of matriculates only without any firefighting training. The qualification in the said advertisement should be modified/read as matriculation with fire fighting training certificate.

6. DETAILS OF THE REMEDIES EXHUSTED :

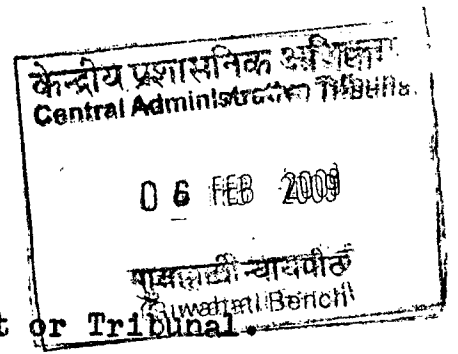
There is no remedy under any rule and this Hon'ble Tribunal is the only forum for redressal of the grievences.

7. MATTERS NOT PREVIOUSLY PENDING BEFORE ANY OTHER COURT :

The applicant declare that they have not filed any

Contd....12

Zaker Ansari Barakha



original application before any Court or Tribunal.

8. RELIEF SOUGH FOR :

In the circumstances of the case the applicants pray for the following relief(s).

8.1 The post of fireman (Gr. D Civilian) as advertised by the employment notice and subsequent advertisement shall be filled up strictly following the requirements of the aforesaid Rules 2003 (a Rule under Article 309, Annexure)

8.2 The result of the recruitment test be published following requirements of the said Rules of 2003 and the applicants be considered and appointed against the vacant posts advertised.

8.3 The candidates with qualification of matriculation only without any firefighting certificate shall not be considered for appointment against the advertised posts.

8.4 The instructions under letter dated 11.11.2005 (Annexure) to read qualification as matriculation only be set aside and quashed.

8.5 The qualification in the advertisement dated 13.12.2006 (Annexure-M) showing matriculation be set aside and quashed and mandated to be matriculation with firefighting training from institute of repute. The qualification for six

Contd....13

Zakir Ansari Barakshya

06 FEB 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

-: 13 :-

months training in advertisement dated 2005 be set aside and quashed, and/or declared as having been waived by the respondents and substituted as matriculation with certificate of fire training from an institute of repute.

8.6 Any other relief or reliefs the Hon'ble Tribunal may kindly grant.

8.7 COST OF THE CASE.

The above reliefs are sought on the grounds stated in para 5 above.

9. INTERIM RELIEF PRAYED FOR :

During the pendency of the case the applicant pray for the following reliefs :

9.1 No appointment shall be made for those with qualification only matriculation (no fire fighting training)

9.2 Early consideration of appointments of those (including the applicants) fulfilling qualifications as mandated by Rules 2003.

The above reliefs are sought on the grounds stated in para 5 above.

10. This application is filed through an advocate.

11. PARTICULARS OF THE POSTAL ORDER:

(1) IPO No. .. ३९७३४९५५१.....

(2) Date of issue .. २/२/०९.....

(3) Issued from .. GPO Guwahati.....

(4) Payable at GPO Guwahati.

12. ENCLOSURES.

As stated in the INDES.

Zakir Hussain Barbhuiya

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
06 FEB 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

V E R I F I C A T I O N .

I, Zakir Hussain Barbhuiya son of Abdur Rashid Barbhuiya Vill : & P.O. Barjatrapur P.S. Barkhala Dist. Cachar, Assam and I have been authorised by other applicants to sign this verification which I do accordingly. That the statements made in para 1, 4, 6 to 12 are true to my knowledge and those made in para 2, 3 and 5 are true to my knowledge as per legal advice and I have not suppressed any material facts.

AND I sign this verification on this 28th day of Jan. 2009 at Guwahati.

Guwahati

Zakir Hussain Barbhuiya

Signature

Date : 28/1/09

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
06 FEB 2009

003682

Board of Secondary Education, Assam
High School Leaving Certificate
(Private) Examination, 2004



This is to certify that **Tazin Uddin Mazumder**
Roll **B04-072** No **3063** has duly passed the High
School Leaving Certificate Examination, 2004 of this Board
and is placed in the **Third** Division.

His / Her date of birth is **December 31, 1986**

Attested
21/11/08
Muslim Marriage Registrar
& Kazi, Borkhola

DR. U. DEKA
SECRETARY

Attested
Advocate

DATED GUWAHATI THE 8TH JUNE, 2004
ASSAM

06 FEB 2009

গুৱাহাটী-বায়পাতি
Guwahati Bench

Annexure B

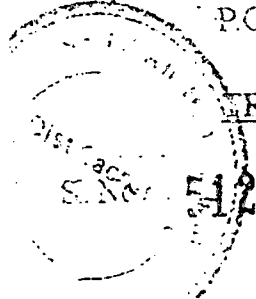
Sirajul Ali Higher Secondary School.

P.O. BAJATRAPER, CACHAR ASSAM.

PIN - 788110.

TRANSFER / PROVISIONAL CERTIFICATE.

Date: 12.7.94



This is to certify that Zahir Hussain Barbhuiya
 S.N.V. No. of Abdur Rashid Barbhuiya of VII Bajatrapur,
 P.O. Bajatrapur, Dist. Cachar, Assam, left the
 Sirajul Ali H.S. School, Bajatrapur on 31-12-1993. His/her
 date of birth according to the Admission Register was 01-03-1979.
 He/She was reading in Class in the year and
 had passed/had not passed the Examination for promotion to Class
 and appeared at the H.S.I.C. Test/Final Examination in the year 1994
 and had/had not passed the same under Roll No. 674
 in III (Third) Division.

While a student of this school his/her character was good.

All sum due by him/her have been paid viz :

Fees upto 31-12-1993
 Fine if any X
 Transfer fee X
 Provisional certificate fee 2/-
 Duplicate certificate fee X

- REASON FOR LEAVING
1. Unavoidable change of residence.
 2. Completion of the school course
 3. health.
 4. Minor reason.


Dated Bajatrapur
the 12th July 94

30/1/94
 Principal
 Sirajul Ali H.S. School
 P.O. Bajatrapur, Cachar.

Attested

 Advocate

Board of Secondary Education,
Assam


High School Leaving Certificate
 (Compartmental) Examination 1996

Results announced on: 27-06-1993

Prancy Chandra Das

This is to certify that

Roll R3-192 No 5050 has duly passed the High School Leaving Certificate (Compartmental) Last chance Examination, of this Board.

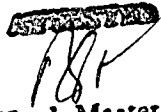
His / Her date of birth is December 31, 1977

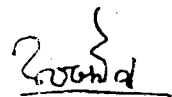
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

06 FEB 2009

गुवाहाटी अदालत
Guwahati Bench

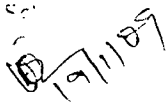
GUWAHATI
ASSAM


 Head Master
 Srikona High School
 Srikona, Assam


 N. C. BARDOLOI
 SECRETARY

Attested

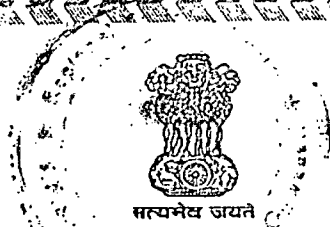
 Advocate



Central Administrative Tribunal

06 FEB 2009

গুৱাহাটী ন্যায়পীঠ
Guwahati Bench



सत्यमेव जयते

GOVT. OF ASSAM

STATE ELEMENTARY FIRE FIGHTING TRAINING SCHOOL

Assam : Guwahati

CERTIFICATE OF HONOUR

184/05

This is to certify that Shrimd. Jazimuddin Mazumdar, 57 MTN. DOU. 2/0-79 App.
of (Low) month Basic F.F. Trg. course batch has successfully completed the Elementary fire
fighting Training Course at this institution from 01.10.05
to 23.10.05. and was adjudged as having Pass position in
the Final Examinations.

Attested

21/11/08
Muslim Marriage Registrar
& Kaz. Borkhola

Date 23.10.05.

DIRECTOR OF FIRE SERVICE
STATE FIRE SERVICE ORGANISATION

ASSAM : GUWAHATI

Director of Fire Service

State Fire Service Organisation

Attested

Advocate

केन्द्रीय प्रशासनिक न्यायालय
 Central Administrative Tribunal
 06 FEB 2009
 गुवाहाटी न्यायपीठ
 Guwahati Bench



STATE ELEMENTARY FIRE FIGHTING TRAINING SCHOOL

Assam : Guwahati

CERTIFICATE OF HONOUR

167/05

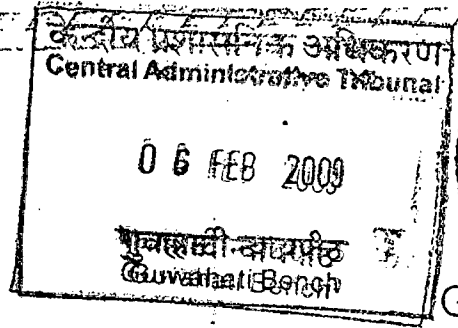
This is to certify that *Shri Zakir Hussain Barbhuiya, Rnipali Gas Agency,*
 of *1 (one) month Basic F.F. course batch* has successfully completed the Elementary fire
 fighting Training Course at this institution from *1.9.05*
 to *30.9.05* and was adjudged as having *Pass* position in
 the *Final Examination.*

[Signature]
 30/1/09
 Principal,
 WEST SILCHANG COLLEGE,
 P.O. Borjhar, Cachar.

[Signature]
 DIRECTOR OF FIRE SERVICE
 STATE FIRE SERVICE ORGANISATION
 ASSAM, GUWAHATI
 SPECTOR IN FIRE SERVICE

Date: *30.9.05*

Attested
[Signature]
 Advocate



STATE ELEMENTARY FIRE FIGHTING TRAINING SCHOOL

Assam : Guwahati

CERTIFICATE OF HONOUR

157/05

This is to certify that Shri Praanoy Ch. Doo, 57 MTN. DOU, G/O 99 Apo.
 of 1 (One) month Basic F.F. course batch has successfully completed the Elementary fire
 fighting Training Course at this institution from 1.9.05
 to 30.9.05. and was adjudged as having Pass position in
 the Final Examination.

Date 30.09.05.

ATTESTED

 Head Master
 Srikona High School
 N.O. Srikona, Guwahati

DIRECTOR OF FIRE SERVICE
 STATE FIRE SERVICE ORGANISATION
 ASSAM : GUWAHATI

Attested

 Advocate

COPY

(TO BE PUBLISHED IN THE GAZETTE OF INDIA IN PART II OF SECTION 3)

GOVT. MIN. OF DEF.
NOTIFICATION
NEW DELHI DATED 13.11.2003

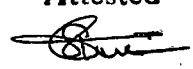
केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
06 FEB 2003
मुवाहरी-कलकत्ता
GUMABATI BEACH

SRO-180. In exercise of the powers conferred by the proviso to article 309 of the constitution and in super session of the Min of Def GP 'C' and GP 'D' (Fire Service) posts Recruitment Rules, 1976, the President hereby makes the following rules regulating the method of recruitment to the posts of Fire Superintendent, Fire Master, Leading Hand Fire 'B', Leading Hand Fire 'A', Fire Engine Driver 'A' and Fire Engine Driver 'B' in the Army Ordnance Corps, namely :-

1. Short title and Commencement :- (1) These rules may be called the Army Ordnance Corps (GP 'C' and 'D' posts Non-Gazetted) Recruitment Rules, 2003.
(2) They shall come into force on the date of their publication in the official Gazette.
2. Application :- These rules shall apply to the posts as specified in column 1 of the Schedule annexed to these rules.
3. Number of posts, classification and scale of pay :- The number of posts, their classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the said schedule.
4. Method of recruitment, age limit, other qualifications etc :- The method of recruitment to the said posts, age limit, qualifications and other matters relating to the said posts shall be as specified in columns 5 to 14 of the said schedule.
5. Disqualification :- No person :-
(a) Who has entered into or contracted a marriage with a person having a spouse living, or
(b) Who, having a spouse living, has entered into or contracted a marriage with any person.
shall be eligible for appointment to the said posts.
Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.
6. Power to relax :- Where the Central Govt is of opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.
7. Saving :- Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-Servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in the regard.

Schedule
(Annexed herewith)

Sd/xxxxx
YZ Chevda
Under Secretary to the Govt of India
File No. B/1303/FS/OE-8C(II)13/RR/D(Appt)

Attested

Advocate

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
06 FEB 2009
मुख्य न्यायाधीश
Chief Bench

COPY SCHEDULE

Name of the post	Number of posts	Classification	Scale of pay	Whether selection by merit or selection-cum-seniority or non-selection post	Age limit for direct recruits
(1)	(2)	(3)	(4)	(5)	(6)
FIREMAN	2026	Civilian in Defence Services Group (A) (Not Industrial)	Rs.2750-4400	Non-Selection	Not exceeding 25 years

Whether benefit of added years of service admissible under rule 30 of Central Civil Services (Pension) Rule 1972.	Educational and qualification required for direct recruits	Whether age and edn prescribed for direct will apply in the case of promotion.	Period of probation if any.
(7)	(8)	(9)	(10)
Not applicable	Matriculation certificate of having undergone a Fire course/Fire Service training from an institution of repute	Non Applicable	2 Years

Method of recruitment whether By direct recruitment or by Promotion or by deputation/absorption and percentage of Posts to be filled by various methods	In case of recruitment by promotion/deputation/absorption, grade from which promotion/deputation/absorption to be made	If a Departmental Promotion Committee exists, what is its composition?	Circumstances in which Union Public Service Commission is to be consulted in making recommendations
(11)	(12)	(13)	(14)
By absorption, falling which by direct recruitment	By absorption	Non Applicable	Not Applicable

By absorption, falling which by direct recruitment

By absorption :
Persons working in analogous or higher posts in the lower formation, under the Min of Defence and having the qualifications specified in Column B.

Non Applicable Not Applicable

Attested
[Signature]
Advocate

Annexure H
6/13

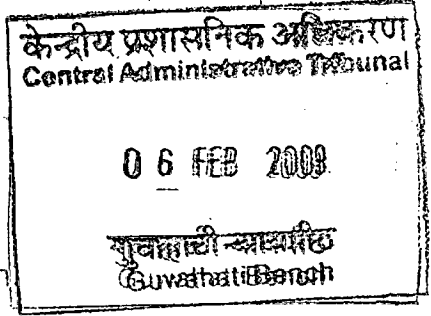
Typed Copy

Employment News 19.11.05.

57 MNT. DIV. ORD UNIT.

Pin 909057 C/O. 99 APO.

Appointment.



1. Application are invited for 64 posts of Foremen
(4 Posts S.C., 7 S.T., O.B.C. 17, General 36).

A. Age limit :- 18 to 25 years on the day of issuance of appointment
letter.

As per Govt. Rule relaxation of age is provided for
S.C. & S.T. candidate.

B. Education qualification :- H.S.L.C. Exam. Pass plus Fireman
Training passed certificate from any Govt. or Govt.
undertaking Centre for 6 months course.

C. Physical height :- 165 CM. Chest: 81.5 CM to 86 CM.

D. Salary :- Rs.2750-7-3000-75-4500 plus time to time granted
D.A. as per Central Govt.

3. Application have to be addressed to the Administrative Officer, 57
MNZ, DOU, Pin-909057, C/O 99 APO on or before
2.12.05.

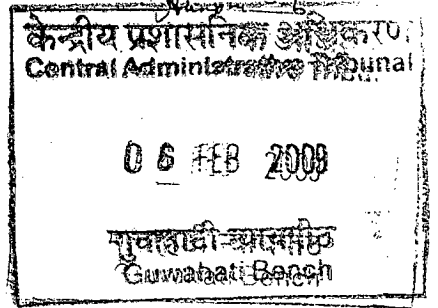
4. Screening test will be held 10/12.05 at 8.30 a.m. in the filed of
Masimpur Military Station.

5. After screening test, physical test of candidates will be done.
During physical test if any harm is caused, the
authority would not be responsible.

Contd....

Attested

Advocate



6. Incomplete application will be rejected.

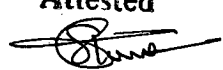
7. Details of the Applicant like Name, Age, qualification date of birth certificate should be enclosed with Application form.

8. Domicile certificate/ Ration Card/ Diploma certificate, S.C., S.T. certificate should be enclosed.

9. Three passport size photo copy should be supplied along with application.

10. At the time of interview the abovementioned Certificate & details have to be brought.

10/02/09

Attested

Advocate

03 MAY 2007

57 Mountain Division Ordnance Unit
PIN-909057
C/o 99 APO

04 Apr 2007

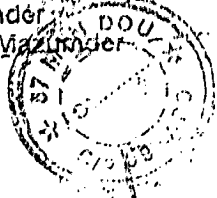
02 MAY 2007

04 MAY 2007

07 MAY 2007

0361/FM/Civ/Adm

PASS
ONLY VIA
Name : Tazlim Uddin Mazumder
Fathers Name : Abdul Jall Mazumder
Vill : Peladahar
Post : Niz-Joynagar
Dist : Cachar
State : Assam
Pin Code : 0



केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
06 FEB 2009
सुनगावी न्यायालय
Guvahati Bench

**ADMIT CARD FOR APPEARING FOR SCREENING AND SCRUTINY OF DOCUMENTS
AND TESTING OF CANDIDATES FOR FIREMAN**

Dear Candidate,

1. Refer Your application. You have been allotted Roll No 3263. You are advised to report on 01 May 2007 at 6.00 AM at Traffic Control Post (TCP), Kalibari, Masimpur District-Cachar (Assam) alongwith the following original documents failing which you may not be permitted to appear in physical test :-

- (a) Proof of Identity (Ration card/Pass port/Driving license/Voter ID Card/any other valid document) (Photo Identification) photograph must be visible.
- (b) All the required Educational certificate (Matric)
- (c) Domicile certificate from DC office.
- (d) SC/ST/OBC certificate from the authorized Government authority.
- (e) Five latest passport size colored photographs duly attested by the gazetted officer.
- (f) PPO certificate/ discharge book for ex-serviceman only.
- (g) Proof of disability of hard of hearing - certificate from state Govt/Civil surgeon (Govt Hospital).

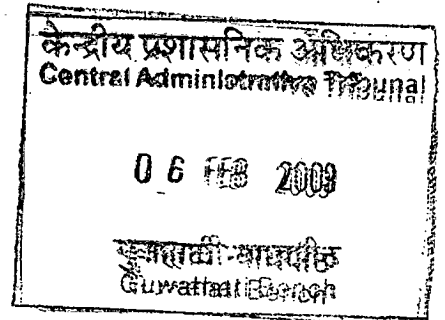
2. Following physical requirements will be checked :-

- (a) Endurance Test will be carried out as follows :-
 - (i) Carrying a man (fireman lift of 65.5 Kgs to a distance of 183 meters within 96 seconds. A filled bag of 63.5 Kgs will be used to ensure standardization.
 - (ii) Clearing 2.7 meters wide ditch landing on both feet (long jump).
 - (iii) Climbing 3 meters vertical rope using hands and feet.
- (b) Merit list will be prepared on basis of above tests as well as written examination (Written test only for candidates who have passed the endurance test). Selected candidates in the merit list will be examined for detailed. Physical measurement by board of officers which will be carried out as follows :-

Continued Page-2

Attested

Advocate



Page-2

Page 2 of 57 Mtn Div Ord Unit letter No
0361/FM/Civ/Adm dt April 2007

- (i) Height without shoes - 165 cms provided that a concession 2.5 cms. height shall be allowed for members of the scheduled Tribes.
- (ii) Chest (Un-expanded) - 81.5 cms.
- (iii) Chest (On-expansion) - 85 cms.
- (iv) Weight - 50 Kgs (Minimum)

3. In case you have applied for SC/ST/OBC or ex-serviceman category, the original documents for the same will have to be produced failing which you will be considered in general category subject to meeting other parameters for general category.

4. No traveling/dearness allowances or any other payment will be admissible to you for the physical test. You will be required to make your own arrangement for food, boarding/lodging and transport.

5. Any injury/accident sustained during and will be the sole responsibility of the candidate and no compensation or responsibility for injury/death will not with the state.

6. In case of bad weather/rain or other unforeseen circumstances the date of test may be extended.

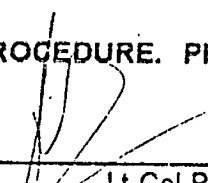
7. This should not be treated as an appointment letter or any guarantee of appointment.

8. Date of reporting 01 May 2007.

9. This unit takes no responsibility for late receipt of letter due to postal delay. In case you do not report on 01 May 2007 you will not be allowed to take part in the selection procedure.

10. RECRUITMENT IS A FREE AND FAIR PROCEDURE. PLEASE DO NOT PAY ANY MIDDLEMAN/TOUT.

Presiding Officer


 (IC- _____ Lt Col R D Sharma)
 2 IC, 57 Mtn DOU

Members

: 1.

(IC- _____ Lt Col Balwan Singh)
 557 ASC Bn

: 2.

(WS- _____ Major M Hazarika)
 160 MH

Attested



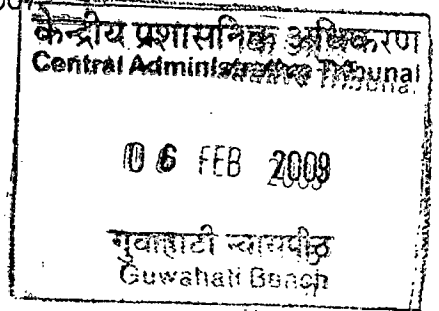
Advocate

57 Mountain Division Ordnance Unit
PIN-909057
C/o 99 APO

0361/FM/Civ/Adm

Apr 2007

Name : Zakir Hussain Barbhuiya
Fathers Name : Abdur Rashid Barbhuiya
Vill : Barjatrapur
Post : Bariatrapur
Dist : Cachar
State : Assam
Pin Code : 0



**ADMIT CARD FOR APPEARING FOR SCREENING AND SCRUTINY OF DOCUMENTS
AND TESTING OF CANDIDATES FOR FIREMAN**

Dear Candidate,

1. Refer Your application. You have been allotted Roll No 1149. You are advised to report on 01 May 2007 at 6.00 AM at Traffic Control Post (TCP), Kalibari, Masimpur District-Cachar (Assam) alongwith the following original documents failing which you may not be permitted to appear in physical test :-

- (a) Proof of Identity (Ration card/Pass port/Driving license/Voter ID Card/any other valid document) (Photo Identification) photograph must be visible.
- (b) All the required Educational certificate (Matric)
- (c) Domicile certificate from DC office.
- (d) SC/ST/OBC certificate from the authorized Government authority.
- (e) Five latest passport size colored photographs duly attested by the gazetted officer.
- (f) PPO certificate/ discharge book for ex-serviceman only.
- (g) Proof of disability of hard of hearing - certificate from state Govt/Civil surgeon (Govt Hospital).

2. Following physical requirements will be checked :-

- (a) Endurance Test will be carried out as follows :-
 - (i) Carrying a man (fireman lift of 63.5 Kgs to a distance of 183 meters within 10 seconds. A filled bag of 63.5 Kgs will be used to ensure standardization.
 - (ii) Clearing 2.7 meters wide ditch landing on both feet (long jump).
 - (iii) Climbing 3 meters vertical rope using hands and feet.

(b) Merit list will be prepared on basis of above tests as well as written examination (Written test only for candidates who have passed the endurance test). Selected candidates in the merit list will be examined for detailed. Physical measurement by board of officers which will be carried out as follows :-

Continued Page-2

Attested

Advocate

केन्द्रीय प्रशासनिक आयोग
 Central Administrative Tribunal

06 FEB 2009

गुवाहाटी-बास्कोड
 Guwahati-Bassor

Page-2

Page 2 of 57 Min Div Ord Unit letter No
03G1/T/M/Civ/Adm. (I) April 2007

- (i) Height without shoes - 165 cms provided that a concession 2.5 cms, height shall be allowed for members of the scheduled Tribes.
- (ii) Chest (Un-expanded) - 81.5 cms.
- (iii) Chest (On expansion) - 85 cms.
- (iv) Weight - 50 Kgs (Minimum)

3. In case you have applied for SC/ST/OBC or ex-serviceman category, the original documents for the same will have to be produced failing which you will be considered in general category subject to meeting other parameters for general category.
4. No traveling/dearness allowances or any other payment will be admissible to you for the physical test. You will be required to make your own arrangement for food, boarding/lodging and transport.
5. Any injury/accident sustained during and will be the sole responsibility of the candidate and no compensation or responsibility for injury/death will not with the state.
6. In case of bad weather/rain or other unforeseen circumstances the date of test may be extended.
7. This should not be treated as an appointment letter or any guarantee of appointment.
8. Date of reporting 01 May 2007.
9. This unit takes no responsibility for late receipt of letter due to postal delay. In case you do not report on 01 May 2007 you will not be allowed to take part in the selection procedure.
10. RECRUITMENT IS A FREE AND FAIR PROCEDURE. PLEASE DO NOT PAY ANY MONEY/POY.

Director


(IC) Lt Col B D Sharma
 557 MIA DRI

Director

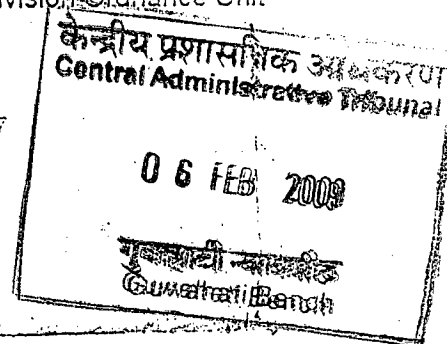
(IC) Lt Col Bakwan Singh
 557 ASG DRI

2. (W/S) Major M Hazarika
 160 MI

Continues Page -3

Attested

 Advocate

57 Mountain Division Ordnance Unit
PIN-809057
C/o 99 APO



0361/FM/Civ/Adm

04 Apr 2007

Name : Pranoy Chandra Das
Fathers Name : Paresh Chandra Das
Vill : South Manikpar
Post : Rajnagar
Dist : Cachar
State : Assam
Pin Code : 0

ADMIT CARD FOR APPEARING FOR SCREENING AND SCRUTINY OF DOCUMENTS
AND TESTING OF CANDIDATES FOR FIREMAN

Dear Candidate,

1. Refer Your application. You have been allotted Roll No 2353. You are advised to report on 01 May 2007 at 6.00 AM at Traffic Control Post (TCP), Kalibari, Masimpur District-Cachar (Assam) alongwith the following original documents failing which you may not be permitted to appear in physical test :-

- (a) Proof of Identity (Ration card/Pass port/Driving license/Voter ID Card/any other valid document) (Photo identification) photograph must be visible.
- (b) All the required Educational certificate (Matric)
- (c) Domicile certificate from DC office.
- (d) SC/ST/OBC certificate from the authorized Government authority.
- (e) Five latest passport size colored photographs duly attested by the gazetted officer.
- (f) PPO certificate/ discharge book for ex-serviceman only.
- (g) Proof of disability of hard of hearing - certificate from state Govt/Civil surgeon (Govt Hospital).

2. Following physical requirements will be checked :-

(a) Endurance Test will be carried out as follows :-

- (i) Carrying a man (fireman lift of 63.5 Kgs to a distance of 183 meters within 96 seconds. A filled bag of 63.5 Kgs will be used to ensure standardization.
- (ii) Clearing 2.7 meters wide ditch landing on both feet (long jump).
- (iii) Climbing 3 meters vertical rope using hands and feet.

(b) Merit list will be prepared on basis of above tests as well as written examination (Written test only for candidates who have passed the endurance test). Selected candidates in the merit list will be examined for detailed. Physical measurement by board of officers which will be carried out as follows :-

Continued Page-2

Attested

Advocate

केन्द्रीय प्रशासनिक अधिकार
 Central Administrative Tribunal
 06 FEB 2009
 गुवाहाटी न्यायपीठ
 Guwahati Bench

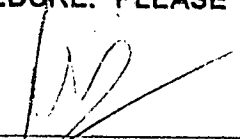
Page-2

Page 2 of 57 Mtn Div Ord Unit letter No
 0361/FM/Civ/Adm dt 04 April 2007

- (i) Height without shoes - 165 cms provided that a concession 2.5 cms. height shall be allowed for members of the scheduled Tribes.
- (ii) Chest (Un-expanded) - 81.5 cms.
- (iii) Chest (On-expansion) - 85 cms.
- (iv) Weight - 50 Kgs (Minimum)

3. In case you have applied for SC/ST/OBC or ex-serviceman category, the original documents for the same will have to be produced failing which you will be considered in general category subject to meeting other parameters for general category.
4. No traveling/dearness allowances or any other payment will be admissible to you for the physical test. You will be required to make your own arrangement for food, boarding/lodging and transport.
5. Any injury/accident sustained during and will be the sole responsibility of the candidate and no compensation or responsibility for injury/death will not with the state.
6. In case of bad weather/rain or other unforeseen circumstances the date of test may be extended.
7. This should not be treated as an appointment letter or any guarantee of appointment.
8. Date of reporting 01 May 2007.
9. This unit takes no responsibility for late receipt of letter due to postal delay. In case you do not report on 01 May 2007 you will not be allowed to take part in the selection procedure.
10. RECRUITMENT IS A FREE AND FAIR PROCEDURE. PLEASE DO NOT PAY ANY MIDDLEMAN/TOUT.

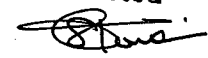
Presiding Officer


 (IC-47594L Lt Col R D Sharma)
 2 IC, 57 Mtn DOU

Members

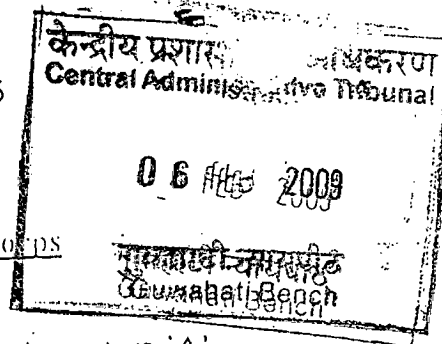
- : 1. (IC-51593A Lt Col Balwan Singh)
557 ASC Bn
- : 2. (MS-13411X Major M Hazarika)
160 MH

Continues Page -3

Attested

 Advocate

61

No A/26576/Fire Staff/OS-20/1286/D-(O-11)/2005
Government of India
Ministry of Defence
New Delhi, dated 11th Nov 2005



To
The Chief of the Army Staff

Subject: Restructuring of Fire Fighting Cadre in the Ord Corps

Sir,

The following amendment is hereby carried out in the Annexure 'A' to the Govt of India, Min of Defence letter No A/26576/Fire Staff/OS-20/188/D(O-11) dated 03 Feb 2000- ?.

Qualification for Firemen

For : Matriculation & training in fire fighting under a State Fire Service or an Institute of repute.

Read :

(a) Matriculation.

(b) Must be physically fit and capable of performing strenuous duties and must have passed the test specified below :-

(i) Height without shoes - 165 cms provided that a concession 2.5 cms. height shall be allowed for members of the Scheduled Tribes.

(ii) Chest (un-expanded) - 81.5 cms.

(iii) Chest (on-expansion) - 85 cms

(iv) Weight - 50 Kgs (minimum)

(v) Endurance Test :-

(aa) Carrying a man (fireman lift of 63.5 Kgs to a distance of 183 meters within 96 seconds.

(bb) Clearing 2.7 meters wide ditch landing on both feet (long jump).

(cc) Climbing 3 meters vertical rope using hands and feet.

This issue with the concurrence of Min of Def/Fin (O-1B) vide their U.O No 3310/O-1B/05 dated 10.11.2005.

Yours faithfully

(NK Kashmira)

Under secretary to the Govt of India

Copy to:-

- All MGs AOC
- AOC Records
- All Central Depots
- CGDA, CDAs(ink signed copies)
- MoD/D(O-11), MoD/Fin(O-1B)
- OS (Pers)

Attested

Advocate

দৈনিক যুগশাস্ত্র শিলচর, ১৩ ডিসেম্বর, বুধবার, ২০০৬ (পাঁচ)

13/12/06

Appx 'A'

ADVERTISEMENT SHEET

57 MTN DIV ORD UNIT

Applications are invited for 48 (forty eight) Fireman vacancies for Schedule Caste, Schedule Tribe, Other Backward Class, Unreserved and Ex-servicemen with following details:

- (a) **Age limit** - 25 years as on date of physical test with relaxation to reserved categories as per Govt orders.
- (b) **Qualification** - Matriculation.
- (c) **Physical Standards:** Must be physically fit and capable of performing strenuous duties and must have passed the test specified below:
 - (i) Height without shoes - 165 cms provided that a concession 2.5 cms, height shall be allowed for members of the Scheduled Tribes.
 - (ii) Chest (Un-expanded) - 81.5 cms
 - (iii) Chest (on-expansion) - 85 cms
 - (iv) Weight - 50 Kgs (Minimum)
 - (v) Endurance Test -
 - (bb) Carrying a man (fireman lift of 63.5 Kgs to a distance of 183 meters within 96 seconds.
 - (ab) Clearing 2.7 meters wide ditch landing on both feet (long jump)
 - (ac) Climbing 3 meters vertical rope using hands and feet.

স্বাধীনতা সংগ্রাম
Central Administrative Tribunal
06 FEB 2009
সুহাগী ন্যায়পীঠ
Suhagati Bench

APPLICATION

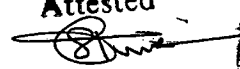
2. Two copies of application should be addressed to Administrative Officer, 57-Mtn Div Ord Unit, Pin-909057, C/O 99 APO and the last date of receipt of application is 01 February 2007. All incomplete/blank applications could be rejected.
3. Three copies of recent passport size photographs of the applicant duly attested by a Gazetted Officer and a self-addressed registered envelope duly affixed with requisite stamps is to be enclosed along with application.

PHYSICAL TEST

4. The candidates are required to bring the supporting documents (in original) as attached to the application form at the time of physical tests.
5. Physical tests will be held on 01 March 2007 at 0730 hrs onwards at Masimpur Military Station, (Assam). TA/DA is admissible for physical test. Any injury sustained by the individual during the physical tests will not be responsibility of this organization.

NOTES :-

- (i) Requirement subject to change by competent authority. Any change will be intimated through advertisement.
- (ii) Candidates will report to reception point at entry gate at Masimpur Military Station on date of physical tests with original documents, failing which he will not be permitted to undergo physical tests.
- (iii) The decision of the Unit Management will be final.
- (iv) The expenditure incurred on stay, food, transportation, Medical expenses etc. by the candidate at the time of selection test will be borne by the candidate.
- (v) Candidates who got selected will be required to obtain police verification.
- (vi) Beware of touts. Recruitment is free of cost. Do not pay to any one.

Attested

Advocate

- 34 -

83

FORMAT OF APPLICATION (TWO COPIES)

The Commanding Officer

57 Mtn Div. Ord Unit

Pin-909057

C/O 99 APO

Recent Passport size Photo
Attested by a Gazetted
Officer

Sir,

I want to apply for the post of FIREMAN in your unit. My personal details are as follows:-

- (a) Name of the candidate
(in block letters)
- (b) Father's Name
(in block letters)
- (c) Qualification with
Its xerox copy
- (d) Date of birth with its
Proof (xerox copy)
- (e) Employment Exchange
Registration No and date if any
- (f) Category in which: Unreserved/Other Backward Class/Schedule
Applied: Caste/ Schedule Tribe/Ex-serviceman (to be
mentioned specifically)
- (g) Present Postal address
- (h) Permanent Postal address
- (i) Citizenship with its
Proof (Xerox copy to be enclosed)
- (k) Visible identification marks
- (l) Qualification

2. Certified that I do hereby declare that any of the above details submitted by me if are found false at any later stage, I shall be held responsible as per existing rules.

Date:

Yours faithfully,

Signature of the candidate

CHECK LIST


- (b) Two copies of application (duly signed by the individual)
- (c) Three recent passport size photograph (one affixed on the application duly attested by gazetted Officer) Rest attached alongwith application
- (d) Application to be accompanied with self addressed registered envelope with postage stamps
- (e) Photocopy of educational Qualification with its age proof certificate
- (f) Photocopy of employment exchange registration card if any
- (g) Photocopy of OBC Certificate for OBC Candidate, PPO for Ex-Serviceman
- (h) Photocopy of proof of citizenship/domicile certificate

प्रशासनिक अधिकरण
Central Administrative Tribunal

05 FEB 2009

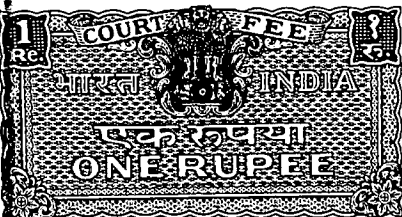
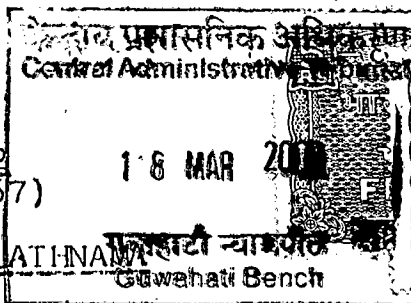
गुवाहाटी
Guwahati Bench

Attested


Advocate



FORM NO. 12
(See Rule 67)



FORM OF THE VAKALATHNAM
গুৱাহাটী বেঞ্চ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI: 87

O.A./RA/CE/MA/FT/ 15 / No. / of 200

Zakir Husein Barbhuiya Applicant (S)

The Union of India & Ors Respondant (S)

~~Wp. Misc. Petition~~ Applicant No. 5,6,7,8,10 / Respondant No.

in the above application/Petition do hereby appoint and Shri. V. K. Nair,
Mr. B. Sharma Advocate/s
to appear, plead and act for me /us in the above application/petition
and to conduct and prosecute all proceedings that may be taken in
respect thereof including Contempt of court petitions and Review
applications arising therefrom and applications for return of documents,
and to draw any moneys payable to me /us in the said proceeding.

Place:- Guwahati

Date:- 15/03/2009

Signature of the Party
Accepted
@ Sri Ananda Baruah.
@ Sri Sudebarshay Baruah.
@ Shri Giva Baruah.
@ Ranjan Sarkar

Executed in my presence.

* Signature with date
(Name and Designation)

Name and address of the
Advocate for Service

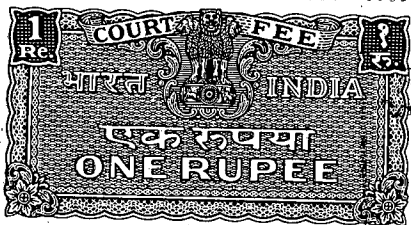
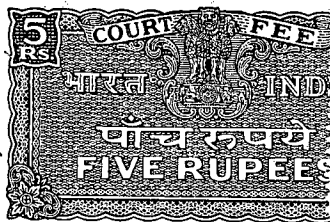
* The following Certification to be given when the party is
unacquainted with the language of the Vakalath or is blind or
illiterate:

The contents of the Vakalath were truly and audibly read over/
translated into _____ language known to the party executing
the Vakalath and he seems to have understood the same.

Accepted
B. Sharma
(B. Sharma)
Advocate

Accepted
V. K. Nair
(V. K. Nair)
Signature with date
(Name of the Advocate)

Signature with date
(Name and Designation)



18 MAR 2009



es

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI:

O.A./RA/CE/MA/PT/ _____ No. _____ of 2009

.....Zakir Hussain Barbhuiya.....Applicant(S)

.....The Union of India & ors..... Respondant(S)

We.....Petitioners.....Applicant No. 9, 14, 13814/ Respondant No.....

in the above application/petition do hereby appoint and Shri. V.K. Nair, Mr. B. Sharma.....Advocate/s to appear, plead and act for me /us in the above application/petition and to conduct and prosecute all proceedings that may be taken in respect thereof including Contempt of court petitions and Review applications arising therefrom and applications for return of documents, enter into compromise and to draw any moneys payable to me /us in the said proceeding.

Place:- Guwahati

Date:- 15/03/2009

- ① Sri Chaskar Pegu
- ② Sri Shambhu Jyoti Das
- ③ Sri Nikhil Barumataray
- ④ Mr. Leakat Ali Khan

Accepted

(B. Sharma) Advocate

Signature of the Party

'Accepted'

Executed in my presence.

* Signature with date

(Name and Designation)

Name and address of the Advocate for Service

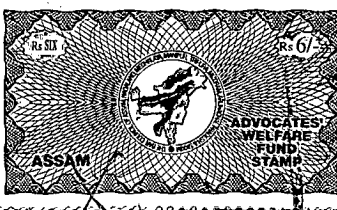
Signature with date

(Name of the Advocate)

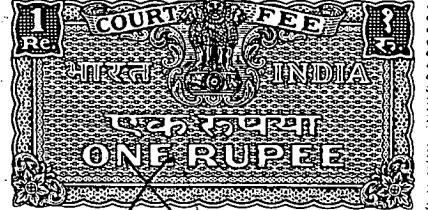
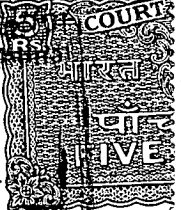
* The following Certification to be given when the party is unacquainted with the language of the Vakalath or is blind or illiterate:

The contents of the Vakalath were truly and audibly read over/ translated into _____ language known to the party executing the Vakalath and he seems to have understood the same.

Signature with date (Name and Designation)



Central Administrative Tribunal
NO. 12
Rule 67)
16 MAR 2009
VAKALATHNAM



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI:

O.A/RA/CF/MA/FT/ _____ / No. _____ of 2009

..... Zakir Hussain Barbhuiya Applicant (S)

..... The Union of India & Ors Respondant (S)

We Petitioners Applicant No. 12 / Respondant No.

in the above application/petition do hereby appoint and Shri. U.K. Naik, Mr. B. Sharma Advocate/s to appear, plead and act for me/us in the above application/petition and to conduct and prosecute all proceedings that may be taken in respect thereof including Contempt of court petitions and Review applications arising therefrom and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding.

Place:- Guwahati

Date:- 15/03/2009

Accepted
Sharma

Signature of the Party
Sri Naba Jyoti Baishya

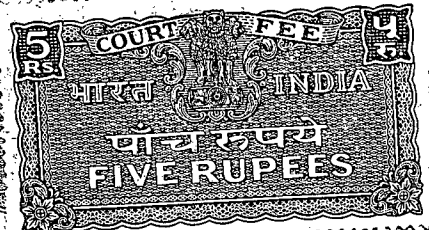
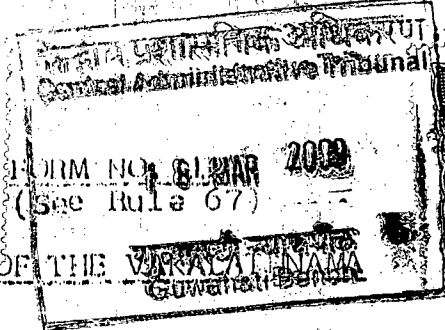
Signature with date
(Name of the Advocate)

Executed in my presence.
* Signature with date
(Name and Designation)
Name and address of the Advocate for Service

(B. Sharma)
Advocate

* The following Certification to be given when the party is unacquainted with the language of the Vakalath or is blind or illiterate:
The contents of the Vakalath were truly and audibly read over/ translated into _____ language known to the party executing the Vakalath and he seems to have understood the same.

Signature with date
(Name and Designation)



FORM OF THE VAKALATHNAMA
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI: 67

O.A./RA/CE/MA/PT/ _____ No. _____ of 2009

..... Zakir Hussain Borahua Applicant (S)

..... The Union of India & ors Respondant (S)

We, Petitioners Applicant No. 334216 / Respondant No.

in the above application/petition do hereby appoint and Shri. V.K. Nair,
Mr. B. Sharma Advocate/s
to appear, plead and act for me / us in the above application/petition
and to conduct and prosecute all proceedings that may be taken in
respect thereof including Contempt of court petitions and Review
applications arising therefrom and applications for return of documents,
and to draw any moneys payable to me / us in the said proceeding.

Place:- Guwahati

Date:- 15/03/2009

Accepted
B. Sharma

- ① 31171 5712
- ② Ravi Prakash
- ③ Ram Bahadur chetry
- ④ Raju Biswas

Signature of the Party
"Accepted"

Executed in my presence.

* Signature with date
(Name and Designation)

Name and address of the
Advocate for Service

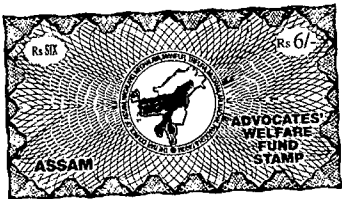
(B. Sharma)
Advocate.

[Signature]
Signature with date
(Name of the Advocate)

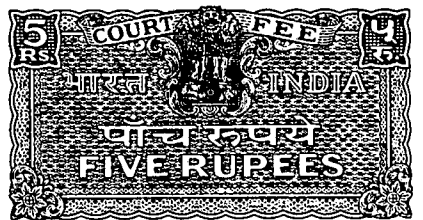
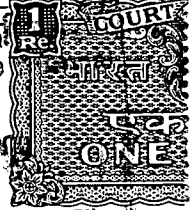
* The following Certification to be given when the party is
unacquainted with the language of the Vakalath or is blind or
illiterate:

The contents of the Vakalath were truly and audibly read over/
translated into _____ language known to the party executing
the Vakalath and he seems to have understood the same.

Signature with date
(Name and Designation)



FORM NO. 10
(See Rule 67)



FORM OF THE VAKALATHNA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI:

O.A./RA/CE/MA/FT/ _____ No. _____ of 2009

Zakir Hussain Barbhuiya Applicant (S)

The Union of India & ors. Respondant (S)

We, Petitioners Applicant No *15, 17, 18 & 19* / Respondant No.

in the above application/Petition do hereby appoint and *Shri. U.K. Nain, Mr. B. Sharma* Advocate/s to appear, plead and act for me /us in the above application/petition and to conduct and prosecute all proceedings that may be taken in respect thereof including Contempt of court petitions and Review applications arising therefrom and applications for return of documents, and to draw any moneys payable to me /us in the said proceeding.

Place:- *Guwahati*
Date:- *15/04/2009*

Accepted
Sharma

- (1) *Phiju Gogoi*
- (2) *Amul Singhoo*
- (3) *Prasenjit Sinha*
- (4) *Bankimch Deka*

Signature of the Party
"Accepted"

Executed in my presence.

* Signature with date
(Name and Designation)

Name and address of the Advocate for Service

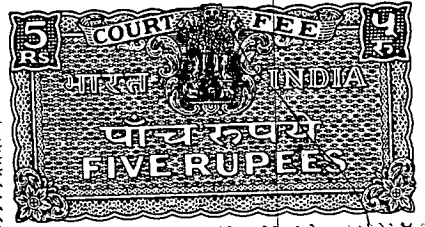
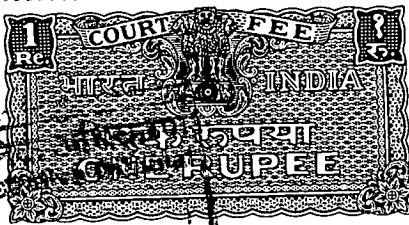
* The following Certification to be given when the party is unacquainted with the language of the Vakalath or is blind or illiterate:

The contents of the Vakalath were truly and audibly read over/ translated into _____ language known to the party executing the Vakalath and he seems to have understood the same.

C.B. Sharma
Advocate.

U.K. Nain
(U.K. Nain)
Signature with date
(Name of the Advocate)

Signature with date
(Name and Designation)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH, GUWAHATI:

O.A./RA/C. No. _____ of 2009

..... *Zakir Hussain Barbhuiya* Applicant (S)

..... *The Union of India & Ors* Respondant (S)

We, *Petitioner* Applicant No. *20221* / Respondant No.

in the above application/Petition do hereby appoint and Shri. *O.K. Nair*,
Mr. B. Sharma Advocate/s

to appear, plead and act for me / us in the above application/petition
 and to conduct and prosecute all proceedings that may be taken in
 respect thereof including Contempt of court petitions and Review
 applications arising therefrom and applications/ enter into compromise
 and to draw any moneys payable to me / us in the said proceeding.

Place:- *Guwahati*

Date:- *15/03/2009*

Accepted
Sharma
 (B. Sharma)
 Advocate.

Signature of the Party
 "Accepted"

Executed in my presence.

Signature with date
 (Name and Designation)

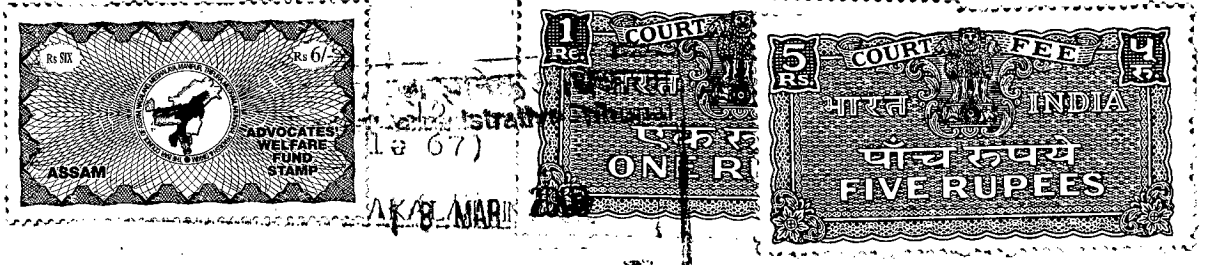
Name and address of the
 Advocate for Service:

Shri O.K. Nair
 Signature with date
 (Name of the Advocate)

* The following Certification to be given when the party is
 unacquainted with the language of the Vakalath or is blind or
 illiterate:

The contents of the Vakalath were truly and audibly read over/
 translated into _____ language known to the party executing
 the Vakalath and he seems to have understood the same.

Signature with date
 (Name and Designation)



ad

IN THE GENERAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH, GUWAHATI:
Guwahati Bench

O.A./RA/CE/MA/ET/ No. of 200

Laksh Hussain Barbhuiya Applicant (S)
VS
The Union of India & Ors. Respondant (S)

We, *Petitioners* Applicant No *2223, 24, 25* / Respondant No.....

in the above application/petition do hereby appoint and Shri. *U.L. Nair*,
Mr. A. Sharma Advocate/s
to appear, plead and act for me / us in the above application/petition
and to conduct and prosecute all proceedings that may be taken in
respect thereof including Contempt court petitions and Review
applications arising therefrom and applications for return of documents,
and to draw any moneys payable to me / us in the said proceeding.

Place: *Guwahati*
Date: *15/09/2009*

Accepted
(Signature)
Advocate.

22. *Suresh Kumar*
23. *Rajesh Miri*
24. *Rajeev Singh*
25. *Sabir Linha*
Signature of the Party

"Accepted"
(Signature)
Signature with date
(Name of the Advocate)

Executed in my presence.
* Signature with date
(Name and Designation)
Name and address of the
Advocate for Service

* The following Certification to be given when the party is
unacquainted with the language of the Vakalath or is blind or
illiterate:

The contents of the Vakalath were duly and audibly read over/
translated into _____ language known to the party executing
the Vakalath and he seems to have understood the same.

Signature with date
(Name and Designation)

NOTICE

21

From:- Mr. B. Sharma.
Advocate

- To:-
1. Dr. J.L. Sankar
Advocate for the Applicant
 2. Mr. K. Das
C.A.S.C.

Miscellaneous Application No:- 12009
 Original Application No:- 15/2009
 Zakir Hussain Barbhuiya & ors
 - Versus -
 Guwahati Bench

The Union of India & ors

Sir,

Enclosed please find herewith copy of the impleading application filed in the abovementioned case before this Hon'ble Tribunal. Kindly acknowledge the receipt of the same.

Thanking You,

Yours faithfully

B. Sharma

(B. Sharma).
Advocate.

Received copy:-

18/3/09

1. Dr. J.L. Sankar

for
18/3/09

2. Mr. K. Das

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

File in Court on 25/5/09
Court Officer.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
27 MAY 2009
गुवाहाटी न्यायापीठ
Guwahati Bench

IN THE MATTER OF :

Original Application 15/2009

Zakir Hussain Barbhuiya & Others

..... Applicants

Versus

Union of India & others

..... Respondents

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R
25/5/09

Zakir Hussain Barbhuiya

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केन्द्रीय प्रशासनिक आयोग
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Guwahati Bench

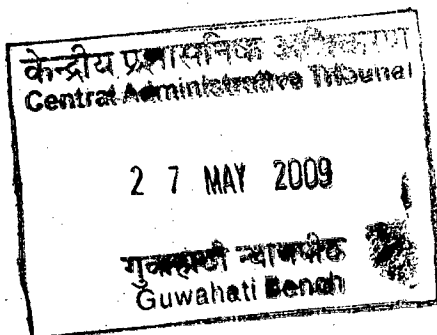
Filed by

Kankan Das
25-5-09

Kankan Das
Addl C.G.S.C.
in C.A.T.
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH



In the matter of :

Original Application 15/2009

Zakir Hussain Barbhuiya & Others
..... Applicants

*Filed by the Respondent
through
Nankar Das
25-5-09*

Versus

Union of India & others

..... Respondents

AND


IN THE MATTER OF:

Written statement submitted by the Respondent No 03 on behalf of all the Respondents.

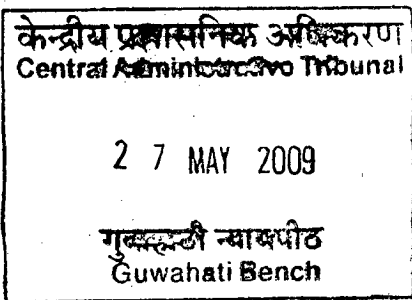
WRITTEN STATEMENT

The humble answering respondents submit their written statements as follows:

1. That I Major Karamveer Singh, Officer in Charge Administrative & Services Wing, 57 Mountain Division Ordnance Unit on behalf of Respondent No 03 in the above case and I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the written statement, the contentions and statements made in the application may be deemed to have been denied. I am competent and authorized to file the statement on behalf all the respondents.
2. That with regard to the statement made in paragraphs 1, 2, and 3 of the O.A. the answering respondent do not offer any comment.
3. That with regard to the statement made in paragraph 4.1 of the O.A. the answering respondent agreed with the applicant.
4. That with regard to the statement made in paragraph 4.2 of the O.A. the answering respondent do not offer any comment.


Major
OIC Adm & Ser Wing
for Commanding Officer

5. That with regard to the statement made in paragraph 4.3 of the O.A the answering respondent begs to state that the contention of the paragraph is totally false and misleading and also denied by the respondent. However the qualification requirements for recruitment in Defence installations are stipulated exclusively by the Govt of India and Army Headquarters from time to time. The qualification for recruitment for the post of Firemen in the Defence installations as envisaged in Paragraph No 7 (8) of SRO 180 dated 13 November 2003 as notified at Part II of Section 4 in Govt of India Notification Schedule (copy enclosed as Annexure -I) was Matriculation and Certificate of having undergone a Firemen course/Fire Service Training from an institute of repute. This qualification requirement was later amended to remove the requirement of firefighting training and only Matriculation was required vide Govt of India Ministry of Defence letter No A/26576/Fire Staff/OS-20/1286/D (O-II)/2005 dated 11 November 2005 (copy enclosed as Annexure -II). Thereafter, no amendment to the above qualification has been made till date by the Govt for recruitment of firemen in the defence installations. Therefore, no violation of rules have been made in the recruitment process for recruitment of 48 Firemen in the 57 Mountain Divisional Ordnance Unit being a Defence Installation.



"Photostate copies of the qualification for recruitment for the post of Fireman in the defence installations as envisaged in paragraph No 7(8) of S.R.O. 180 dated 13 November 2003 as notified at part II of section 4 in Govt of India notification schedule and only matriculation was required for appointment of the fireman vide Govt of India Ministry of Defence letter No A/26576/Fire Staff/OS-20/1286/D(O-II)/2005 dated 11 November 2005 are annexed herewith as Annexure I & II respectively".

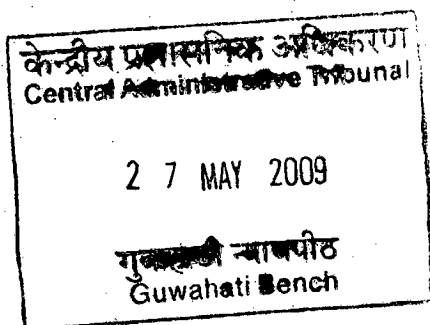
6. That with regard to the statement made in paragraph 4.4 of the O.A the answering respondent do not agree with the applicant. However the answering respondent begs to state the following:-

(a) The contention of the applicants are false and with an aim to mislead the Hon'ble Tribunal by concealing the whole facts. Since the qualification requirements for recruitment for the post of Firemen in the Defence installations as envisaged in Paragraph No 7 (8) of SRO 180 dated 13 November 2003 as notified at Part II of Section 4 in Govt of India Notification Schedule was Matriculation and Certificate of having undergone a Firemen course/Fire Service Training from an institute of repute based on which an advertisement was published in the National dailies including a Bengali daily amongst other regional languages as well as Hindi and English national dailies.

Major
OIC Adm & Ser Wing
for Commanding Officer

(b) Since this qualification requirement was later amended to remove the requirement of firefighting training and only Matriculation was required vide Govt of India Ministry of Defence letter No A/26576/Fire Staff/OS-20/1286/D (O-II)/2005 dated 11 November 2005, the earlier advertisement was cancelled vide No DAVP 7101/164/2005 (Annexure -IV) and re-advertised vide No DAVP 7101 (200)2006 dated 10 January 2007 (copy enclosed as Annexure -V).

(c) A new advertisement was again published vide advertisement No 7101/2/2006 dated 15 April 2007 (Copy enclosed as Annexure - VI) in which also the requirement of fire fighting certificate was not mentioned. It is also pertinent to mention that none of the applicants have approached the authority and asked for any clarification of their perceived anomaly till the end of the selection procedure.



"Photostate copies of the earlier advertisement on 11 November 2005 (DAVP No 7101/153/2005)(Annexure-III) was cancelled vide No DAVP 7101/164/2005 (Annexure-IV) and re-advertised vide No DAVP 7101(200)2006 (Annexure-V) dated 10 Jan 2007 and again advertisement published vide No DAVP No7101/2/2007 (Annexure-VI)dated 15 Apr 2007 are annexed herewith as Annexure III, IV, V & VI respectively".

7. That with regard to the statement made in paragraph 4.5 of the O.A. the answering respondent do not agreed with the applicant. The respondent begs to state that the applications of the candidates were accepted for preliminary screening and conducting of other mandatory tests on the basis of their passing of Matriculation and not on the basis of any extra qualification. It is also clearly mentioned in the guidelines for recruitment of Group 'C' and 'D' employees in the defence services that no extra weightage will be given for candidates holding extra qualifications. Therefore, holding of certificate for fire fighting course from a reputed institution does not serve any purpose as a guarantee for the said job of Firemen. Notwithstanding, the preliminary acceptance of applications and issuance of admit card for screening and attending tests does not guarantee the appointment not only as a firemen but on any appointment against any vacancy in any services. It is further submitted that the applicants were rejected not for holding the Certificate for fire fighting course but purely due to not meeting the mandatory physical requirements and satisfactorily passing other tests specified for the purpose.

Major
OIC Adm & Ser Wing
for Commanding Officer.

at

8. That with regard to the statement made in paragraph 4.6 of the O.A the answering respondent don not agree with the applicant. The answering respondent begs to state that the applicants have no legal rights to expect the appointment order simply on the basis of holding a Certificate of Firefighting from a reputed institution and attending the tests. They are required to meet other prescribed physical conditions as well as to earn the required percentage of marks in the written examination and interview for expecting an appointment order. They have been rejected for appointment to the post of Firemen simply on the grounds that they did not meet the mandatory physical/other criteria as laid down by Govt of India from time to time for the purpose and advertised accordingly.

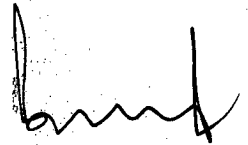
केन्द्रीय प्रशासनिक अपीलकर्ता
Central Administrative Tribunal
2.7 MAY 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

9. That with regard to the statement made in paragraph 4.7 of the O.A the answering respondent do not agree with the applicant. The answering respondent begs to state the following:-

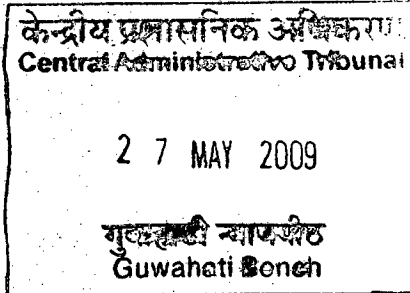
(a) The admit cards to attend the screening tests and physical fitness tests have been issued to the candidates purely based on the basic requirement required for the posts, that is Matriculation. It has never been mentioned anywhere in the primary admit cards that they have been issued the admit cards for possessing the certificate for Fire Fighting issued by any institution. As such no violation of rules have been committed in the recruitment process.

(b) Contention of the applicants that favoritism has been done by some of the officers is strongly rejected. This allegation was also made earlier by some of the candidates namely Nibu Chandra Dey and others Vs UOI and others in WP No 2557/2007 (enclosed as Annexure-VII) filed in the Hon'ble Guwahati High Court. The Hon'ble High Court vide para 8 of order pronounced on 26 November 2008 (enclosed as Annexure -VIII) have categorically rejected the plea by saying:-

" the allegation is factually incorrect and, therefore, the same does not deserve any further consideration of the court".


Major
OIC Adm & Ser Wing
for Commanding Officer

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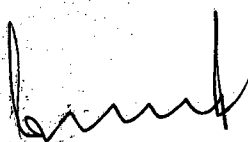


(c) It has already been categorically mentioned in comments for para 4.3 that the stipulation of qualification for recruitment of firemen to defence installations are fixed by the Govt of India and Army Headquarters from time to time. Therefore, exercising their right to amend the qualification requirements, the Govt of India has amended the qualification of Matriculation and Certificate of having undergone a Firemen course/Fire Service Training from an institute of repute as envisaged in Paragraph No 7 (8) of SRO 180 dated 13 November 2003 as notified at Part II of Section 4 in Govt of India Notification Schedule has amended the same to remove the requirement of firefighting training and kept the qualification as only Matriculation vide Govt of India Ministry of Defence letter No A/26576/Fire Staff/OS-20/1286/D (O-II)/2005 dated 11 November 2005. (copies of both are already enclosed as Annexure -I & II). Therefore no dilution of orders have been made by the Selection Committee while selecting the 48 persons for appointment as Firemen, instead acted fairly and impartially. No mixing up or confusion was there during the recruitment process being the orders very clear in all respect. Therefore, the Hon'ble Guwahati High Court vide para 9 of order dated 26 November 2008 said:-

"With regards to the allegation of the petitioners that they were rejected arbitrarily after the screening, at the physical test, the allegations has no legs to stand in the absence of materials and particulars to substantiate the same. It is not the case of the petitioners that any statutory rules, norms and standing orders have been violated by the Selection Committee while selecting 48 persons for appointment as Firemen".

"Photostate copies of the WP 2557/2007 filed by the other applicant namely Nibu Chandra Dey Vs U.O.I. filed in the Hon'ble Guwahati High Court and Hon'ble High Court Guwahati vide para 9 of order pronounced on 26 November 2008 are annexed herewith Annexure VII & VIII respectively".

10. That with regard to the statement made in paragraph 5.1 and 5.2 of the O.A the answering respondent don not agree with the applicant. The answering respondent begs to state that the qualification requirements for recruitment of firemen has been conducted and the candidates were short listed for appointment purely based on the instructions laid down for the purpose by the Govt of India being the sole authority for the same. Therefore, no violation of constitution has been made throughout the recruitment process.


OIC Adm & Ser Wing
for Commanding Officer

11. That with regard to the statement made in paragraph 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8 the answering respondent begs to state that the whole recruitment process was conducted fully abiding the rules and Regulations on the subject as issued by the Govt of India and Army Headquarters from time to time. As such the case may please be rejected with cost.

12. That with regard to the statement made in paragraph 6, 7, 8, 9, 10, 11, and 12 of the O.A the answering respondent begs to state that the Hon'ble High Court of Guwahati has categorically rejected the allegations of the applicants in a similar case on the same subject No WP 2557 of 2007 filed by Shri Nibu Chandra Day and others vide order dated 26 November 2008. Copy of Hon'ble Guwahati High Court order dated 26 November 2008 on the subject case is enclosed as Annexure - VIII".

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
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Guwahati Bench

13. That the application is devoid of any merit and deserved to be dismissed.

14. That this Written Statement has been made bona fide and for the end of Justice and equity.

It is therefore humbly prayed before this Hon,ble Tribunal that the applicants are indulging in delaying tactics in issuing appointment orders to the short listed candidates for appointment for the post of Firemen which causes inconvenience to 57 Mountain Division Ordnance Unit in its day today functioning without fire staff as it is holding several metric tones of ammunition. They are also causing financial loss to the selected candidates. In view of the facts mentioned above, OA No 15/2009 may please be rejected with cost immediately so as to facilitate issuance of appointment order to the selected candidates.

Major
OIC Adm & Ser Wing
for Commanding Officer

VERIFICATION


I, Major Karamveer Singh, Son of Shri Shyam Singh aged about 41 years resident of 57 Mountain Division Ordnance Unit working as Officer in Charge Administrative & Services Wing duly authorized and competent officer of the answering respondents to sign this verification, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 14 are true to my knowledge, belief and information and those made in paragraphs 1 to 14 being matters of record are true to my knowledge as per the legal advice and I have not suppressed any material facts.

And I sign this verification on this 23 day of May 2009 at Masimpur.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

27 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench


Major
DEPENDENT
OIC Adm & Ser Wing
for Commanding Officer

- (घ) सहायक अग्नि शमन सलाहकार, रक्षा मंत्रालय
- (ङ) निरीक्षक अग्नि शमन सेवा, क्याटेगरी मास्टर, जर्नल, शाखा/क्यू. 1 (डी); सेना मुख्यालय
- (च) अनुसूचित जाति/जनजाति समुदाय का एक समूह 'ख' अधिकारी, यदि उपलब्ध हो।
14. : लागू नहीं होता।
7. 1. : फायर मैन
2. : 2826*
(2003)
*कार्यभार के आधार पर परिवर्तन किया जा सकता है।
3. : रक्षा सेवा समूह 'घ' में सिविलियन (अराजपत्रित, अनौद्योगिक अनुसूचितीय)
4. : 2750-4400 रु.
5. : अचयन
6. : 25 वर्ष से अनधिक
7. : लागू नहीं होता
8. : मैट्रिकुलेशन के साथ किसी ख्याति प्राप्त संस्थान से अग्निशमन पाठ्यक्रम/अग्निशमन सेवा प्रशिक्षण प्राप्त करने का प्रमाणपत्र
9. : लागू नहीं होता
10. : दो वर्ष
11. : आमेलन द्वारा जिसके न हो सकने पर सीधी भर्ती द्वारा।
12. : आमेलन : रक्षा मंत्रालय के अधीन निम्नतर विरचना में सदृश या उच्चतर पदों पर कार्यरत व्यक्ति जो स्तंभ 8 में विनिर्दिष्ट अर्हता रखते हों।
13. : लागू नहीं होता
14. : लागू नहीं होता।

[फा. सं. बी./13031/एफ एस/ओएस-8 सी (ii)/13/रक्षा(निर्)/आर आर.]

वी. ए. चावडा, अवर सचिव

New Delhi, the 13th November, 2003

S.R.O. 180.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Ministry of Defence Group 'C' and Group 'D' (Fire Service) posts Recruitment Rules, 1976, the President hereby makes the following rules regulating the method of recruitment to the posts of Fire Superintendent, Fire Master, Leading Hand Fire 'B', Leading Hand Fire 'A', Fire Engine Driver 'A' and Fire Engine Driver 'B' in the Army Ordnance Corps, namely:—

1. **Short title and Commencement.**—(1) These rules may be called the Army Ordnance Corps (Group 'C' and 'D' posts Non-Gazetted) Recruitment Rules, 2003.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Application.**—These rules shall apply to the posts as specified in column 1 of the Schedule annexed to these

353665/03 — 2

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

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Guwahati Bench

Major
OIC Adm & Ser, Wing
for Commanding Officer

3. Number of posts, classification and scale of pay.—The number of posts, their classification and scale of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit, other qualifications, etc.—The method of recruitment to the said posts, age limit, qualifications and other matters relating to the said posts shall be as specified in columns 5 to 14 of the said Schedule.

5. Disqualification.—No person,—

(a) Who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said posts

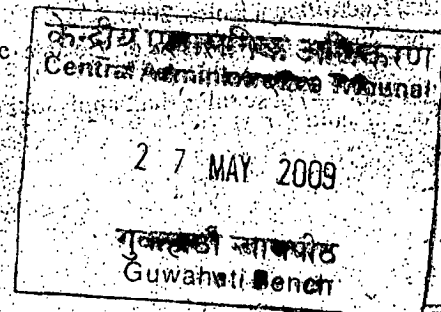
Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. Power to relax.—Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

7. Saving.—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes, Ex-Servicemen and other special categories of persons, in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

1. Name of the post	Fire Superintendent
2. Number of posts	37* (2002)
	*Subject to variation depending on workload.
3. Classification	Civilian in Defence Services, Group 'C', (Non-Industrial, Non-Ministerial Non-Gazetted)
4. Scale of pay	Rs 5000-150-8000
5. Whether Selection by merit or Selection-cum-Seniority or Non-selection post	Non-selection
6. Age limit for direct recruits	Not applicable
7. Whether benefit of added years of service admissible under Rule 30 of the Central Civil Services (Pension) Rules, 1972	Not applicable
8. Educational and other qualification required for direct recruits	Not applicable
9. Whether age and educational qualification prescribed for direct recruits will apply in the case of promotees	Not applicable.





10. Period of probation, if any : Not applicable
11. Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the posts to be filled by various methods : By 100% promotion
12. In case of recruitment by promotion/ deputation/absorption, grade from which promotion/deputation/absorption to be made : **By Promotion :**
Fire Master with three years qualifying service in the grade
13. If a Departmental Promotion Committee exists, what is its composition : **Chairman :** One officer of the rank of Brigadier nominated by Director General Ordnance Services, Army Headquarters
Members :
(a) One officer of the rank of Colonel/Lt Colonel nominated by Director General Ordnance Services, Army Headquarters
(b) One officer of the rank of Colonel/Lt Colonel/Major of Arms/ Services other than Army Ordnance Corps
(c) One officer of Army Headquarters nominated by Director General Ordnance Services, Army Headquarters
(d) Asst Fire Advisor, Ministry of Defence
(e) Inspector Fire Services, Quarter Master General Branch/Q1 (D), Army Headquarters
(f) One Group 'B' officer of the Scheduled Caste/the Tribe community if available
14. Circumstances in which Union Public Service Commission is to be consulted in making recruitment : Not applicable
2. 1. : Fire Master
2. : 188*
(2002)
*Subject to variation depending on workload.
3. : Civilian in Defence Services, Group 'C', (Non-Industrial, Non-Ministerial, Non-Gazetted)
4. : Rs. 4500-125-7000
5. : Non-Selection
6. : Not applicable
7. : Not applicable
8. : Not applicable
9. : Not applicable
10. : Not applicable

केन्द्रीय प्रशासनिक आयोग
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गुवाहाटी बेंच
Guwahati Bench

[Signature]
Major
OIC Adm & Ser Wing
for Commanding Officer

107

Central Administrative Tribunal
 57

7 MAY 2008

Guwahati Bench

- 7. : Not applicable
 - 8. : Not applicable
 - 9. : Not applicable
 - 10. : Not applicable
 - 11. : By 100% promotion.
 - 12. : **By Promotion :**
Fireman with three years qualifying service in the grade after appointment possessing a valid heavy vehicle driving licence.
 - 13. : **Chairman :** One officer of the rank of Brigadier nominated by Director General Ordnance Services, Army Headquarters.
Members :
 - (a) One officer of the rank of Colonel/Lt Colonel nominated by the Director General Ordnance Services, Army Headquarters.
 - (b) One officer of the rank of Colonel/Lt Colonel/Major of Arms/Services other than Army Ordnance Corps.
 - (c) One officer of Army Headquarters nominated by Director General Ordnance Services, Army Headquarters.
 - (d) Asst Fire Advisor, Ministry of Defence.
 - (e) Inspector Fire Services, Quarter Master General Branch/Q1 (D), Army Headquarters.
 - (f) One Group 'B' officer of the Scheduled Caste/the Tribe community, if available.
 - 14. : Not applicable.
7. 1. : Fireman ✓
 2. : 2826*
 (2003)
 *Subject to variation depending on workload.
3. : Civilian in Defence Services, Group 'D' (Non-Gazetted, Non-Industrial)
 4. : Rs. 2750-4400.
 5. : Non-Selection
 6. : Not exceeding 25 years
 7. : Not applicable
 8. : Matriculation and certificate of having undergone a Fire course/fire service training from an institute of repute
 9. : Not applicable
 10. : 2 years ✓
 11. : By absorption, failing which by direct recruitment
 12. : **Absorption :**
Persons working in analogous or higher posts in the lower formation, under the Ministry of Defence and having the qualifications specified in column 8.
 13. : Not applicable
 14. : Not applicable.

[F. No. B/13031/FS/OS-8C(ii)/13/D (Appts)/RR]
 V. A. CHAVDA, Under Secy.

c/c

[Handwritten signature]

Annex-II

12

The Chief of the Army Staff

Subject: Restructuring of Fire Fighting Cadre in the Ord Corps

Sir,

The following amendment is hereby carried out in the Annexure 'A' to the Govt of India, Min of Defence letter No A/26576/Fire Staff/OS-20/188/D(O-II) dated 03 Feb 2000-

~~Qualification of Firemen~~

For: Matriculation & training in fire fighting under a State Fire Service or an Institute of repute

deleted

Read:

(a) Matriculation.

Code Govt letter no
A/26576/Fire Staff/
OS-20/1286/D
O-II/2005 dt
11/11/05

(b) Must be physically fit and capable of performing strenuous duties and must have passed the test specified below :-

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
(i) Height without shoes - 165 cms provided that a concession 2.5 cms. height shall be allowed for members of the Scheduled Tribes.

27 MAY 2009

गुवाहाटी बेंच
Guwahati Bench

(ii) Chest (un-expanded) - 81.5 cms.

(iii) Chest (on-expansion) - 85 cms

(iv) Weight - 50 Kgs (minimum)

(v) Endurance Test :-

(aa) Carrying a man (fireman lift of 63.5 Kgs to a distance of 183 meters within 96 seconds.

(bb) Clearing 2.7 meters wide ditch landing on both feet (long jump).

(cc) Climbing 3 meters vertical rope using hands and feet.

2. This issue with the concurrence of Min of Def/Fin (O-1B) vide their U.O No 3310/O-1B/05 dated 10.11.2005.

Yours faithfully

(NK Kashmira)

Under secretary to the Govt of India

Copy to:-

All MGs AOC
AOC Records
All Central Depots
CGDA, CDAs(ink signed copies)
MoD/D(O-II), MoD/Fin(O-1B)
OS (Pers)

CTC

[Handwritten signature]

(2)

Conditions:-

The prescribed qualifications are minimum and an enhanced qualification does not entitle the candidates to be called for written test typing test. Application on plain paper, duly typed the following information viz: (1) Full Name (Capital letter) (2) Father's name (3) Address for correspondence (4) Date of birth (5) Age as on 15.12.2005. (6) Educational Qualification (7) Sex (8) Whether SC/ST/OBC/Ex-S/PH (9) Nationality (10) Religion (11) Declaration to the effect that statements made in this form are true to the best of my knowledge and belief (12) Signature of the candidate with date should be received on or before 15.12.2005 at the following address: The Senior Administrative Officer (Admn.), CIFT, Matsyapuri P.O., Cochin-682 029, Kerala. Applications should be accompanied with attested true copies of qualification proof of age, recent passport size photograph. Applicant in service should apply through proper channel. The envelope containing application should be superscribed as "Application for LDC". The Institute will have the right to fix criteria for screening the applications so as to reduce the number of candidates to be called for interview. No correspondence in any case will be entertained with the candidates who are not called for written test and interview. Canvassing in any form will be treated as disqualification.

Sr. Admn. Officer, I/c CIFT, Cochin
 Phone: 2752 2275 Fax: 3434

Continued from page 20

are in the feeder grade or feeder grade to feeder grade?

12. Are you in revised scale of pay? If yes, give the date of revision and also pre-revised scale of pay.

13. Total emoluments drawn per month.

14. Additional information, if any

15. Whether belongs to SC/ST

16. Remarks:

I have carefully gone through the vacancy circular advertisement and I am well aware that the Curriculum Vitae duly supported by documents submitted by me will also be assessed by the Selection Committee at the time of selection to the post of Supdt. (A/C)

Place: _____
 Date: _____
 Signature of the Candidate

Certificate

This is to certify that the above facts mentioned by the applicant are correct in his service record.

Signature & Designation (with seal)
 The Administrative Authority

15/12/05

EN 34 04

57 Mtn Div Ord Unit

Pin : 909057, C/o 99 APO

- Fresh applications are invited for 04 (Sixty Four) permanent vacancies (SC-04, ST-07, OBC-17, UR-36):-
- Age Limit** : 18 to 25 years as on date of issue of appointment letter, with relaxation to reserved categories as per Govt. orders.
- Qualification** : Matriculation (10th), Qualification in Fire fighting Course of minimum 06 (six) months duration conducted by Central State Govt. Fire Service Training Establishment OR from any of the training school/institutes which are recognised by Board of technical Educational of any State Govt.
- Physical Standards** : Height -165 cms, Chest -81.5 cms minimum (an expansion 86 cms.), Weight -50 kg (Minimum)
- Scale of pay** : Rs. 2750-70-3000-75-4500 plus Allowances as admissible to Central Govt. employees.
- Application should be addressed to Administrative Officer, 57 Mtn Div Ord Unit, C/O 99 APO and the last date of receipt of application is **03 Dec 2005**.
- Screening and ground tests will be held on 10 Dec 05 at 08.00 hrs at Marappur Military Station football ground near Raveli, Sandhu Auditorium, No TA/DA is admissible for screening and ground tests.
- After screening of documents of candidates will be subjected to physical tests. Any injury sustained by the individual during the tests will not be responsibility of this organisation.
- All incomplete blank applications will be rejected.
- Application signed by the applicant should include details such as Name in full in block letters) Father's Name, Date of birth, Educational Qualification with supporting documents, address in full both permanent and present with pin code, whether SC/ST/OBC etc category with supporting documents.
- Copies of domicile certificate/Ration card, Diploma certificate, Employment exchange Card, Caste certificate from authorized Govt. office duly attested by a gazetted officer be enclosed with application.
- Three copies of passport size photograph of the applicant duly attested by gazetted officer and a self addressed registered envelope duly affixed with requisite stamps to be enclosed along with application.
- The candidates are required to bring the supporting documents (in original) as required in the application form at the time of interview. In case a candidate fails to submit the documents in original at the time of screening he shall not be considered for the ground test.

Note: (i) Requirement subject to change by competent authority. Any change will be intimated through advertisement.

(ii) Candidates will report to reception point at Zonal Recruiting Office, Sichear on date of screening with original documents.

Application for Fireman
 (Please fill in block Capital Letters)

Appx-'B'

- Name in full
- Father's Name
- Post applied for
- Date of birth (supporting documents duly attested)
- Address in full
 (a) Permanent address
 (b) Present address
- Whether SC/ST/OBC/Ex-ser (Supporting documents att'd duly attested)
- Nationality
- Educational Qualification
 (supporting documents att'd duly attested)
- Fire Fighting Course (Diploma/Certificate duly attested)
 (a) From (Institute)
 (b) Recognised by
 (c) Duration with date From to
- Copy of domicile certificate, Ration card should be enclosed with application.
- Three copy of passport size photograph of the candidate duly attested by the gazetted officer are to be enclosed with application.
- The candidates are required to bring supporting documents as required in the application form in original at the time of screening and test. In case, candidate fails to submit the documents in original at the time of screening he shall not be considered for the ground test.
- One registered envelope with home address of the applicant to be enclosed with application.
- Any incomplete, blank information will render the application invalid.

Passport size photograph duly attested by Gazetted Officer

Signature of the candidate

15/12/2005

CTC



উপস্থিত আয়োজিত সভায় সর্বসম্মত সিদ্ধান্ত অনুযায়ী যুবমোচা সহ বিভিন্ন মোচা ফেরা গঠনের উদ্দেশ্যে এবং জেলা দলের এ সিদ্ধান্তের কথা ২২ নভেম্বর জেলার রাণাঘাট উপজেলায় ইন্ডমাণি বয়সকে জানানোর পূর্ব রাজ্য সভাপতির নির্দেশ অনুযায়ী হাইস্কুল কান্দি জেলা যুব মোচাৰ নতুন সভাপতি পদে ওইদিনই কানন ভূটচাৰ্যকে নিৰ্বাচিত কৰা হৈছে এবং কাননবাবুও নিৰ্দিষ্ট সময়ের মধ্যে তার পূর্ণাঙ্গ জেলা কমিটি তৈরি কৰে। কাজেই এ নিৰ্বাচন বৈধতা সম্পর্কিত কোনও প্রশ্ন উত্থাপিত হতে পারে না। বহুপতিবার দলের জেলা কার্যালয়ে জেলা যুব মোচা আহুত এক সাংবাদিক সম্মেলনে এ কথা জানান বিজেপির জেলা সভাপতি নেপাল চক্রবর্তী।

কৃষ্ণাঙ্ক প্রতিবেদন দেশের বিভিন্ন সঙ্গীত শিল্পী বিশ্ববিদ্যালয়ের উপাচার্য বিশ্ববিদ্যালয়ের উপাচার্যদের এক সম্মেলন সম্প্রতি অনুষ্ঠিত হয়ে গেল এলাহাবাদে। প্রধানকার আয়োজিত এই সম্মেলনে দেশের বিভিন্ন প্রান্তের বিশ্ববিদ্যালয়ের প্রায় দুশোজন উপাচার্য অংশগ্রহণ করেন। সভানের আয়োজিত সম্মেলন-এর চেয়ারম্যানের উপস্থিতিতে অনুষ্ঠিত এই সম্মেলনে ভারতের উচ্চশিক্ষা ব্যবস্থার মানোন্নয়নের পাশাপাশি শিক্ষা ব্যবস্থাকে আরও মজবুত করার বিষয়ে বিস্তৃত আলোচনা করা হয়। এতে অন্যান্যদের

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57 Mnt. Div. Ord. Unit

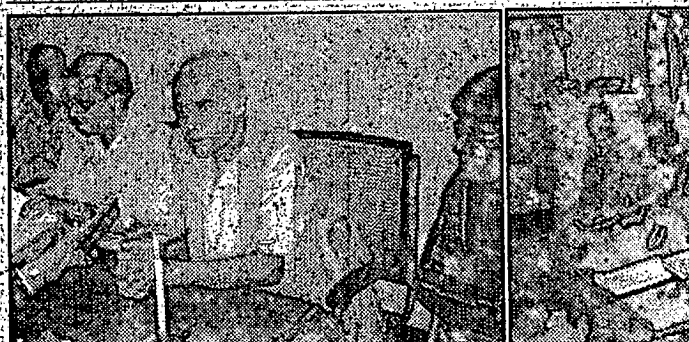
Pin.: 909057, C/O 99 APO

এই পত্রিকায় ১১-১১-২০০৫ তারিখে DAVP 7101/0153/2005 নং বিজ্ঞপনের মাধ্যমে ৩৪ (চৌষট্টি) টি ফায়ারম্যান পদের জন্য নিযুক্তির দরখাস্ত আহান করা হয়েছিল।

এই বিজ্ঞপ্তি মাধ্যমে উক্ত ৩৪ (চৌষট্টি) টি ফায়ারম্যান পদের জন্য প্রকাশিত নিযুক্তির বিজ্ঞাপন বাতিল করা হল।

লেফটান্টে কর্নেল অতুল পামু
ও/সি রেক্টঃ সেল

DAVP 7101/164/2005



বরাকবঙ্গের কেন্দ্রীয় সমিতি আয়োজিত সাংবাদিক সম্মেলনে সভাপতি ইউনাইটেড মনিপুরি শামলেন্দু চক্রবর্তী, সাধারণ সম্পাদক তরুণ দাস ও অন্যান্যরা। সম্মেলনে কর্মকর্তারা।

Assam Public Service Commission NOTIFICATION

It is for information to all concerned that the Assam Public Service Commission will hold interview/viva-voce test for the following post(s) as per programme given below at its office at Jawahar Nagar, Khanapara, Guwahati-781 022

NAME OF POST (S)	DATE
1. Lecturer in Manipuri Language in the Teacher Training College, Silchar, Under Education (Elementary) Department.	06/12/2005
2. Director of Assam State Archives under G. A. Deptt.	07/12/2005
3. Director of Agriculture under Agriculture Deptt.	08/12/2005
4. Director of Health Services under Health & F. W. (A) Deptt.	09/12/2005

Deputy Secretary
Assam Public Service Commission
Jawahar Nagar, Khanapara, GHY-22

Janasanyog/3149/05

কেন্দ্রীয় প্রশাসনিক মন্ত্রণালয়
Central Administrative Tribunal

27 MAY 2009

গুৱাহাটী বেন্চ
Guwahati Bench

ভাণ্ডারে দুর্ঘটনায় জখম মহিলা

যুগশঙ্ক প্রতিবেদন, করিমগঞ্জ : করিমগঞ্জ থেকে কাজ শেষ করে বাড়ি ফেরার পথে ভাণ্ডার এলাকায় সড়ক দুর্ঘটনায় জখম হলেন এক মহিলা। বছর পঁয়তাল্লিশের এই মহিলার নাম সূতারা বিশ্বাস। বাড়ি ভাণ্ডার এলাকায়ই। ঘটনাটি বুধবার রাত সাড়ে ছটা নাগাদ ঘটে। এদিন করিমগঞ্জ থেকে পাথারকান্দির উদ্দেশে যাওয়া এএস-০১কিউ/০০৬৫ সূমো গাড়ি ভাণ্ডার এলাকায় ওই মহিলাকে সঙ্গে করে ধাক্কা মারে। এতে রক্তাধূত অবস্থায় তিনি মাটিতে লুটিয়ে পড়েন।

ঘটনার পরিপ্রেক্ষিতে ফুরু জনগণ সড়ক অবরোধ করেন। খবর পেয়ে নিলামবাজার পুলিশ ফাঁড়ির এস নিরঞ্জন শর্মা পুলিশ দল ঘটনাস্থলে ছুটে আসেন। আটক হয় সূমো গাড়িটি। পূর্ব অবরোধও প্রত্যাহার করা এদিকে, জখম মহিলাটি বা করিমগঞ্জ সরকারি হাসপাতাল চিকিৎসাধীন। জানা গেছে, গাড়িটি মিজোরামের।

Major
OIC Adm & Ser Wing
for Commanding Officer



57 MTN DIV ORD UNIT

- Applications are invited for 48 (forty eight) Fireman vacancies for Schedule Caste, Schedule Tribe, Other Backward Class, Unreserved and Ex-servicemen with following details:-
 - Age: 25 years as on date of physical test with relaxation to reserved categories as per Govt. orders.
 - Qualification: Matriculation
 - Physical Standards: Must be physically fit and capable of performing strenuous duties and must have passed the test specified below:-
 - Height without shoes -- 165 cms provided that a concession 2.5 cms, height shall be allowed for members of the Scheduled Tribes.
 - Chest (un-expanded) -- 81.5 cms
 - Chest (on-expansion) -- 85 cms
 - Weight -- 50 Kgs (Minimum)
 - Endurance Test :-
 - Carrying a man fireman lift of 63.5 Kgs to a distance of 183 meters within 96 seconds.
 - Clearing 2.7 meters wide ditch landing on both feet (long jump)
 - Climbing 3 meters vertical rope using hands and feet.

APPLICATION:
 2. Two copies of application should be addressed to Administrative Officer, 57 Mtn Div Ord Unit, Pin -909057, C/O 99 APO and the last date of receipt of application is **01 February 2007**. All, incomplete/blank applications could be rejected.
 3. Three copies of recent passport size photographs of the applicant duly attested by a Gazetted Officer and a self addressed registered envelope duly affixed with requisite stamps is to be enclosed alongwith application.

PHYSICAL TEST:
 4. The candidates are required to bring the supporting documents (in original) as attached to the application form at the time of physical tests.
 5. Physical tests will be held on **01 March 2007 at 0730 hrs** onwards at Masimpur Military Station, (Assam) No. TADA is admissible for physical test. Any injury sustained by the individual during the physical tests will not be responsibility of this organization.

- NOTES:-**
- Requirement subject to change by competent authority. Any change will be intimated through advertisement.
 - Candidates will report to reception point at entry gate at Masimpur Military Station on date of physical tests with original documents, failing which he will not be permitted to undergo physical tests.
 - The decision of the Unit Management will be final.
 - The expenditure incurred on stay/food/transportation/ Medical expenses etc by the candidate at the time of selection test will be borne by the candidates.
 - Candidates who get selected will be required to obtain police verification.
 - Beware of touts. Recruitment is free of cost. Do not pay to any one.**

FORMAT OF APPLICATION (TWO COPIES)

The Commanding Officer
 57 Mtn Div Ord Unit
 Pin -909057
 C/O 99 APO

Recent Passport size Photo Attested
 by a Gazetted Officer

Sir,

- I want to apply for the post of FIREMAN in your unit. My personal details are as follows:-
 - Name of the candidate : _____
(in block letters)
 - Father's Name : _____
(in block letters)
 - Qualification with its Xerox copy : _____
 - Date of birth with its Proof (Xerox copy) : _____
 - Employment Exchange : _____
Registration No and date if any
 - Category in which : Unreserved/Other Backward Class/Schedule Caste/Schedule Tribe/Ex-Serviceman (to be mentioned specifically)
 - Present Postal address : _____
 - Permanent Postal address : _____
 - Citizenship with its Proof (Xerox copy to be enclosed) : _____
 - Visible identification marks : _____
 - Qualification
- Certified that I do hereby declare that any of the above details submitted by me if are found false at any later stage, I shall be held responsible as per existing rules.

Date: _____ Yours faithfully,
 Signature of the candidate

CHECK LIST

- Two copies of application (duly signed by the individual)
- Three recent passport size photograph (one affixed on the application duly attested by Gazetted Officer). Rest attached alongwith application.
- Application to be accompanied with self addressed registered envelope with postage stamps.
- Photocopy of educational qualification with its age proof certificate.
- Photocopy of employment exchange registration card if any.
- Photocopy of OBC Certificate for OBC Candidate. PPO for Ex-Serviceman.
- Photocopy of proof of citizenship/domicile certificate.

davp-7401(200)2006

Central Administrative Tribunal
 27 MAY 2009
 Guwahati Bench

[Signature]
 OIC Ailo & Ser Wing
 for Commanding Officer

- The Government of India has towards the cost of Emergency cover eligible payments under open to all bidders from India should, how Governments / Government c advised to note the minimum qu qualify for the award of the conti
- On behalf of Governor of Tamil bids for the construction of work following works, for the package
- Bidding documents (and additio Implementation Unit, Collector on payment of a non-refundable any Scheduled bank payable Interested bidders may obtain fr by mail will be dispatched by : Rs. 1,000/- The Department can documents or non-receipt of the

Sl. No.	Package No.	Name
1	TNRD/RD/05/ETRP/005	Providing Cer pavement to inter habitations at V Block
2	TNRD/RD/05/ETRP/011	Providing Cer pavement to inter habitations at Pa Block.
3	TNRD/RD/05/ETRP/012	Providing Cer pavement to inter habitations at Ti Kollidam Block.
4	TNRD/RD/05/ETRP/014	Providing Cer pavement to inter habitations at Th Block.
5	TNRD/RD/05/ETRP/015	Providing Cer pavement to inter habitations at Ko Kollidam Block.
6	TNRD/RD/05/ETRP/016	Providing Cer pavement to inter habitations at Kollidam Block.
7	TNRD/RD/05/ETRP/022	Providing Cer pavement to inter habitations at Pillaicolony, Kuttiyandiur (M: Sembanarkoil Bloc
8	TNRD/RD/05/ETRP/023	Providing Cer pavement to inter habitations at Sembanarkoil Bloc

- Bids must be accompanied by se favour of The District Collector, forms as specified in the bidding; the bid.
- Bids must be delivered to the Di hours on **02.02.2007** and will be attend. If the office happens to be and opened on the next working c
- A Pre Bid meeting will be held t Implementation Unit, Collectorat above to clarify the issues and to state in Clause 9.2 of Instruction.

DIPR/082 TENDER/2007 www.tn.

Jahasanyog/3982/06

Handloom & Textiles, Assam

Guwahati-5

57 MTN DIV ORD UNIT

1. Applications are invited for 48 (forty eight) Fireman vacancies for Schedule Caste, Schedule Tribe, Other Backward Class, Unreserved and Ex-servicemen with following details:

(a) **Age Limit**: 25 years as on date of physical test with relaxation to reserved categories as per Govt orders.

(b) **Qualification**: Matriculation.

(c) **Physical Standards**: Must be physically fit and capable of performing strenuous duties and must have passed the test specified below:

(i) Height without shoes - 165 cms provided that a concession 2.5 cms, height shall be allowed for members of the Scheduled Tribes.

(ii) Chest (un-expanded) 81.5 cms.

(iii) Chest (on expansion) 85 cms.

(iv) Weight 50 Kgs (Minimum)

(v) Endurance Test:

(bb) Carrying a man (fireman lift of 63.5 Kgs to a distance of 183 meters within 96 seconds.

(ab) Clearing 2.7 meters wide ditch landing on both feet (long jump).

(ac) Climbing 3 meters vertical rope using hands and feet.

APPLICATION:

2. Two copies of application should be addressed to Administrative Officer, 57 Mtn Div Ord Unit, Pin - 909057, C/O 99 APO and the last date of receipt of application is **01 February 2007**. All incomplete/blank applications could be rejected.

3. Three copies of recent passport size photographs of the applicant duly attested by a Gazetted Officer and a self addressed registered envelope duly affixed with requisite stamps is to be enclosed alongwith application.

PHYSICAL TEST

4. The candidates are required to bring the supporting documents (in original) as attached to the application form at the time of physical tests.

5. Physical tests will be held on **01 March 2007 at 0730 hrs** onwards at Masimpur Military Station, (Assam). No TADA is admissible for physical test. Any injury sustained by the individual during the physical tests will not be responsibility of this organisation.

NOTES:

(i) Requirement subject to change by competent authority. Any change will be intimated through advertisement.

(ii) Candidates will report to reception point at entry gate at Masimpur Military Station on date of physical tests with original documents, failing which he will not be permitted to undergo physical tests.

(iii) The decision of the Unit Management will be final.

(iv) The expenditure incurred on stay/transportation/Medical expenses etc by the candidate at the time of selection test will be borne by the candidates.

(v) Candidates who get selected will be required to obtain police verification.

(vi) Beware of touts. Recruitment is free of cost. Do not pay to any one.

FORMAT OF APPLICATION (TWO COPIES)

The Commanding Officer

57 Mtn Div Ord Unit

Pin- 909057

C/O 99 APO

Sir,

Recent
Passport size
Photo Attested
by a Gazetted
Officer

1. I want to apply for the post of FIREMAN in your unit. My personal details are as follows:

(a) Name of the candidate (in block letters): _____

(b) Father's Name (in block letters): _____

(c) Qualification with its Xerox copy: _____

(d) Date of birth with its Proof (Xerox copy): _____

(e) Employment Exchange Registration No and date if any: _____

(f) Category in which Applied: Unreserved/Other Backward Class/Schedule Caste/Schedule Tribe/Ex-Serviceman (to be mentioned specifically)

(g) Present Postal Address: _____

(h) Permanent Postal Address: _____

(i) Citizenship with its Proof (Xerox copy to be enclosed): _____

(j) Visible Identification marks: _____

(k) Qualification: _____

2. Certified that I do hereby declare that any of the above details submitted by me if are found false at any later stage, I shall be held responsible as per existing rules.

Date: _____

Yours faithfully,

Signature of the candidate

CHECK LIST

b) Two copies of application (duly signed by the individual)

c) Three recent passport size photograph (one affixed on the application duly attested by gazetted Officer). Rest attached alongwith application.

d) Application to be accompanied with self addressed registered envelope with postage stamps.

e) Photocopy of educational qualification with its age proof certificate.

f) Photocopy of employment exchange registration card if any.

g) Photocopy of OBC Certificate for OBC Candidate. PPO for Ex-Serviceman.

h) Photocopy of proof of citizenship/domicile certificate.

davp 7101 (200) 2006

etc

14

17/110

Kusheshwar Ashu

Approx cost (Rs)	Earnest Money (Rs)	Cost of tender form (Rs)	Time of completion	Date of opening
15,56,06,299.52	31,12,130/-	3000/-	18 (Eighteen) Months	14.05.07

Tender forms are available from the office of CAO/Con/EC Rly, Mahendraghat, Patna on production of demand draft from any nationalized/scheduled bank in favour of FA & CAO/Con/EC Rly, Mahendraghat, Patna of money receipt issued by the Divisional Cashier, Sonpur/Danapur Division for the cost of tender document mentioned above between 10.00 Hrs to 16.00 Hrs on any working day from 01.05.2007 to 15.05.2007. In case any tenderer wishes to obtain the tender document by post, Rs: 100 (Hundred) extra should be sent by demand draft in favour of FA & CAO/Con/EC Rly, Mahendraghat, Patna. 3. Tenderers can be dropped in prescribed tender boxes placed in offices of the CAO/Con/EC Rly, Mahendraghat, Patna and CAO/Con/Northern Railway, Kashmiri gate/Delhi up to 12.00 hrs of the date of opening and tender will be opened at 12.30 Hrs on the same day simultaneously at Patna & Delhi in presence of tenderers, present at the time of opening of the tender. If the office is closed on the stipulated date and time due to some unforeseen holiday, tender will be received upto and opened on the next working day at the same place & time. Tender can also be sent to Chief Administrative Officer, EC Rly, Mahendraghat, Patna by registered post/speed post/counter service to reach before 12.00 hrs of the date of opening. However, Rly. will not be responsible for non receipt or delayed receipt of such tenders. 4. The tender must be submitted with proper amount of Earnest Money in favour of FA & CAO/Con/EC Rly, Mahendraghat, Patna. Tender without proper Earnest Money will be summarily rejected. The tender form is not transferable. 5.0 Eligibility criteria: 5.1 Contractor should have completed in the last three financial years (i.e. current year and three previous financial years), at least one similar work for minimum value of 35% of advertised tender value, is clarified as under. 5.1.1 Similar nature of work physically completed within the qualifying period, i.e. the last 3 financial years and current financial year (even though the work might have commenced before the qualifying period) should only be considered in evaluating the eligibility criteria. 5.1.2 The total value of similar nature of work completed during the qualifying period and not the payments received within qualifying period alone, should be considered. In case, the final bill of similar nature of work has not been passed and final measurements have not been recorded, the paid amount including statutory deduction is to be considered. If final measurements have been recorded and work has been completed with regular variation, then also the paid amount including statutory deduction is to be considered. However, if final measurements have been recorded and work has been completed with positive variation but variation has not been sanctioned, original agreement value of last sanctioned agreement value whichever is lower should be considered for judging eligibility. 5.1.3 In the case of composite works involving combination of different works, even separate completed works of required value should be considered while evaluating the eligibility criteria. For example, in a tender for bridge work where similar nature of work has been defined as bridge work with pile foundation and PSC superstructure, tenderer, who has completed one bridge work with pile foundation of value at least equal to 35% of tender value and also has completed one bridge work with PSC superstructure of value at least equal to 35% of the tender value, should be considered as having fulfilled the eligibility criteria of having completed single similar nature of work. 5.2 Total contractual amount received during the last three financial years and in the current financial year, should be a minimum of 150% of advertised tender value as per audited balance sheet duly certified by the Chartered Accountant. For the financial year ended and/or the current financial year if audited balance sheet is not available, contractual amount received duly certified by the chartered accountant should be submitted as a proof of turnover. Alternatively at least payment certificates from Central Govt./State Govt./Central S. Us/State P.S. Us and other Government Agencies for a minimum of 150% of advertised tender value may be submitted. 5.3 Contractor should submit revenue/Bankers' Solvency certificate of minimum 40% of advertised tender value of work. "Similar nature of Work is defined as Tender no. 3 of 2007-08 (Open) "Construction of any work involving structural concrete." Tender no. 4 of 2007-08 (Open), 5 of 2007-08 (Open), 6 of 2007-08 (Open), 7 of 2007-08 (Open), 8 of 2007-08 (Open) and 9 of 2007-08 (Open) "Construction of major bridge with well/pile foundation." Note: i. Where an individual bids on the basis of credentials of an earlier Joint Venture/association of Partners/Partnership firm, credentials shall be considered in percentage of their participation in the earlier firm. ii. Participation by Association of Partners (AOP)/Joint Venture (JV) firms are not allowed for tender value up to Rs. 8.0 Crore. iii. Completion certificate the work issued from Central Govt./State Govt./Central P.S. Us/State P.S. Us and other Government Agencies shall only be accepted, credential from Private Individuals shall not be accepted. iv. Tenders submitted without credentials as per annexure I, II & III of Tender document shall be rejected. 6. (a) Advance to contractor is not applicable for tender no. 3 of 2007-08 (Open) only. (b) Purchase preference clause is not applicable for tender no. 3 of 2007-08 (Open) only. (c) Price variation clause is not applicable for tender no. 3 of 2007-08 (Open) only. Performance Guarantee (P.G.): Please note that in addition to Security Deposit, the successful contractor will have to submit a performance Guarantee @ 5% of Contractual value in form of a Bank Guarantee Bond in token of commitment to complete the work successfully. The Performance Guarantee will have to be deposited after the letter of acceptance has been issued but before signing the Agreement and should be valid up to expiry of the maintenance period. Details in this regard are available in the Tender document. (a) Performance guarantee shall be released after satisfactory completion of the work and maintenance period is over. The procedure for releasing should be same for security deposit. (b) Whenever the contracts are rescinded the security deposit should be forfeited and the performance guarantee shall be encashed and the balance work should be got done separately. (c) The balance work shall be got done independently without risk & cost of the original contractor. (d) The original contractor shall be debarred from participating in the tender for carrying the balance work. If the failed contractor is a JV or a partnership firm, then every member/partner of such a firm would be debarred from participating in the tender for the same work either in his/her individual capacity or as a partner of any other JV/Partnership firm. Note: (1) Rates shall have to be quoted as percentage above or below for each schedule separately. Tenderers must not quote item wise rates. In case any contractor quotes unified percentage for each schedule and item wise rates against individual items also, no cognizance will be taken for the item wise rates quoted by the contractors. However, railways reserves the right to cancel any tender where item wise rates have been quoted. (2) i. Tender notice is also available on <http://www.tendertimes.com> ii. The tender documents will also be available on site <http://www.tendertimes.com> during the above mentioned period and the same can be downloaded and used as tender document for submitting tender. This facility is available free of cost. However, the demand draft as prescribed above towards the cost of tender documents will have to be enclosed with the tender. In case the tender is not accompanied with the valid demand draft for the cost of the tender document as detailed above, the tender will be summarily rejected.

119/272/88C CAO/Construction
"SERVING CUSTOMERS WITH A SMILE"

PURCHASE DEPT
IGIA, NEW DELHI

For further details regarding tender documents, Fees etc. visit our website: <http://www.indianairlines.in>
Gen. Manager (Stores Purchase)

15 APR 2007 SUNDAY BUS

**57 MTN DIV ORD UNIT
CORRIGENDUM**

Ref advt. No. 7101/200/2006 published in this news paper on 10/1/7 and advt. No. 7101/253/2006 published on 26/2/7 regarding recruitment of 48 Firemen.

The following may be read as:

1. Fresh date for screening test will be 01 May 2007.
2. Candidates are advised to report with Admit Card/Call letter at 06.00 AM on 01 May 07 at Kalibari Traffic Control Post, Masimpur Cantonment, Silchar (Assam).
3. Total number of posts of Firemen are 48. Reservation of posts will be, Ex Servicemen, 20% (Reservation for SC/ST/OBC will be available after filling up vacancy for Ex-Servicemen), SC - 7%, ST - 12%, OBC - 27%, General - 51%; (Subject to change as per Govt. Policy).
4. Existing pay scale of firemen is Rs. 2750-70-3000-75-4500.
5. On getting recruited, likely place of employment will be Assam and Nagaland, including liability to serve anywhere in India.
6. Selection procedure (Not necessarily in the order given below) will be endurance test, check of physical parameters as laid down, written exam, interview, syllabus for written exam - matriculation level as well as general information regarding fire fighting.
7. Meeting all selection criteria does not automatically entitle a person to be selected for employment. Merit list will be prepared based on the above selection procedure.
8. Fresh application will only be accepted for physically handicapped (hard of hearing). Candidates who have applied previously need not apply again.

However, they will have to fulfill all the laid down criteria as mentioned in Advertisement No. DAVP 7101/200/2006, published in Employment News for week 20-26 January 2007 and Indian Express (New Delhi Edition) on 10 Jan 2007. Candidates of above category should report with original documents and application form at 06.00 AM on 01 May 07 at Kalibari Traffic Control Post, Masimpur Cantonment, Silchar (Assam).

CO, 57 Mtn DOU
davp 7101/2/2007

Central Administrative Tribunal

27 MAY 2009

Guwahati Bench

CTC

Major
OIC Adm & Ser Wing
for Commanding Officer



Cy = 12

16/10/07

Filed by the
M. S. D. B. S. S. V.
Guwahati Bench

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

27 MAY 2009

गुवाहाटी न्यायपीठ
Guwahati Bench



IN THE GAUHATI HIGH COURT
OF ASSAM, NAGALAND, MIZORAM, MANIPUR,
TRIPURA AND ARUNACHAL PRADESH
BY A STATE MARKETING BOARD
GOVERNMENT
Sri Nival Jayaram
versus
The State of Assam & others
Respondents

BY NO. P. S. 10

That the subject of this petition is the grievance and challenge of the petitioners to the arbitrary selection test conducted on 1.5.07 by the respondent No.4/ authority depriving/ rejecting the petitioners for the post of Fireman though the petitioners and some others totaling 41 nos. were as wards of civilian employees under the respondent No.4, sponsored for Elementary course of Fire Fighting Training under the Directorate of Fire service, Assam by the predecessor of Respondent No.4 (who is now transferred and relieved by present respondent No.4). The said authority then sent them on testing their physical fitness for such job/post in 2005 batch by batch and the petitioners and such others passed the said training, following which there was the advertisement published by the respondent No.4 for recruitment to such posts of Fireman. Petitioners such other civilian employees' words

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Major
OIC Adm & Ser Wing
for Commanding Officer

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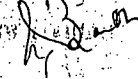
केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

27 MAY 2009

गुवाहाटी ब्याचपीठ
Guwahati Bench

... for the same. Now after the screening of their applications the
... Officer (respondent No.4) conducted their physical tests and
... enough while finally the rejected candidature of all the wards
... employees including the present petitioners and instead took
... as all having the
... certificate of fire fighting training under the best of knowledge of the
... petitioners. Hence the said selection at the deprivation of the
... petitioners and other sons/wards of civilians out and out suffers from
... vices of jealousy, partiality and racialism not allowed by law and
... justice and hence this petition before this Hon'ble Court for an
... appropriate writ so that a fresh, free and fair selection may be
... conducted under the control & supervision of high authority of 57 MTN
... DIV. ORD.

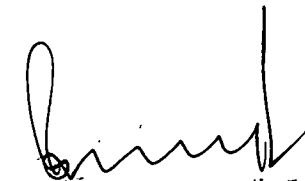
Filed by



Advocate.

26 30

CFC


OIC Adm. & Ser Wing
for Commanding Officer

DISTRICT: CACHAR.

IN THE GAUHATI HIGH COURT.
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAY, MANIPUR,
TRIPURA, MIZORAM AND ARUNACHAL PRADESH)
(CIVIL EXTRA ORDINARY JURISDICTION).

CODE NO. 10063.

W.P.(C) NO/2007.

Shri Nivu Ch. Dey & ors. ... Petitioners.

-Versus-

The State of Assam & ors. ... Respondents.

LIST OF DATES/ INDEX.

Sl.No.	Annexure	Particulars.	Page
1.	-	Writ petition.	1-19
2.	-	Affidavit.	20
3.	1	Copy of letter of respondent No.4 (as he was then) dated 6.7.05 addressing the Director, Fire Service Organisation.	21
	2	List of the candidates (wards of civilian Employees) list A & List B.	22-25
4.	3	A copy of Director, Fire Service letter dated 1.8.05.	26-27
	4, 4(I) & 4(II)	Copies of the letters dated 1.8.05 & 3.8.05 of the Director, Fire Service.	28-30
	5(I) to 5(XVI)	Copies of Certificate of having passed 1 months Fire Fighting training in respect of all the petitioners.	31-45
6.	6	A translated copy of the said adver- tisement dated 19.11.05.	46-48
7.	7	Some of the copies of call letters:	49-54

Filed by


Advocate.

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CTC


Major
OIC Adm & Ser Wing
for Commanding Officer

DISTRICT: CACHAR.

IN THE GAUHATI HIGH COURT.

(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAY, MANIPUR,

TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

(CIVIL EXTRA ORDINARY JURISDICTION).

CODE NO.10063.

W.P.(C) NO/2007.

To

The Hon'ble Shri Jasti Chelameswar, B.Sc., B.L., the Chief Justice of the Hon'ble Gauhati High Court and his Lordships Companion Justices of the said Hon'ble Court.

IN THE MATTER OF:

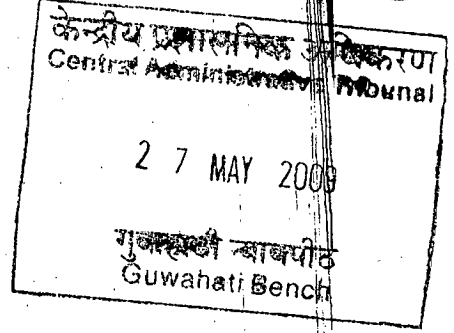
Application under Article 226 of the Constitution of India for issuance of a writ Certiorari and/or Mandamus and/or any other appropriate writ direction or order.

-And-

IN THE MATTER OF:

Arbitrary, illegal and unlawful selection Test conducted by the respondent No.4, authority on 1.5.07 taking 48 nos. candidates for the post of Fireman mainly persons hailing from Punjab, Rajastan and Uttar Pradesh depriving/ rejecting the candidature of petitioners and such others in absolute violation of the norms provided by the

21/14



c/c

Major
OIC Adm. & Ser Wing
for Commanding Officer

concern advertisement who are the wards of
civilian employees under the said
/ respondent/ authority^{and} whom the predecessor
in Office had sponsored to the Director of
Fire Service, Assam, Guwahati on
satisfaction of their physical fitness for
Elementary Fire Fighting Training course and
the said boys having completed the said
course obtaining certificate.

-And-

IN THE MATTER OF:

Advertisement dated 19.11.05 published in
Employment news and other local papers
inviting candidates for Fireman having Fire
fighting Training course certificate and the
time schedule for test subsequently changed
and notified in response to which the
petitioners applied for and after screening of
their applications having appeared in the
physical test but disappointed by whimsical
rejection by the respondent No.4, authority.

-And-

IN THE MATTER OF:

Legitimate expectation of the petitioners of
being selected for the post of fireman having
good physical fitness and they having

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केन्द्रीय प्रशासनिक अपीलकरण
Central Administrative Tribunal

27 MAY 2009

गुवाहाटी बेंच
Guwahati Bench

CTC

OIC Adm. & Ser V
for Commanding Officer

completed the course of Elementary Fire Fighting Training being sponsored by the respondent No.4's predecessor in Office on his satisfaction of their physical fitness as per norms particularly in as much no other candidate facing the test having certificate of Fire Fighting Training like them.

-And-

IN THE MATTER OF:

Violation of petitioners fundamental rights under Article-14, 16 and 21 of the Constitution and Administrative fairness.

-And-

IN THE MATTER OF:

Enforcement of petitioners Constitutional and other legal rights.

-And-

IN THE MATTER OF:


1. Sri Nivu Ch. Dey,
S/O. Narendra Ch. Dey,
R/O. 57 MTN DIV. ORD UNIT,
C/O. 99 APO.
2. Shri Sudip Ch. Paul,
S/O. Jotish Ch. Paul,
R/O. 57 MTN, DIV ORD UNIT,
C/O. 99 APO.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

27 MAY 2009

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Guwahati Bench

CFC


OIC Adm & Ser Wing
for Commanding Officer

3. Shri Joydeep Paul,
S/O. Jotish Paul,
R/O. 57 MTN DIV ORD UNIT
C/O. 99 APO.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

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4. Shri Sujoy Paul,
S/O. L.N. Paul,
R/O. Masempur,
P.S.- Silchar.

5. Md. Jalaluddin Barbhuiya,
S/O. Moskandar Ali Barbhuiya,
C/O. 57 MTN DIV ORD UNIT
C/O. 99 APO.

6. Md. Mohoram Ali Laskar,
S/O. Late Rias Ali Laskar,
R/O. Tarapur, Ramnagar,
P.S.- Silchar.

7. Md. Alam Hussain Laskar,
S/O. Moinul Haque Laskar,
R/O. 57 MTN DIV ORD UNIT
C/O. 99 APO.

8. Shri Auaula Kr. Das,
S/O. Arun Kr. Das,
C/O. 57 MTN DIV ORD UNIT
C/O. 99 A.P.O.

C/O

[Handwritten signature]

Commanding Officer

9. Shri Rajib Sinha,
S/O. Julian Sinha,
C/O. 57 MTN DIV ORD UNIT
C/O. 99 A.P.O.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

27 MAY 2009

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Guwahati Bench

10. Md. Alim uddin Laskar,
S/O A.M. Laskar,
R/O. 57 MTN DIV ORD UNIT,
C/O. 99 A.P.O.


11. Md. Anwar Hussain Barbhuiya,
S/O. Namar Ali,
C/O. 57 MTN DIV ORD UNIT,
C/O. 99 A.P.O.

12. Md. Abdul Noor Laskar,
S/O. Badar uddin Laskar,
C/O. 57 MTN DIV ORD UNIT,
C/O. 99 A.P.O.

13. Shri Sujit Paul,
S/O. S.N. Paul,
C/O. 57 MTN DIV ORD UNIT,
C/O. 99 A.P.O.

14. Md. Bachohu Ali Barbhuiya,
S/O. Liakat Ali,
Vill. & P.O. SSrikona,
P.S. - Silchar.

CTC


Major
OIC Adm & Ser Wing
for Commanding Officer

15. Shri Lalit Sinha,
S/O. Julian Sinha,
R/O. Vill. & P.O. Srikona,
P.S. Silchar.
All are Dist. Cachar, Assam.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

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Guwahati Bench

16. Altaf Hussain Laskar,
S/O. Haris Ali Laskar,
C/O. 57 MTN NIV ORD UNIT,
C/O. 99 A.P.O.

.... Petitioners

(having common cause of action)

-Versus-

1. The Union of India to be represented
Ministry Defence, New Delhi.
2. Major General, Army
Ordinance Corps.
New Delhi.
3. Director General Ordinance Corps,
New Delhi.
4. Lt. Col. SECOND IN Command
57 MTN. DIV ORD UNIT,
Masimpur, Cachar,
Pin 909057, C/O. 99 A.P.O.

.... Respondents.

CTC

Major
OIC Adm & Ser Wing
for Commanding Officer

This humble petition of the petitioner abovenamed;

MOST RESPECTFULLY SHEWETH:

1. That the petitioners are citizen of India having their permanent place of residence in the aforesaid addresses in the district of Cachar and as such as citizens of India they are entitled to the rights and privileges enshrined under the Constitution of India.
2. That the subject of this petition is the grievance and challenge of the petitioners to the arbitrary selection test conducted on 1.5.07 by the respondent No.4/ authority depriving/ rejecting the petitioners for the post of Fireman though the petitioners and some others totaling 41 nos. were as wards of civilian employees under the respondent No.4, sponsored for Elementary course of Fire Fighting Training under the Directorate of Fire service, Assam by the predecessor of Respondent No.4 (who is now transferred and relieved by present respondent No.4). The said authority then sent them on testing their physical fitness for such job/ post in 2005 batch by batch and the petitioners and such others passed the said training, following which there was the advertisement published by the respondent No.4 for recruitment to such posts of Fireman. Petitioners ^{and} such other civilian employees' words applied for the same. Now after the screening of their applications the present Officer, respondent No.4, conducted their physical tests and strangely enough whimsically he rejected candidature of all the wards of civilian employees including the present petitioners and instead took some 40 boys

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GIC Adm & Ser Wing
for Commanding Officer

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from outside Assam who are not at all having the certificate of Fire Fighting Training as per the best of knowledge of the petitioners. Hence the said selection at the deprivation of the petitioners and other sons/wards of civilians out and out suffers from vices of jealousy, partiality and racialism not allowed by law and justice and hence this petition before this Hon'ble Court for an appropriate writ so that a fresh, free and fair selection may be conducted under the control & supervision of higher authority of 57 MTN DIV. ORD.

3. That with the above back drop of the matter the petitioners beg to state that they are the sons/wards of the permanent civilian employees of the 57 MTN DIV ORD UNIT under respondent NO.4 at Masimpur. Petitioners are H.S.L.C. Examination/ H.S. Passed and having good physique, fit for service of any armed force.
4. That the predecessor of respondent No.4 in Office viz Sanjiv Singh, Lt. Col. and Second in Command, 57 MTN DIV in his administrative capacity referred the present petitioners and some other also totaling 45 candidates all wards of the civilian employees under him for fire service trg. Training course to the Director of Fire Service Organization, Assam, Guwahati with a request to train up the boys in the Elementary Fire Fighting course by his letter dated 6.7.05. Thereafter on receipt of the said request the Director Fire Service as per availability of seats by batch wise imparted said Training to these boys by making time to time information.

केन्द्रीय प्रशासनिक आयोग
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Guwahati Bench

CFC

Officer
for the...

Copy of letter of respondent No.4 (as he was then) dated 6.7.05 addressing the Director, Fire service Organization is annexed herewith as Annexure-1.

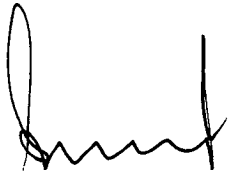
केन्द्रीय प्रशासनिक आयोग
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Guwahati Bench

List of the candidates (wards of civilian employees) list A & list B are annexed as Annexure-2:

5. That the petitioners beg to state that the above idea of sending the physically stout, strong and fit wards of civilian employees was for providing them the scope of being recruited for the service of Fireman as and when such occasion arise in the 57 Mnt. Dev. Ord.
6. That the petitioners and such others wards of the civilian employees under the respondent No.4 as referred to the Director, Fire Service Organization were accepted batch wise in August/ September, 2005 in the said training Centre. In this respect the Director, Fire service Organization, Assam informed the respondent No.4 (as was in said Office then) about the time Schedule and other requirement for the said Training by his letter dated 16.7.05 and batch wise candidates were accepted by letter dated 1.8.05 and 3.8.05.

A copy of Director, Fire Service letter dated 16.7.05 is annexed herewith as Annexure-3.

CFC



OIC Adm & Ser Wing
for Commanding Officer

Copies of the letter dated 1.8.05 and 3.8.05 of the Director, Fire Service are annexed herewith as Annexure 4, 4(1) & 4(ii) series.

केन्द्रीय प्रशासनिक आयोग Central Administrative Tribunal	27	2009
गुवाहाटी Guwahati Bench		

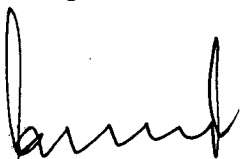
7. That all the present petitioners joined the said training under the Director, Fire service Organization, Assam, Guwahati and successfully completed 1 month Fire Fighting Training and passed in the Final Examination. Thereafter certificates of success were issued to each of them.

Copies of certificate of having passed 1 month Fire Fighting Training in respect of all the petitioners are annexed herewith as Annexure5(I) to 5(XVI) respectively.

8. That the petitioners state that an advertisement was issued in the Employment News dated 19.11.05 by the Office of the respondent No.4 inviting application for the recruitment to the post of Fireman against 64 posts. Said advertisement contained age limit, physical measurement of height and chest etc. It was also provided that candidates should have certificate of six month training course in Fire Fighting Training.

A translated copy of the said advertisement dated 19.11.05 is annexed herewith as Annexure-6.

9. That the petitioner respectfully state that all the petitioners were having quite fit physique as provided by the said

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advertisement and the only lacking was certificate, 6 months training in fire service. However as advised by respondent No.4 (as he was then) all the petitioners applied for against the said advertisement. That the petitioners came to know that among the outside applicants there were none as having even 1 months Fire Fighting Training Course passed, not speak of six months training course consequently, as per petitioners reliable information among all the applicants not single candidate having six months Fire Fighting Training Course passed candidates available except the candidature of petitioners having 1 months training passed.

10. That the petitioners state that the time schedule as per the aforesaid advertisement was not maintained and by subsequent notification date of interview was changed and the nos. of posts from 64 was reduced to 48 posts.

11. That the petitioners state that after screening of their application by call letters dated 4.4.07 all the petitioners were called fixing on 1.5.07 for the physical test in which all the present petitioners attended along with other candidates coming from outside Assam and particularly from Panjab and Rajasthan. As stated above none of the outsiders were having the certificate of Fire Fighting Course passed while the petitioners were having one month training passed certificates as per annexure-5(1) to 5(XVI). It may also be mentioned here the petitioners' physical fitness was out of question which was earlier judged by the predecessor of respondent No.4 while

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sponsoring them for Fireman Training as per annexure 1 & 2. The said call letters provided all the details requirements to be done during the test.

Some of the copies of call letters are annexed herewith as Annexure-7 series:

12. That now with great shock and surprise the petitioners state that the present respondent No.4 ^{while} ~~was~~ conducting the physical test on 1.5.07 rejected the candidature of all the wards of civilian employees including the present petitioners and only be selected some 48 persons, all of whom hail from outside Assam except 2/3. Petitioners further state that as per their information and knowledge none of said selectees are having even the certificate of 1 month course of Fire Fights which are however available with the petitioners and the respondent No.4 has seen such certificates also. But surprisingly he rejected all the petitioners and other wards of civilian employees under him on the point of physical fitness while all of them sufficiently possess the required measurement besides having the Certificates of 1 months Elementary training in fire service as stated above which they obtained after doing the regular course being sponsored by the predecessor of present respondent No.4, authority. It may be mentioned here that those certificates of Fire Fighting Training otherwise establish the fact of their having the physical fitness as per the prescribed measurement for the service of Fireman. That a part, it is surprising that out of the 45 boys including the petitioners as

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sons/ wards of civilian employees under the respondent No.4
 could not be selected as per the measurement petitioners
 categorically states that the said selection test was not at all
 free and fair.

13. That the petitioners respectively state and submit that the present respondent No.4 intentionally rejected all the petitioners' candidature for not taking any candidate as wards of civilian employees and except 2/3 candidates from Barak Valley and all other selectees out of the 48 candidates are having from Panjab, Haryana and Rajasthan. In this context petitioners respectfully submit the respondent No.4 was biased and jealous to wards the petitioners (wards of civilian employees under him) and he succumbed to vice of racialism and partiality.
14. That the petitioners respectfully state and submit that all of them were having exact measurement of height and chest as provided by the advertisement and there was no point of rejecting their candidature questioning the physical fitness. They were deprived by the respondent No.4 most arbitrarily and whimsically only for taking his own persons hailing from that parts of the Country for this purpose only in the call letters which provides all other requirements but do not mention anything about the certificate of Fire Fighting Training which was however mandatory as per the 1st advertisement.
15. That the petitioners respectfully state and submit that conduct of the respondent No.4 in making the impugned selection on

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1.5.07 for the post of Fireman is highly questionable as described above which has violated petitioners fundamental rights under Article-14, 16 and 21. The impugned act of the respondent No.4 is out and out violative of Administrative fairness besides being violative of the principle of Natural Justice.

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16. That the petitioners respectfully state and submit that it is a fit in which this Hon'ble Court would be pleased to interfere and look into the conduct of the selection test held on 1.5.07 under the control and guidance of respondent No.4 by calling for the relevant papers and records of the said selection test by issuance of writ of Certiorari and/or any other appropriate writ as petitioners fundamental right under Article 14, 16 and 21 have been blatantly violated.
17. That the petitioners respectfully state and submit that because of the Arbitrary and whimsical deprivation by the respondent No.4 they have been seriously prejudiced and only at the interference by this Hon'ble Court appropriate justice will provide to them.
18. That all the petitioners ^{are} educated unemployed and are having a common cause of action and as such this common petition has been filed by them seeking the interference of this Hon'ble Court for the ends of justice.
19. That the petitioners requested the respondent No.4 for their accurate test and doing justice to them *but the same is denied.*

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20. That there is no other alternative and efficacious remedy available to them except the remedy prayed by petition from this Hon'ble Court.
21. That this petition is made bonafide and to secure the ends of justice.

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In the premises aforesaid it is therefore prayed that your Lordships would be pleased to admit this petition, call for records and issue Rule on the respondents/ authorities, particularly respondent No.4, Lt. Col. Second in Command, 57 Mtn. Divn ORD., Masimpur, Cachar to show cause as to why a writ of certiorari and/or any other appropriate writ shall not be issued quashing and setting aside the selection of 48 persons for the post of Fireman made on 1.5.07 arbitrarily and intentionally depriving/ denying the petitioners and such other sons and wards of civilian employees under him and why he shall not be directed to conduct ~~the~~ fresh physical test under the supervision of higher authorities or through any other Officer delegated by the such higher authority so that a free and fair selection may be conducted in which the petitioners may have chance of being selected and cause/causes being shown and upon hearing the parties

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cancel the impugned selection conducted on 1.5.07 by respondent No.4 and direct the said authority for a fresh, free and fair selection test to be conducted under the direct guidance of superior authorities and/or pass any other order or orders as your Lordships may deem fit and proper.

-And-

Pending the Rule your Lordships may be pleased to suspend the further proceeding for action out of the impugned selection of Fireman made by respondent No.4 at 57 Mtn.Div. Ord.

C/O. 99 A.P.O. on 15.07.

-And-

For this act of your Lordships kindness the petitioners shall ever pray.

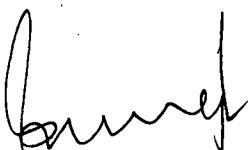
Affidavit.....

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AFFIDAVIT:

I, Shri Lalit Sinha, S/O. Shri Jalan Sinha, aged about 22 years, resident of Masimpur, P.S. Silchar in the District of Cachar do hereby solemnly affirm and state as follows:-

1. That one of I am the petitioners in this case and as such I am acquainted with the facts and circumstances of the case having our common cause where I am instructed by all to take steps on their behalf.

2. That the statements made in this affidavit and in paragraphs 1-3, 5, 9, 10 & 12 to 21 are true to my knowledge and those made in paragraph 4, 6, 7,8 and 11 are matters of records which I believe to be true and correct and the rest are prayer before this Hon'ble Court.

I swear and sign this affidavit on this 25th day of May, 2007 at Guwahati.

Identified by

DEPONENT

Advocate's clerk.

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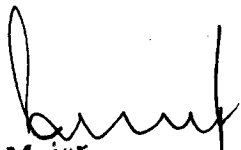
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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
<u>W.P.(C) NO. 2557 OF 2007</u>			
BEFORE - THE HON'BLE MR. JUSTICE ASOK POTSIAGBAM			
26.11.2008			
<p>1. Heard Mr. Rajbarbhuiyan, learned counsel for the petitioners and also heard Mrs. R. Borah, learned Asst. SGI appearing on behalf of respondents 1 to 4 and Mr. M. Dutta, learned counsel for the newly impleaded private respondents 5 to 16.</p>			
<p>2. The case of the petitioners is that they are the sons and wards of permanent civilian employees of 57 MTN DIV ORD UNIT, Masimpur, Cachar, Pin 909057, C/O 99 APO, and on the initiative of the respondent no.4 (former incumbent), the petitioners and some others were given one month's Fire Fighting Training Course under the Directorate of Fire Services, Assam and, as such, it is claimed by the petitioners that they have the necessary training for appointment as Firemen.</p>			
<p>4. An advertisement for appointment of Fireman was issued by the 57 MTN DIV ORD UNIT, Masimpur, Cachar on 19.11.2005 and the qualifications prescribed in the notification is as follows:</p>			
<p><i>"Educational Qualification:- H.S.L.C. Exam. Pass plus Fireman Training passed certificate from any Govt. or Govt. Undertaking Center for 6 months course."</i></p>			
<p>5. It is stated that pursuant to the aforesaid advertisement dated 19.11.2005, the petitioners applied for the post in the prescribed format. It is also stated by the petitioners that on the</p>			

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Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

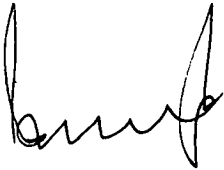
basis of 'Call Letter' dated 4.4.2007, they appeared on 1.5.2007 before the Selection Committee headed by the respondent no.4 for selection of Fireman and after the initial screening, they were rejected arbitrarily at the physical test.

6. It is also averred by the petitioners that none of the 48 persons selected for appointment as Fireman did possess any kind of fire fighting certificate, whereas the petitioners have already undergone one month' fire fighting programme as sponsored by the respondent no.4 (former incumbent) and, as such they should have been selected. It is, further, alleged by the petitioners that baring 2/3 candidates, all other selectees are either from Rajasthan or Punjab or Haryana and the selection process was also sought to be painted with regionalism. Further, it is asserted by the petitioners that the Call Letters for appearance before the Selection Committee was issued to them pursuant to the advertisement dated 19.11.2005, wherein Fireman Training for six months was prescribed as an essential qualification. On the aforesaid ground and premises, this writ petition is filed challenging the selection of 48 candidates without arraying the selected candidates as party respondents. However, respondents 5 to 16, who are the selectees, got themselves impleaded as party respondents vide order dated 6.8.2008 passed by this court in MC Case No.2215/08.

7. The Government respondents have filed an exhaustive affidavit, wherein it is stated that the original notification dated 19.11.2005 has been superseded by a notification dated 20.1.2007 and subsequent corrigendum dated 15.4.2007 (Annexure -5 and 5/A to the affidavit filed by the respondents 1 to 4) and the requirement of passing Fireman Training Course, as

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1	2	3	<p>4</p> <p>stipulated in the notification dated 19.11.2005, has been dispensed with. The petitioners, who are not qualified for the post of Fireman in terms of the earlier notification dated 19.11.2005, as they do not have six months' Fire Fighting Training Course Certificate, became eligible under the subsequent notification and corrigendum, as referred to above and, accordingly the Call Letters dated 4.4.2007 were issued to them. There is no illegality or irregularity in deleting the requirement of Fireman Fighting Training Course by a subsequent notification and corrigendum. Had this not been done, petitioners would not have received the Call Letters, as they stood unqualified under the first notification dated 19.11.2005.</p> <p>8. With regards to the allegation that baring 2/3 candidates, all the 48 selectees are from Punjab, Rajasthan, Haryana, it is explained in the affidavit by the respondents that the aforesaid allegation of the petitioners is without foundation and contrary facts. The break up of the 48 selectees, as given in the affidavit of the respondents, are as follows:-</p> <table border="1" data-bbox="606 1213 885 1474"> <tr> <td>Assam</td> <td>40</td> </tr> <tr> <td>Manipur</td> <td>01</td> </tr> <tr> <td>Haryana</td> <td>04</td> </tr> <tr> <td>Rajasthan</td> <td>02</td> </tr> <tr> <td>Orissa</td> <td>01</td> </tr> <tr> <td></td> <td>48</td> </tr> </table> <p>In view of the above, the allegation is factually incorrect and, therefore, the same does not deserve any further consideration of the court.</p>	Assam	40	Manipur	01	Haryana	04	Rajasthan	02	Orissa	01		48
Assam	40														
Manipur	01														
Haryana	04														
Rajasthan	02														
Orissa	01														
	48														

AGP. High Court-8/01-80,000 21-8-2001

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proceedings

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1	2	3	4
130			<p>9. With regards to the allegation of the petitioners that they were rejected arbitrarily, after the screening, at the physical test, the allegation has no legs to stand in the absence of materials and particulars to substantiate the same. It is not the case of the petitioners that any statutory rules, norms and standing orders have been violated by the Selection Committee while selecting the 48 persons for appointment as Fireman. It is settled position of law that this court is not sitting as an appellate authority to examine and substitute the findings and recommendations of the Selection Committee.</p> <p>10. Having regards to the nature of the grievances of the petitioners and in the light of the above discussions and upon hearing of the learned counsel for the parties, this court is of the opinion that the petitioners have failed to make out a case for an interference by this court. Accordingly, this writ petition is dismissed as devoid of merit. No cost.</p> <p>11. Interim order, if any, stands vacated.</p>

Sd/ Asok. Potsangbam
Judge

CERTIFIED TO BE TRUE COPY
Date: 28.11.08
Superintendent (Copying Section)
Gauhati High Court
Authorised U/S 76, Act 1, 1872

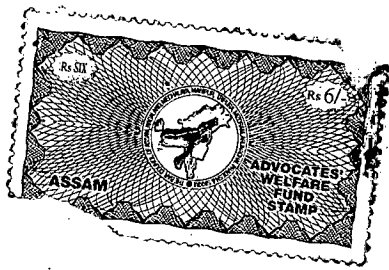
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File in Court on.....9/2/09
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Court Officer.



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA NO. 15 12009

Sri Zahir Hussain Barbhuiya 2008 -
.....APPLICANT (S)

-VS-

Union of India 2008 -
.....RESPONDENT (S)

MEMO OF APPEARANCE

I, Kankam DAS having been authorized by Govt. of India, Ministry of Law and Justice, Department of Legal Affairs, hereby appear for respondents No. 1 to 3..... and undertake to plead and act for them in all matters in the aforesaid case.

Place:

Date: 9-2-09

Sri Kankam Das
9-2-09

Signature and Designation of the Counsel