

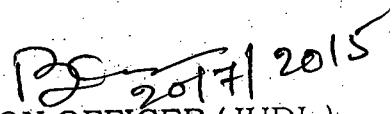
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

DESTRUCTION OF RECORD RULES, 1990)

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O.A./TA/ NO. 248/09/2005-2008
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SECTION OFFICER (JUDL.)

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

1. ORIGINAL APPLICATION No : 248/ 2009

2. Transfer Application No : -----/2009 in O.A. No.-----

3. Misc. Petition No : -----/2009 in O.A. No.-----

4. Contempt Petition No : -----/2009 in O.A. No.-----

5. Review Application No : -----/2009 in O.A. No.-----

6. Execution Petition No : -----/2009 in O.A. No.-----

Applicant (S) : Babul Chandra Das

Respondent (S) : M. O. I. 902

Advocate for the : Adil Ahmed, N. Ahmed
{Applicant (S)}

Advocate for the : C.G.S.C
(Respondent (S))

Notes of the Registry	Date	Order of the Tribunal
1. Application is in form is filed on 25.11.09 Date of filing is 25.11.09 No. 396/438457 Dated 25.11.09 <i>N. Ahmed</i> Dy. Registrar 26.11.09	27.11.2009	<p>Heard Mr.A.Ahmed, learned counsel appearing for Applicant.</p> <p>Notice be issued to the Respondents requiring them to file their reply to this case by 08.01.2010.</p> <p>List on 08.01.2010.</p> <p>(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta) Member (A) Member (J)</p> <p>/bb/</p>
2. Steps taken alongwith envelops. Copy served.	27.11.2009	<p>Heard Mr.A.Ahmed, learned counsel appearing for Applicant.</p> <p>Notice be issued to the Respondents requiring them to file their reply to this case by 08.01.2010.</p> <p>List on 08.01.2010.</p> <p>(Madan Kumar Chaturvedi) Member (A)</p> <p><i>26/11/09</i></p> <p><i>S.O.C.J.</i></p>
3. Issue notice to the Respondents urgent.	27.11.2009	<p>Heard Mr.A.Ahmed, learned counsel appearing for Applicant.</p> <p>Notice be issued to the Respondents requiring them to file their reply to this case by 08.01.2010.</p> <p>List on 08.01.2010.</p> <p>(Madan Kumar Chaturvedi) Member (A)</p> <p><i>26/11/09</i></p> <p><i>K. Das</i></p>

Copies of notices O.A.248 of 09
along with order
dated 27/11/09 send
to D/See. for serving
to the respondents
by regd. A/D part.

Cl D/No - 12778/09
1/12/09. D/L 12781
03-12-2009

No W/S filed.

33
7.1.2010

No W/S filed.

33
29.1.2010

No W/S filed.

33
19.2.2010

22.2.2010

W/S has been
filed by the re-
spondents in the
Court. Copy served.
H.R. 2010

W/S filed.

33
22.3.2010

19.4.10
No rejoinder filed.

8.1.2010

Time is extended by 3 weeks as prayed

for.

List the matter on 1.2.2010.

33
(Madan Kumar Chaturvedi) Member (A)

33
(Mukesh Kumar Gupta) Member (J)

01.02.2010

Time is extended by three weeks, as
prayed for, to Respondents to file reply.

List on 22.02.2010.

33
(Madan Kumar Chaturvedi) Member (A) (Mukesh Kumar Gupta) Member (J)

/bb/

22.02.2010

Time is extended to file reply, as
prayed for by proxy counsel for Respondents.

List on 23.03.2010.

33
/bb/

23.03.2010

Written statement has been filed on
22.03.2010. Mr.A.Ahmed, learned counsel for
the applicant requires three weeks time to
file rejoinder.

List on 20.04.2010.

33
(Madan Kr. Chaturvedi)
Member (A)

/bb/

12

20.04.2010

On the request of proxy counsel for applicant adjourned to 10.5.2010.

- ① No bisection.
- ② No responder bisection.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

33
7.15.2016

10.05.2010 This is a Division Bench matter. List the matter on 3rd June 2010.

Rejestracja na
tylek.

(Madan Kumar Chaturvedi)
Member (A)

26.2.2010

Lm

03.06.2010 Rejoinder has not been filed though time has been extended to do so vide orders dated 23rd March 2010, 20th April 2010 and 10th May 2010. Applicant appears to be interested to file is not entrusted for rejoinder.

In the circumstances, list for hearing on 11.06.2010.

Rejoinder, if any, be filed before the next date of hearing.

Rejoinder filed
on behalf of the
applicant with a brief
kinderberking, in the name of
the Ministry of Justice

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

/PB/

תְּמִימָה תְּמִימָה תְּמִימָה תְּמִימָה תְּמִימָה תְּמִימָה תְּמִימָה

1001

11.06.2010

Learned proxy counsel for applicant
prays for adjournment stating that Mr
A.Ahmed has some personal difficulty. Mr
M.U.Ahmed, learned counsel for the
respondents submits that applicant has filed
rejoinder, Copy of which has been served
upon him only today. He seeks some time to
peruse the said rejoinder.

In the circumstances adjourned to

18.6.2010.

17.6.2020

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

On the request of Mr A. Ahmed, learned counsel for applicant, adjourned to 29.06.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

DETAILED 10/06/2010 29.06.2010

Heard Mr. A. Ahmed, learned counsel for Applicant and Mr. M.U. Ahmed, learned Addl. CGSC for Respondents.

Hearing concluded. Reserved for
s.

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

/ɒb/

187

12.07.2010

Judgment pronounced
court. Kept in separate sheets.

O.A. is dismissed. No costs.

(Madan Kumar Chaturvedi)
Member (A)

Mukesh Kumar Gupta
Member (J)

/ɒɒ/

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.248 of 2009

DATE OF DECISION: 12.7.2010

Shri Babul Chandra Das

APPLICANT(S)

Mr A. Ahmed

ADVOCATE(S) FOR THE
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE(S) FOR THE
RESPONDENT (S)

CORAM:

The Hon'ble Shri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar 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

 Member (J) 

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No.248 of 2009

Date of Order: This the 12th day of July 2010

The Hon'ble Sri Mukesh Kumar Gupta, Judicial Member

The Hon'ble Shri Madan Kumar Chaturvedi, Administrative Member

**Shri Babul Chandra Das,
S/o Rasraj Das,
Assistant,
Indian Institute of Handloom Technology,
Ministry of Textiles, Government of India,
Jawaharnagar, Khanapara,
Guwahati-781022.**

..... **Applicant**

By Advocate Mr A. Ahmed.

- versus -

1. **The Union of India, represented by the
Secretary to the Government of India,
Ministry of Textiles,
Udyog Bhavan, New Delhi-110011.**
2. **The Development Commissioner for Handloom
Ministry of Textiles, Government of India,
Udyog Bhawan, New Delhi-110011.**
3. **The Director (Eastern Zone)
Weavers' Service Centre,
Ministry of Textiles, Government of India,
Indian Institute of Handloom Technology (IIHT) Campus,
Jawaharnagar, Khanapara, Guwahati-781022.**
4. **Shri Lakheswar Barman
Office Superintendent,
Weavers' Service Centre,
Ministry of Textiles, Government of India,
Jawaharnagar, Khanapara,
Guwahati-781022.** **Respondents**

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

.....

ORDERMUKESH KUMAR GUPTA, JUDICIAL MEMBER

Babul Chandra Das, Assistant, Indian Institute of Handloom Technology, Ministry of Textiles, Guwahati, in this O.A. challenges order dated 31.08.2009 (Annexure-21) whereby Shri L. Barman has been declared qualified in the Departmental Examination held on 28.02.2009 and 01.03.2009 for the post of Office Superintendent. He seeks direction to respondents to hold Departmental Examination for aforesigned post for reserve vacancies for SC category as well as to hold Review DPC maintaining proper roster for selection to said post with all consequential benefits.

2. Facts, as stated are that: he belongs to SC community; was appointed as LDC in 1982; promoted as UDC on ad hoc basis vide Office Order dated 23.06.1986 and regularised w.e.f. 21.04.1992 vide order dated 11.12.1992. Next promotion from the post of UDC is to the post of Accountant. UDC with 8 years regular service, as per Recruitment Rules, is eligible for promotion to said post. Since he belongs to reserved community, he was entitled for certain relaxation and though he had 10 years service as UDC but not promoted, submitted representation dated 07.08.1996 seeking promotion to said post for backlog vacancies reserved for SC community whereby one post of Accountant in Weavers' Service Centre (WVC) for short, Agartala has been kept reserved for SC community. One post of Accountant at serial No.15 was reserved for SC community at WSC Agartala vide Director (Coordination), Ministry of Textiles' letter dated 26.06.1989. Under the special recruitment drive, he ought to have been considered for promotion as no other SC candidate was

available for said post. Ultimately, vide order dated 21.08.1997 he was promoted as Accountant on ad hoc basis. Surprisingly, vide order dated 07.10.1999 he was reverted to the post of UDC which was termed 'in public interest'. No plausible and authentic reasons were disclosed. Shri R.C. Hambram (ST), UDC was promoted to post of Accountant on 13.08.1988 at WSC Agartala though as per Director (Coordination) letter dated 26.06.1989 said post was reserved for SC community. Furthermore, Shri R.C. Hambram was regularised as UDC w.e.f. 21.04.1992 vide order dated 11.12.1992 and, therefore, he was ineligible for promotion. Being aggrieved, he submitted representation dated 28.01.2000 followed by reminders dated 12.07.2000 and 19.09.2000. Without considering the same, he was transferred to WSC Imphal as UDC vide order dated 06.06.2003. In the year 2004 said post of Accountant was redesignated as Assistant. Vide order dated 04/20.07.2005, he was promoted to the post of Assistant. On being relieved vide Imphal Office Order dated 29.07.2005, he joined said post at Guwahati.

3. His grievance is that the next higher post is Office Superintendent, to be filled by two modes namely, 50% by promotion and 50% by Departmental Examination. As per Recruitment Rules, Deputy Superintendent/Accountant/Assistant with 3 years regular service in the grade is eligible for promotion. Similarly Deputy Superintendent/Accountant/Assistant with 3 years regular service and UDC with 10 years regular service in the grade is eligible for Departmental Examination. Vide Circular dated 14.01.2005 Limited Departmental Competitive Examination was notified for filling up vacancies Un-reserved under Zonal Departmental Examination Quota for said post. Though he appeared, but was not selected for said post.

The respondents convened DPC to consider officials for said post in the year 2008 and promoted Shri S.K. Yadav (unreserved) for said post. Since he had not been promoted, he submitted an application under RTI Act, and vide letter dated 18.06.2008 certain information were provided about the vacancies of Office Superintendent in East Zone, perusal of which reveals that Shri R.K. Biswas and Smt Y.B. Devi were promoted to said post of Office Superintendent based on DPC's recommendation w.e.f. 13.08.1988 i.e. on the same date. It was stated that promoting said two officials on the same date violated the Recruitment Rules, which provides two modes of promotion namely, 50% by promotion and 50% by Departmental Examination. Only one post of SC occurred during 1992-96 but due to non-availability of eligible SC candidate none could be promoted. Learned counsel for applicant contended he being the only SC eligible candidate ought to have been considered. Vide Circular dated 20.02.2009 the respondents had notified to fill up one vacancy in the said grade for unreserved category. Though he appeared in the said examination but vide impugned communication he was declared not successful. Contention raised is that not even a single reserved category candidate had been promoted to said post till date. His representation did not yield any positive results. In the Departmental Examination held for said post, the respondents ought to have relaxed the standard norms for SC community candidates. After decentralization of the Department into four zones on 01.09.1997 the respondents have promoted total 9 officials to the post of Office Superintendent till 2009 under the Eastern Zone, out of which 5 were recruited based on departmental examination. Not even a single SC category candidate had been promoted. Furthermore, the respondents have not

maintained the roster properly and, therefore, he ought to have been promoted against the backlog vacancies as well as based on relaxed standard.

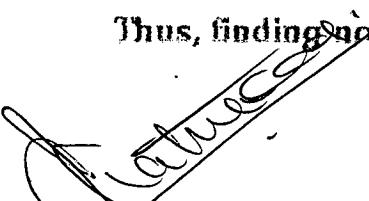
4. By filing reply the respondent Nos.1-3 contested the claim laid stating that recruitment/promotion made on or after 02.07.1997 has to be based on "post based", roster instead of "vacancy based". As per roster, no post of Office Superintendent was earmarked/reserved for SC community. Department has maintained the norms and ratio fixed for said post. Authenticity of letter dated 08.08.1989 relied upon by him has not been established. Order by which he was promoted as Accountant on ad hoc basis clearly stipulated that it would not confer on him any legal right either to continue in the higher post indefinitely or for promotion on regular basis. Promotion of Shri R.C. Hambram (ST) to the post of Accountant on 13.08.1998 in WSC Agartala was based on recommendations of DPC. Applicant completed 10 years of regular service as UDC in 2002 and then became eligible to appear in the Departmental Examination, though he was not eligible for promotion to post of Office Superintendent under 50% quota. In the Departmental Examination held in 2005 for unreserved vacancies, he appeared but could not qualify. Shri S.K. Yadav was promoted to said post based on recommendations of DPC held in 2008. Applicant was promoted to the post of Assistant on 10.08.2005 against reserved SC quota and at that point of time he was not eligible for promotion based on DPC as he had not completed the eligibility on the crucial date prescribed for said purpose. He became eligible only from 01.01.2009 subject to fulfillment of benchmark in ACR. At that point of time, no vacancy existed to promote him to the post of Office Superintendent against reserved

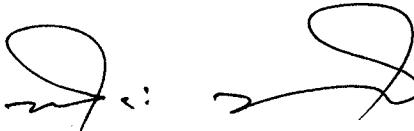
quota and, therefore, he could not be promoted. Name of B.K. Majumdar had not been reflected in communication dated 18/26.06.2009 issued under RTI Act as by that time he had already resigned. Applicant appeared in the Departmental Examination notified vide Circular dated 20.02.2009 but did not qualify. Shri L. Barman who had qualified in aforesaid examination was promoted as Office Superintendent and joined at WSC, Guwahati on 13.11.2009. Departmental Examination for said post was conducted as per norms of Recruitment Rules and there is no illegality in it. There is no violation of either Recruitment Rules or roster point as projected.

5. We have heard learned counsel for parties, perused the pleadings and other material placed on record. Question which arises for consideration is whether he is eligible for promotion to the post of Office Superintendent by either modes namely, 50% by promotion and 50% by Departmental Examination. It is undisputed fact that he appeared in the Departmental examinations held in the year 2005 as well as 2009 but could not qualify. Thus, as far as this mode of recruitment is concerned he was not eligible at all. Similarly, as per Recruitment Rules, to become eligible under 50% quota for promotion, one has to satisfy the eligibility conditions prescribed therein namely, 3 years regular service in the grade i.e. Assistant. Admittedly, he was appointed as Assistant on regular basis vide order dated 04/20.06.2005 and, therefore, he had not completed 3 years regular service by 01.01.2008, which was the cut-off date as per O.M.s in vogue to determine eligibility. By that time he had rendered only two years five months service and, thus, was ineligible. For determining crucial date of eligibility for promotion, in terms of DOPT O.M. dated 17.09.1991, first day of crucial year is the year on which

vacancy occurred, should be taken irrespective of whether ACRs are written financial year wise or calendar year wise. Thus, it could be concluded that he had not fulfilled the eligibility criteria for departmental promotion on 01.01.2008, nor he had qualified the Departmental Examination by virtue of examination result. Examination the case from either angle, we have no hesitation to conclude that neither had he qualified the Departmental Competitive Examination nor was he eligible for promotion under promotion quota. Allegation of not maintaining proper roster is made without any justification and no cogent material has been placed or produced to establish said allegation. Similarly, no specific material has been pointed out as to how the respondents violated the prescribed percentage for recruitment to said post. In our considered opinion challenge made to communication dated 31.08.2009 vide which Shri L. Barman was declared qualified in the Departmental Examination is without any substance and basis. It is not in dispute as on date also there is no vacancy against which he could be considered for promotion. Mere eligibility is not sufficient for promotion. One has to be within the zone of consideration and vacancy should be available/earmarked for each category. He has miserably failed to establish that any vacancy was earmarked for SC candidate and yet he had been denied promotion to said post.

6. Thus, finding ~~no~~ merit, O.A. is dismissed. No costs.


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER


(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

2nd NOV 2009

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI गुवाहाटी न्यायपीठ

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 248 OF 2009.

Shri Babul Chandra Das

..Applicant

-Versus-

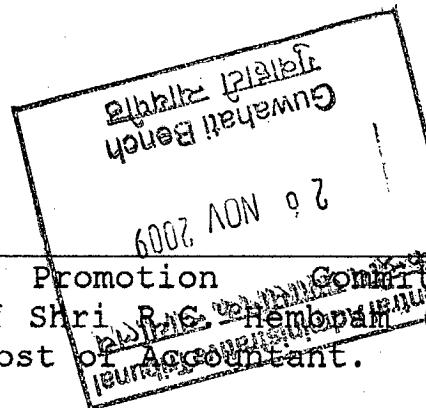
The Union of India & Others

..Respondents

SYNOPSIS & LIST OF DATES

29.10.1982 Para 4.3 Annexure 1	Applicant was selected for the post of Lower Division Clerk through Staff Selection Commission in the Weaver's Service Centre, Ministry of Textiles.
23.06.1986 Para 4.3	Applicant was promoted to the post of Upper Division Clerk (UDC) on ad-hoc basis.
27.06.1986 Para 4.3 Annexure 2	Applicant joined as UDC on 27.06.1986 at WSC, Agartala.
Year 1987 Para 4.3	The Government of India, Ministry of Textiles decentralized the Weavers Service Section and Indian Institute of Handloom Technology into 4 (four)-zone.
26.06.1989 Para 4.6 Annexure 6	The Director (Coordinator) informed that there are 22 posts of SC and 5 posts of ST under Group 'C' has been allotted to various WSCs/IIHTs upto 31.8.1989 and one post of Accountant has been reserved for SC candidate at WSC, Agartala in the East zone.
27.10.1992 Para 4.16 Annexure-18	The Respondent No.3 appointed 4 officiating Office Superintendent as Superintendent on regular basis in the WSC/IIHT through Departmental examination.
11.12.1992 Para 4.4 Annexure 3	The service of the Applicant was regularised as UDC.
07.08.1996 Para 4.5 Annexure 5	The Applicant submitted a representation before the competent authority for consideration of his promotion to the post of Accountant.
21.08.1997 Para 4.7 Annexure 7	Applicant was promoted to the post of Accountant on ad-hoc basis.
27.08.1997 Para 4.7 Annexure 8	Applicant has joined as Accountant in the WSC, Agartala.

Babul Ch. Das



13.08.1998 Para 4.9	The Departmental Promotion considered the name of Shri R.G. V. Hempham (UR) Accountant for promotion to the post of Accountant.
07.10.1999 Para 4.8 Annexure 9	The Respondent No.3 reverted the Applicant to the post of UDC from the post of Accountant.
28.01.2000 Para 4.10 Annexure 10	Applicant submitted a detailed representation before the Respondent No.3 against the reversion order dated 07.10.1999 and requested to consider his promotion to the post of Accountant.
12.07.2000 Para 4.11 Annexure 11	Applicant submitted representation before the Respondent No.2 against the reversion order dated 07.10.1999.
20.07.2000 Para 4.17	The Govt. of India, Department of personnel and Training has clarified that the backlog vacancies would be treated as distinct group and would not subject to 50% ceiling.
19.09.2000 Para 4.11 Annexure 12	Applicant submitted representation before the Respondent No.3 against the reversion order dated 07.10.1999.
06.06.2003 Para 4.12	Applicant was transferred from WSC, Agartala to WSC, Imphal
Year 2004 Para 4.12	The post of Accountant was re-designated as Assistant.
14.01.2005 Para 4.15 Annexure 16	The Respondent No.3 notified the LDC Examination for filling up vacancies of unreserved category to the post of Office Superintendent.
04/20.06.2005 Para 4.13 Annexure 13	Applicant was promoted to the post of Accountant.
29.07.2005 Para 4.13 Annexure 14	Applicant was relieved from the office of the WSC, Imphal.
Year 2008 Para 4.16	The Respondents conducted departmental promotion Committee and promoted Shri S.K. Yadav (UR) to the post of Office Superintendednet.
20.02.2009 Para 4.18 Annexure 19	The Respondents notified for filling up of the post of Office Superintendent (UR) in various WSC/IIHT through Departmental examination.
11.06.2009 Para 4.19 Annexure 20	Applicant submitted a representation for maintain the Roster for reserved category candidate.
18/26.06.2009 Para 4.16 Annexure 17	The Respondent No.3 provides some information under RTI Act regarding vacancies of Office Superintendent under the Eastern zone.
31.08.2009 Para 4.20 Annexure-21	The Respondent No.3 without considering the representation of the Applicant selected Shri L. Barman i.e. the Respondent No.4 through Departmental examination to the post of Office Superintendent.

Babul Ch. 2009

26 NOV 2009

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 248 OF 2009.

Shri Babul Chandra Das

.. Applicant

-Versus-

The Union of India & Others

.. Respondents

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Babul Ch. Das

26 NOV 2009

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25. w/s

55-91

Date: 26/11/09

Filed by

Nuruddin Ahmed
Advocate

Rebutal objections

20 NOV 2009

Guwahati Bench
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL
ACT 1985)

ORIGINAL APPLICATION NO. 248 OF 2009.

FILED BY

Sir Babul Ch. Das
Secretary
through Narendran Ghosh
Advocate

BETWEEN

Shri Babul Chandra Das
Son of late Rasraj Das
Assistant,
Indian Institute of Handloom
Technology, Ministry of
Textiles, Government of India,
Jawaharnagar, Khanapara,
Guwahati, PIN-781022

Applicant

-AND-

- 1] The Union of India,
represented by the Secretary to
the Government of India,
Ministry of Textiles,
Udyog Bhavan, New Delhi
PIN-110011.
- 2] The Development Commissioner for
Handloom, Ministry of Textile,
Government of India,
Udyog Bhawan, New Delhi,
PIN-110011.
- 3] The Director (Eastern Zone),
Weavers' Service Centre
Ministry of Textiles,
Government of India, Indian
Institute of Handloom
Technology (IIHT) Campus,
Jawaharnagar, Khanapara,
Guwahati, PIN-781022.
4. Shri Lakheswar Barman
Office Superintendent
Weavers' Service Centre
Ministry of Textiles,
Government of India,
Jawaharnagar, Khanapara,
Guwahati, PIN-781022

Respondents

Babul Ch. Das

20 NOV 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

DETAILS OF THE APPLICATION

1) PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is made against the impugned order No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 issued by the Respondent No.3 whereby the Respondents have selected the Respondent NO 4 to the post of office Superintendent by depriving the Applicant for getting his selection to the said post under the relax standard maintained for SC candidate in the Departmental Examination and also till date the Respondents have not conducted any departmental examination for selection to the post of Office Superintendent in the reserved vacancies after decentralization of the department in the year 1987. Further, the Respondents have violated the Recruitment Rule for selection to the post of Office Superintendent by exceeding the ratio of 50% in the Departmental Examination.

2) JURISDICTION OF THE TRIBUNAL:

That the Applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3) LIMITATION:

The Applicant declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your Applicant is an Indian citizen by birth and as such he is entitled to all rights and privileges

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guaranteed under the Constitution of India and laws
framed thereunder from time to time.

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4.2) That the Applicant belongs to Scheduled Castes community and as such he is also entitled to get all the service benefits under the reservation policy for SC/ST issued by the Government of India from time to time.

4.3) That the Applicant was selected to the post of Lower Division Clerk (LDC in short) through Staff Selection Commission in the Weaver's Service Centre (WSC in short) under the Ministry of Textile, Government of India vide Memorandum No.WSC/AGT-2(2)/810-14 dated 29.10.1982. He joined as LDC on 10.11.1982 in the office of the WSC, Agartala in the state of Tripura. He was promoted to the post of Upper Division Clerk (UDC in short) on ad-hoc basis vide office order No.WSC/BOM/E-161/III/3942 dated 23.06.1986 issued by the Respondent No.3 and he joined on 27.06.1986 at WSC, Agartala. In the year 1987 the Government of India, Ministry of Textiles decentralized the Weavers Service Section and Indian Institute of Handloom Technology into 4 (four)-zone all over India. Each of the zone are to be controlled by Zonal Director and the non-gazetted cadre has also been made on the basis of Region-wise. Each of the zones with Headquarter covering the area is quoted below for kind perusal of this Hon'ble Tribunal.

Sl No.	Zone	WSC/IIHT covered	Headquarter
1.	East Zone	WSC, Guwahati, Kolkata, Imphal, Bhubaneswar, Agartala and IIHT, Guwahati	Guwahati
2.	West Zone	WSC, Mumbai, Ahmedabad Indore, Nagpur, Rajgarh	Mumbai

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3. North Zone WSC, Delhi, Panipat, Meerut Delhi
Chamoli, Varansi, Jaipur
& IIHT, Varanasi, Jodhpur

4. South Zone WSC, Chennai, Vijayawada
Hyderabad, Kancheepuram,
Cannanore, Bangalore and
IIHT, Salem

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Copy of the Memorandum No. WSC/Gau/Adm.1(23)/Part.II/92/5404 dated 29.10.1982 is annexed herewith and marked as Annexure-1.

Copy of the joining report dated 27.06.1986 as UDC of the Applicant is annexed herewith and marked as Annexure 2.

4.4) That the post of Applicant as Upper Division Clerk was regularised w.e.f. 21.04.1992 vide office order No. WSC/Gau/Adm.1(23)/Part.II/92/5404 dated 11.12.1992 issued by the Respondent No.3.

Copy of the office order No. WSC/Gau/Adm.1(23)/Part.II/92/5404 dated 11.12.1992 is annexed herewith and marked as Annexure-3.

4.5) That the next promotion from the post of UDC is Accountant. As per Departmental Recruitment Rule, 8 years service of UDC is required for promotion to the post of Accountant. Being a Scheduled Caste category person the Applicant is also entitled for certain relaxation for getting promotion to the post of Accountant. Inspite of aforesaid relaxation and also 10 years of service experience as UDC, the Applicant case for promotion to the post of Accountant was not considered by the Respondents. Being aggrieved the Applicant submitted a representation on 07.08.1996.

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before the Joint Development Commissioner for Handlooms, Office of the Development Commissioner for Handlooms, Ministry of Textiles, New Delhi requesting him to consider his promotion to the post of Accountant under the backlog vacancies reserved for Scheduled Castes community in the Eastern zone. In the aforesaid representation he has referred the letter No.A-14019/6/82-DCH/E-II dated 08.08.1989 issued by the office of the Development Commissioner, Ministry of Textiles, Government of India whereby one post of Accountant in the WSC, Agartala under the Eastern Zone has been kept reserved for SC category candidate under the Special Recruitment Drive for SCs/STs. Inspite of best efforts the Applicant could not produce the letter dated 08.08.1989 before this Hon'ble Tribunal as the same has been misplaced, therefore, the Applicant humbly pray before this Hon'ble Tribunal to direct the Respondents to produce the letter dated 08.08.1989.

Copy of the Recruitment Rule for the post of Accountant is annexed herewith and marked as Annexure-4.

Copy of the representation dated 07.08.1996 submitted by the Applicant is annexed herewith and marked as Annexure-5.

4.6) That it is to be stated here that the Director (Coordination), Ministry of Textiles, Government of India vide communication letter No.WSC/BOM/E-1(81)/VIII/1943 dated 26.06.1989 to the Deputy Development Commissioner for Handlooms, Ministry of Textiles Govt. of India informed that there are 22 posts of SC and 5 posts of ST under Group 'C' has been allotted to various WSCs/IIHTs upto 31.8.1989. Accordingly name of centre and vacancy position of SCs/STs has been annexed through statements in the aforesaid

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letter. As per the said statements Guwahati Bench गুৱাহাটী ন্যায়পাঠ Wise/IIHT-wise and WSC-wise earmarked for SCs /STs upto 1989, one vacant post of Accountant in Sl. No.15 of the said statements was earmarked for SC category candidate in the WSC Agartala under the Eastern zone. At that relevant time except the instant Applicant no other SC candidate were eligible for the promotion to the post of Accountant in the Eastern zone. Therefore, under the Special Recruitment Drive the Applicant name should have been considered by the Respondents for promotion to the post of Accountant as there were no SC candidate available for the said post. However, the Respondents did not consider the name of the Applicant for the post of Accountant due to the reason best known to them.

Copy of the letter No.WSC/BOM/E-1(81)/VIII/1943 dated 26.06.1989 is annexed herewith and marked as Annexure 6.

4.7) That the Applicant was promoted to the post of Accountant vide office order No.WSC/GAU/Admn.1(22)/97/2074 dated 21.08.1997 in the pay scale of Rs.1400-40-1800-EB-..-2300/- on ad-hoc basis. He joined as Accountant on 27.08.1997 in the WSC, Agartala.

Copy of the office order No.WSC/GAU/Admn.1(22)/97/2074 dated 21.08.1997 is annexed herewith and marked as Annexure-7.

Copy of the joining letter dated 27.08.1997 is annexed herewith and marked as Annexure-8.

4.8) That surprisingly the Respondent No.3 vide office order No.WSC/GAU/Admn.1(23)/99/2415 dated 7.10.1999

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reverted the Applicant to the post of UDC from the post of Accountant in public interest with immediate effect and posted at WSC, Agartala. The Respondents have cited the aforesaid reversion as a public interest but no authentic reason or reasons has been disclosed in the said order. The Applicant has kept in dark by the Respondents about the reason/reasons for so called reversion from the post of Accountant to UDC in public interest.

Copy of the Office order No.WSC/GAU/Admn.1 (23)/99/2415 dated 7.10.1999 is annexed herewith and marked as Annexure-9.

4.9) It is worth to mention here that the Departmental Promotion Committee considered the name of Shri R.C. Hembram (ST) UDC for promotion to the post of Accountant on 13.08.1998 in the WSC, Agartala although the said post has been reserved by the Director (Coordination), Ministry of Textiles, Govt. of India for SC category candidate vide letter dated 26.06.1989. Further it is to be stated that the service of Shri R.C. Hembram as UDC was regularised w.e.f. 21.04.1992 vide office order No.WSC/Gau/Adm.1(23)/Part.II/92/5404 dated 11.12.1992 alongwith the Applicant (Annexure-3 of the instant O.A.). The Respondents have promoted Shri R.C. Hembram, UDC to the post of Accountant on regular basis through Departmental Promotion Committee although he has not completed 8 years required service as UDC at the relevant time i.e. on 13.08.1998. Moreover, the said post of Accountant was not reserved for ST as per the letter dated 26.06.1989.

4.10) That being aggrieved by the reversion order of the Applicant to the post of UDC, he submitted a detailed representation on 28.01.2000 before the Respondent No.3. In the said representation he has stated that though he

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has rendered unblemished service as Accountant for two years on ad-hoc basis but he has been ~~reverted back to~~ to the post of UDC without giving any authentic reason/reasons. Further, he also stated that there is one vacant post of Accountant is reserved for SC in Eastern zone as per roster point as communicated and clarified by the authorities vide their letter dated 08.08.1989.

Copy of the representation dated 28.01.2000 is annexed herewith and marked as Annexure-10.

4.11) That the Applicant submitted two representations on 12.07.2000 and 19.09.2000 before the Respondent No.2 and 3 respectively against the aforesaid reversion order dated 07.10.1999.

Copy of the representation dated 12.07.2000 is annexed herewith and marked as Annexure-11.

Copy of the representation dated 19.09.2000 is annexed herewith and marked as Annexure-12.

4.12) That the Respondents without considering the Applicant representations for his promotion to the post of Accountant, transferred him to WSC, Imphal as UDC vide office order No WSC/GAU/Admn.1(22)/2002/2301-2306 dated 06.06.2003. In the year 2004 the post of Accountant was re-designated as Assistant by the Respondents.

4.13) That the Applicant was promoted to the post of Assistant vide office order No WSC/GAU/Admn-1(23)/2003/2159 dated 04/20.06.2005 issued by the Respondent No.3. He was relieved from the office of the WSC, Imphal vide office order No. WSC/IMP/Estt.1(2)/03-

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05/442 dated 29.07.2005 and instructed ~~Guwahati Bench~~ ~~Guwahati~~ in the Indian Institute of Handloom Technology, Guwahati.

Copy of the office order No WSC/GAU/Admn-1(23)/2003/2159 dated 04/20.06.2005 is annexed herewith and marked as Annexure 13.

Copy of the office order No WSC/IMP/Estdt.1(2)/03-05/442 dated 29.07.2005 is annexed herewith and marked as Annexure 14.

4.14) That the post of Office Superintendent is based on selection. The Recruitment Rule provides that there are two modes of promotion to the cadre of Office Superintendent i.e. 50% by promotion and 50% by Departmental examination. The Recruitment Rule to the post of Office Superintendent provides ten years of regular service as UDC or three years of regular service as Assistant. The Applicant has completed 10 years of regular service as UDC in the year 2002. Therefore the Applicant was eligible for promotion to the post of Office Superintendent.

Copy of the Recruitment Rule is annexed herewith and marked as Annexure-15.

4.15) That the Respondent No.3 vide Office Circular No. WSC/NZ/DLH/O.S./D.Exam/12(8)/137 dated 14.01.2005 notified the Limited Departmental Competitive Examination 2005 for filing up vacancies unreserved under Zonal departmental examination quota for selection to the post of Office Superintendent. The Applicant appeared in the said examination held for the selection to the post of Office Superintendent. But he was not selected for the said post.

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Copy of the Office Circular No.
WSC/NZ/DLH/O.S./D.Exam/12(8)/GB Wahali Bench dated
14.01.2005 is annexed herewith and marked as
Annexure 16.

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4.16) That after the Limited Departmental Competitive Examination for selection to the post of Office Superintendent in the year 2005, the Respondents conducted Departmental Promotion Committee (DPC in short) in the year 2008 for promotion to the post office Superintendent. The Respondents have promoted S.K. Yadav (UR) to the post of office Superintendent.

It is to be stated that in reference to an application of the Applicant under the RTI Act seeking information regarding vacancies of Office Superintendent in East Zone, the Public Information Officer i.e. the Respondent No.3 vide letter No. WSC/GAU/Admn.-1(53)/04/1204 dated 18/26.06.2009 provided some information to the Applicant about the vacancy position to the post of Office Superintendent. From the said information dated 18/26.06.2009 gathered under the RTI Act it is found that the Respondents have promoted Shri R.K. Biswas and Smt. Y.B. Devi to the post of Office Superintendent through Departmental Promotion Committee (DPC) w.e.f. 13.08.1998 i.e. on the same day. It is to be stated here that by promoting the aforesaid two officials on the same day to the post of Office Superintendent, the Respondents have violated the Recruitment Rule which provides promotion to the post of Office Superintendent 50% through promotion and 50% through Departmental examination.

It has also been informed that one number of SC vacancy occurred during the year 1992-96, but due to non-availability of eligible SC candidate during that period, the post could not be filled up from SC category

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candidate. The Applicant was the only eligible SC candidate to the said post in Eastern ~~Zone~~ ~~at any~~ ~~relevant~~ time, therefore, the Respondents should have to consider his name to the post of Office Superintendent. The Respondents have violated the Roster by giving promotion to Shri S.K. Yadav.

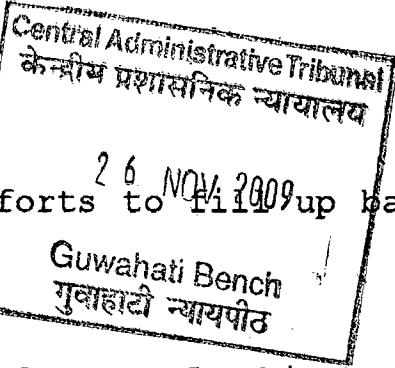
Further, it is worth to mention here that the Respondent No.3 vide office order No. WSC/GAU/Admn.1(23)/92/4928 dated 27.10.1992 appointed 4 officiating Office Superintendent as Superintendent on regular basis in the WSC/IIHT through Departmental examination. In the aforesaid office order dated 27.10.1992 the name of Shri B.K. Majumdar as Office Superintendent has been shown in Sl. No.1 of the promotion list. But in the letter dated 18/26.06.2009 under RTI no where the name of Shri B.K. Majumdar has been mentioned or shown as Office Superintendent in the year 1992.

Copy of the letter No. WSC/GAU/Admn.-1(53)/04/1204 dated 18/26.06.2009 is annexed herewith and marked as Annexure 17.

Copy of the Office order No. WSC/GAU/Admn. 1(23)/92/4928 dated 27.10.1992 is annexed herewith and marked as Annexure 18.

4.17) That the Government of India, Department of Personnel and Training vide O.M. 36012/5/97-Estt. (Res.) Vol.II dated 20.07.2000 has clarified that the backlog vacancies would be treated as distinct group and would not subject to 50% ceiling. In the said Memorandum it has been stated that the Ministries/Departments etc. are requested to carry out a review for early assessment of the backlog vacancies in respect of SCs/STs both by way of direct recruitment and

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promotion and make concerted efforts to fill up backlog vacancies.

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The Applicant craves leave of this Hon'ble Tribunal to produce the same at the time of hearing of this instant Application.

4.18) That the Respondent No.3 vide office Circular No. WSC/NZ/DLH/O.S./D.Exam/12 (8)/475 dated 20.02.2009 notified for filling up of the post of Office Superintendent (UR) in various WSC/IIHTs through Departmental Examination. The Applicant appeared in the said Examination for the post of Office Superintendent. It is worth to mention here that after decentralization of the Department in the year 1987, till date the Respondents have not maintained the Roster in filling up the vacancies of Office Superintendent under the reserved quota. Therefore, the Respondents have totally violated the Roster point in filling up the vacancies of Office Superintendent.

Copy of the Circular No.
WSC/NZ/DLH/O.S./D.Exam/12 (8)/475 dated
20.02.2009 is annexed herewith and marked as
Annexure 19.

4.19) That after appearing in the aforesaid examination for promotion to the post of Office Superintendent the Applicant submitted a detailed representation on 11.06.2009 before the Respondent No.3 regarding non compliance of Model roster for cadre strength up to 13 point roster and denial of benefit of promotion to the SC/ST candidates to the post of Office Superintendent. All the selected incumbents belongs to General category and there are not a single reserved category candidate promoted to the post of Office Superintendent. The Applicant being the SC candidate, he requested the

Babul Ch. Gora

Respondents to maintain the Roster properly that the SC/ST category as well as senior most Assistant cannot be deprived from the regular promotion to the post of Office Superintendent.

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Copy of the representation dated 11.06.2009 is annexed herewith and marked as Annexure 20.

4.20) That while the representation dated 11.06.2009 of the Applicant was pending before the Respondent No.3, the Respondent No.3 without considering the aforesaid representation vide letter No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 selected Sri L. Barman i.e. Respondent No.4 through Departmental examination to the post of Office Superintendent. In the Departmental examination for selection to the post of Office Superintendent the Respondents have not relaxed the standard norms for SC category candidates.

Copy of the letter No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 is annexed herewith and marked as Annexure-21.

4.21) That it is to be stated that after decentralization of the Department into four zone on 01.09.1987 the Respondents have promoted total 9(nine) number of incumbents including the Respondent No.4 to the post of office Superintendent till 2009 under the Eastern Zone. Out of 9 incumbents the Respondents have promoted 5 incumbents through the Departmental Examination viz. Shri B.K. Majumdar (27.10.1992), Shri G.K. Ghosh(27.10.1992), K. Barman(27.10.1992), L.M. Singh (11.04.2005) and L. Barman (31.08.2009) and 4 incumbents viz. S.N. Gupta(27.10.1992), Shri R.K. Biswas (13.08.1998), Smt. Y.B. Devi (13.08.1998) and Shri S.K. Yadav (02.06.2008) have been promoted through Departmental promotion to the post of Office

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Guwahati Bench
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Superintendent. All the aforesaid 9 incumbents belong to General category and not a single SC category candidate promoted to the post of Office Superintendent under the reservation Roster. Moreover, the Respondents have also violated the Recruitment Rule which provides promotion to the post of Office Superintendent 50% through promotion and 50% through Departmental examination. In the year 1992-96 there was one vacancy for SC category to the post of Office Superintendent but till date the said vacancy is not filled up whereby Respondents have violated the Model Reservation Roster applicable to the SC candidate for promotion to the post of Office Superintendent.

4.22) That your Applicant submits the Respondents have acted with a mala-fide intention only to deprive the Applicant from his legitimate claim.

4.23) That your Applicant submits that the action of the Respondents is highly illegal, improper, whimsical and also against the service jurisprudence.

4.24) That your Applicant submits he has been suffering from mental agonies, inferiority complex and humiliation.

4.25) That your Applicant submits that the Respondents have violated the Articles 14, 16 and 21 of the Constitution of India.

4.26) That your Applicant demanded justice and the same was denied to him by the Respondents.

4.27) That this application has been filed bonafide to secure the ends of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

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5.1) For that, due to the above reasons, narrated in detail, the action of the Respondents is in prima facie illegal, mala fide, arbitrary and without jurisdiction.

5.2) For that, in past also the Respondents in arbitrary and whimsical manner reverted the Applicant from the post of Accountant to the post of UDC in the year 1999 without disclosing any reason or reasons and inspite of one Accountant post in the WSC, Agartala under the Eastern Zone has been reserved for SC candidate under the Special Recruitment Drive.

5.3) For that, under the Recruitment Rule for the post of Office Superintendent i.e. 50% of the vacancies are to be filled through promotion and remaining 50% through Departmental examination. But in the instant case the Respondents have exceed the 50% ratio of the Departmental examination in respect of promotion to the post of office Superintendent. Hence, the impugned order No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 issued by the Respondent No.3 is liable to be set aside and quash.

5.4) For that, the Respondents have always treated the Applicant as General Candidate although he is a Scheduled Castes Candidate. Moreover, the Respondents have not imparted any training to the Applicant as Scheduled Castes Candidate. Hence, the impugned order No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 issued by the Respondent No.3 is liable to be set aside and quash.

5.5) For that, in the instant case the Respondents have not maintained the Roster under the Reservation policy for the post of Office Superintendent in the case of Selection through Departmental Promotional Committee or Departmental Examination. Hence, the action of the

Babul Ch. Das

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Respondents is bad in law as well as ~~not maintainable~~ in
the eye of law.

5.6) For that, the Applicant is entitled for the back log vacancies to the post of Office Superintendent under the reserved Quota. Hence, the impugned order No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 issued by the Respondent No.3 is liable to be set aside and quash.

5.7) For that, after decentralization of the Department in the year 1987, the Respondents have not conducted any Departmental Examination or the post of Office Superintendent under the Model Roster for reserved category candidate. Hence, the impugned order No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 issued by the Respondent No.3 is liable to be set aside and quash.

5.8) For that, the Respondents have not maintained the relax standard in the Departmental Examination for the post of Office Superintendent. Hence, the impugned order No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 issued by the Respondent No.3 is liable to be set aside and quash.

5.9) For that, the Respondents have violated the Hon'ble Supreme Court Judgment and Order regarding reservation of posts of SC/ST candidates for promotion. Hence, the impugned order No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 issued by the Respondent No.3 is liable to be set aside and quash.

5.10) For that, there is total violation by the Respondents in reference to the O.M. No. 36012/5/97-Estt. (Res) Vol.II dated 20.07.2000 issued by Government of India, Department of Personnel and Training on the subject backlog vacancy reserved for SCs/STs. Hence, the impugned order No. WSC/GAU/Admn-9(8)/03/1933 dated

Babul Ch. Gaur

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31.08.2009 issued by the Respondent No.3 is liable to be set aside and quash.

5.11) For that, non-consideration of the Applicant representations submitted to the Respondents from time to time is bad and against the principles of natural justice.

5.12) For that, the Respondent have acted with a mala-fide intention only to deprived the Applicant from his legitimate right of promotion.

5.13) For that, being a model employer the Respondents cannot act in a differential manner towards the Applicant, when the same benefit has been granted to similarly situated persons.

5.14) For that, the Respondents have acted in mala-fide exercise of power without following the procedure established by law.

5.15) For that, in any view of the matter the action of the Respondents is not sustainable in the eye of law as well as under the facts of this case.

The Applicant craves leave of this Hon'ble Tribunal to advance further grounds at the time of hearing in this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

Babul M. Gora

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7. MATTERS NOT PREVIOUSLY FILED OR CONTENDED IN ANY OTHER COURT:

That the Applicant further declares that he has neither filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court or authority, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the Applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief or relief(s) sought for by the Applicant may not be granted and after hearing both the parties the Hon'ble Tribunal may be pleased to give the following relief(s):

8.1] To set aside and quash the impugned order No. WSC/GAU/Admn-9(8)/03/1933 dated 31.08.2009 issued by the Respondent No.3.

8.2] To direct the Respondents to hold the Departmental examination for selection to the post of Office Superintendent under the reserved vacancies for SC category candidate.

8.3] To direct the Respondents to hold Review Departmental Promotion Committee by maintaining proper Roster for selection to the post of Office Superintendent.

Babul Ch. Das

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Guwahati Bench

8.4] To pass any other appropriate relief or
relives to which the Applicant may be entitled
and as may be deemed fit and proper by the Hon'ble
Tribunal.

8.5] To pay the costs of the application.

9. INTERIM ORDER PRAYED FOR:

Pending the final disposal of the Original Application
the Applicants humbly prays before Your Lordship's for
issuance of an interim order by directing the Respondents to
keep one post of Office Superintendent under the Roster
point till disposal of this Original Application.

10. Application is filed through Advocate.

11. Particulars of I.P.O.:

I.P.O. No. :- 39G 438457

Date of Issue :- 31.10.2009

Issued from :- Guwahati GPO

Payable at :- Guwahati

12. List of enclosure: As stated above.

Verification

Babul Ch. Bar

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VERIFICATION

Central Administrative Tribunal

কেন্দ্ৰীয় প্ৰশাসনিক ন্যায়ালয়

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Guwahati Bench
গুৱাহাটী ন্যায়পৌঁছ

I, Shri Babul Chandra Das, Son of Late Rasraj Das, aged about 53 years, presently working as Assistant in the Indian Institute of Handloom Technology, Minsirty of Textile, Government of India, Jawahar Nagar, Khanapara, Guwahati-22, do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.2, 4.3(Party), 4.4, 4.6(Party), 4.7(Party), 4.9 to 4.12, 4.14, 4.16(Party), 4.17^{4.9, 4.21} are true to my knowledge, those made in paragraph nos 4.3(Party), 4.4, 4.6(Party), 4.7(Party), 4.8, 4.13, 4.15, 4.16(Party), 4.18^{4.10, 4.20} are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 26th day of November, 2009 at Guwahati.

Babul Ch. Das

DECLARANT

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Government of India
Ministry of Commerce
Department of Textiles
Weavers' Service Centre,
589-Netaji Subhas Road,
Agartala- 799001-.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

No. WSC/AGT-2(2)/1810-14

Dated, Agartala
the 29th Oct 1982.

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MEMORANDUM

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

With reference to nomination from Staff Selection Commi-

ssion, Regional Office (NER), Gauhati
XXXXXXview dated XXXXXXXXX the post of

Matri/Sister/Kum. Babul Chandra Das is informed
that he/she has been selected for appointment in the Weavers'

Service Centre, Agartala as a temporary Lower Division Clerk
on Rs. 260/- per month in the scale of Rs. 250-6-290-EB-6-326-8-366-
EB-8-390-10-400/- and will be entitled to draw

Dearness allowance, house rent allowance, compensatory allowance
and other allowances as admissible to the Central Government
servant, from time to time.

- 1). His/Her appointment is subject to his/her producing original educational certificates and proof of date of birth and Caste Certificate, in respect of candidates belonging to the Scheduled Caste/Scheduled Tribe communities in the prescribed form at the time of reporting for duty. In case, he/she is unable to comply with these instructions, the offer of appointment will be treated as withdrawn.
- 2). He is likely to be posted anywhere in India.
- 3). He/She will be on probation for a period of two years. During the probationary period ~~for a period of~~ his/her services are liable to be terminated at any time without notice.
- 4). After the completion of the satisfactory probationary period, his/her services are liable to be terminated by one month's notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant.
- 5). He/She will be required to furnish a marriage declaration in the prescribed form, at the time of joining.

ATTESTED

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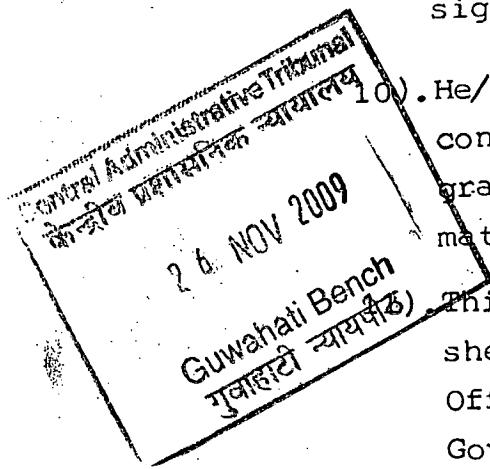
6).

married to a person with more than one wife living is liable for appointment to a Central Government Service.

7). He/She will have to take an oath of allegiance or solemn affirmation in the prescribed form to the effect that he/she will remain loyal to the Republic of India during the tenure of his /her service under the Government.

8). His/her appointment is subject to the condition that he should produce a certificate of fitness in the prescribed form(copy enclosed) from the District Medical Officer/Civil Surgeon of a Govt. Hospital at the time of reporting for duty. He /She should fill up the enclosed form in the presence of District Medical Officer/Civil Surgeon of Govt. Hospital.

9). He/She will be required to furnish two character certificate from two Gazetted Officers, out of which one should be duly attested by Presidency Magistrate or a District Magistrate or Sub-Divisional Magistrate or a superior Officer (with office seal) who would certify regarding the character of the person signing the certificate before attesting it.



10). He/She will be bound by all the service rules, conditions and regulations of the Government, regarding grant of leave, provident Fund contribution and other matters for which rules are prescribed by the Govt. This offer is made on the clear understanding that she is not at present working in any Government Office. If he/she has been previously employed in a Government of India Office, he/she should produce a certificate from the office in which he/she was previously employed, stating the reasons for which her services were terminated and if he/she has reason to believe that the previous employer should certify that he/she has no objection to his/her re-employment.

11). If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he /she will be liable to be removed from service.

ATTESTED

 ADVOCATE

-(3)-

13). The appointment is ~~xxxx~~ subject to production of experience certificate and Character & antecedent certificate from the competent authority.

14). If he/she is willing to accept the offer of appointment on the above terms and conditions he/she shall inform this Office to that effect within ten days from the date of receipt of this letter and report for duty to the undersigned on or before 25.11.92 failing which the offer will be treated as cancelled.

15). No travelling expenses will be paid for joining the appointment.

Sdy.-

To

Sri/Smti

xxx Babul Chandra Das,

C/o- Rasaraj Das,

Village - Kalinagar, P.O. Rahirbazar,

TRIPURA(WEST).

..... (K. R. KAPUR)

Assistant Director,

Central Administrative Tribunal
संघीय प्रशासनिक न्यायालय

26 NOV 2009

Guwahati Bench
गुवाहाटी न्यायालय

Copy to :-

1). The District Medical Officer/Director of Health Services, Government of Tripura, Agartala. In case Shri /Smti xxxx Babul Ch. Das approaches he/she may kindly be examined medically and a certificate of fitness(in the enclosed form) as required under S.R.4 may be issued to him/her after the medical examination.

2). The Director(Coordination) Weavers' Service Centre, 15A, Mama Paramanand Marg, Bombay. This is with reference to his approval communicated vide letter No. WSC/BOM/E-169/5376 dated 10.7.82

3). The Employment Officer, District Employment Exchange, Agartala.

4). Personal file,

5). Director, Weavers' Service Centre, Gaupati.

..... 27.11.92

ATTESTED
N
ADVOCATE

(2)

AC

the 27th June, 1986

To
The Officer-in-charge,
Weavers' Service Centre,
Indranagar,
Agartala. 799006

Subject :- JOINING REPORT TO THE PROMOTED POST OF
UPPER DIVISION CLERK & ACCEPTANCE REGARDING.

Sir,

In compliance with the Office Order No. WSC/BOM/ E-161/III/3942 dated the 23rd June, 1986, issued by the Hon'ble Director(Coordination) Weavers' Service Centre, Ministry of Textiles, Government of India, 15-A, Mama Paramanand Marg, Bombay- 400 004, I have the honour to inform you I would like to Join to the promoted post of U.D.Clerk on ad-hoc basis in the Weavers' Service Centre Indranagar, Agartala, to-day the 27th June, 1986 at forenoon, which may kindly be accepted and put on records.

This is for favour of your kind information and giving the needful in the matter.

Central Administrative Tribunal
भारतीय प्रशासनिक स्वायत्तशालय

C. AGARWALA
912
P.I.
27/6/86

Yours faithfully,

Sri Babul Chandra Das.

(SRI B.C. DAS) 27-6-86
UPPER-LOWER Division Clerk,
Weavers' Service Centre,
Indranagar, Agartala.

26 NOV 2009

Guwahati Bench
গুৱাহাটী চৰকাৰী ন্যায়ালয়

ATTESTED
A. ADVOCATE

गोपनीय मंत्रालय / GOVT. OF INDIA

पर्यावरण / MINISTRY OF TEXTILES

प्रयोगशाला विभाग अधिकारी

दस्तावेज दिनांक : 11/12/92

Office of the Director of Handlooms & Textiles

दस्तावेज दिनांक : 11/12/92

D.O.T./Man./Mem. 1 (23)/Part. II/92/ 5404 Dated: 11/12/92

OFFICER ORDER

On the recommendation of the Departmental Promotion Committee for Group 'C' & 'D' posts of WSCs/IIHMs under North East Zone the following L.D.Clerks are appointed as L.D.Clerks on regular basis in the W.S.C.s under the Organisation of Development Commissioner for Handlooms with effect from the date shown against each.

Central Administrative
प्रशासनिक संस्था

26 NOV 92

Guwahati Board
गुवाहाटी न्यायालय

Sl. No.	Name and Designation.	Centre where working	Centre where posted	Date of posting
1.	Shri S.K.Maldex, L.D.C.	W.S.C., Calcutta	W.S.C., Calcutta	21-4-92
2.	Smt. K. Devi, L.D.C.	WSC Imphal	WSC Imphal	-do-
3.	Shri R.C.Hemoram, LDC	WSC Bhagalpur	WSC Bhagalpur	-do-
4.	Shri B.C.Pes, L.D.C.	WSC Agartala	WSC Agartala	-do-

They will be on probation for a period of 2 years with effect from the date shown against each of them.

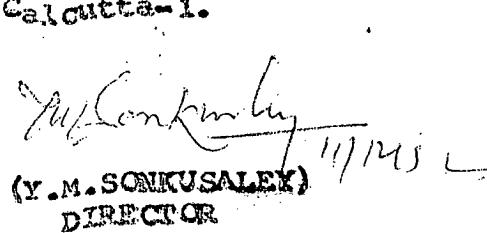
Their pay will be fixed in accordance with the relevant rules.

Sd/

(Y.M.SONKUSALEY)
DIRECTOR

Copy to:

- 1) Individuals.
- 2) The Officer-in-charge, Weavers' Service Centre, Calcutta/Imphal/Bhagalpur/Agartala with a spare copy for pasting in the service book.
- 3) Assistant Director Gr.I, Office of the Development Commissioner for Handlooms, Udyog Bhawan, New Delhi.
- 4) Director (Co-ordination), Weavers' Service Centre, Bombay.
- 5) Pay & Accounts Officer (Textiles), Min. of Commerce, 1, Council House Street, Calcutta-1.
- 6) Guard File.


 (Y.M. SONKUSALEY)
DIRECTOR

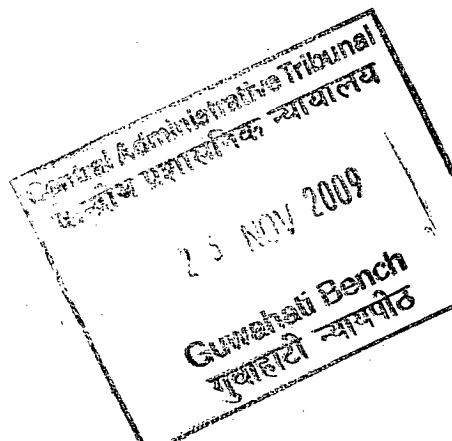
 ATTESTED
 (A)
 ADVOCATE

1	2	3	4	5	6	7	8	9	10	11	12	13
Accountant General	Rs.425-15-	Selection.	*Not exceeding 35 years.	No.	Matriqualion or No its equivalent	Two years	By promotion, failing which	Promotion -do-	Upper division	Not applicable.		
Central 500-EB- Service 15-560- Group 'C' 20-700. Non- Gazetted Minister- ial.					should have good knowledge and experience of maintenance of Central Govt. Office accounts or should have a degree in Commerce of a recognised University with three years Experience in accountancy in the Central Govt. for purposes of recruitment.		by transfer and store- on deputation, keepers in WSC failing both and IIHT with by direct recruitment.		and store- on deputation, keepers in WSC failing both and IIHT with by direct recruitment.	at least 8years of service in the grade and possessing experience of working in the accounts section for atleast 3 years.		

Transfer on deputation

Persons working in analogous or equivalent posts in the Office of the Accountant General, Pay and Accounts Office from other departments of the Central or State Govt. conversant with accounts.

(Period of deputation shall ordinarily not exceed 3 years).



ATTESTED
ADVOCATE

To
The Jt. Development Commissioner-
for Handlooms, Office of the-
Development Commissioner for Handlooms,
Ministry of Textiles, Udyog Bhavan,
NEW DELHI-110 011.

(THROUGH PROPER CHANNEL).

Subject :- Special recruitment drive for filling up the backlog vacancies reserved for S.C/S.Ts.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

26 NOV 2001

Guwahati Bench
गুৱাহাটী ন্যায়সভা

Sir,

I am to invite a reference to your letter No. A-14019/6/82-DCH/E-II, Dated, 8th August, 1989, addressed to the Director(Zonal), Weavers' Service Centre, Guwahati, on the subject cited above, and to state that as per Para-3(three) of the letter under reference, the post of 'Accountant' in Weavers' Service Centre, Agartala is to be filled up by promotion of a candidate against the vacancies reserved for S.C. as per the roster open in the Zonal office after 1/9/87, but the instructions were not implemented by the Director(Zonal), Weavers' Service Centre, Guwahati, till date.

As per as my candidature is concerned I was appointed as U.D.Clerk, w.e.f. 27/6/86, vide office order No. WSC/BOM/E-161/III/3942, Dated, 23rd June, 1986 and have completed 10(ten) years services.

Since 6/86 I have already completed 10(ten) years of services as U.D.Clerk and there is no deficiency in respect of my eligibility to have the promotion in the post of 'Accountant' against the backlog vacancies as indicated in your letter under reference. It was also mentioned in your letter that 6(six) Accountant posts are existed in Eastern Zone within which no S.C. candidate was considered for promotion till date.

I shall request you kindly to promote me in the post of 'Accountant' against the S.C. quota and remove the said backlog.

Thanking you Sir.

Yours faithfully,

(B.C. DAS)

U.D.CLERK,

WEAVERS' SERVICE CENTRE, AGARTALA.

Dated, Agartala, the 7th
August, 1996,

Copy to :-

1. The Director(Zonal), Weavers' Service Centre, Guwahati, for information & necessary action for recruitment reserved category candidate for the post of 'Accountant' under 40 point roster.

2. The Officer-in-charge for Scheduled Caste & Scheduled Tribe, Govt. of India, Pragati Road, Lake Chowmuhani, Agartala, for kind information and necessary action please.

Babulch Das

(B.C. DAS)

U.D.CLERK,

WEAVERS' SERVICE CENTRE, AGARTALA.

ATTESTED

M
ADVOCATE

-TYPED COPY OF RELEVANT PORTION-

No.WSC/BOM/E-1(81)/VIII/1943

Dated 26th June, 1989

To

Shri B.R. Gupta
Deputy Development Commissioner
for Handlooms, Govt. of India
Ministry of Textiles,
Udyog Bhavan
NEW DELHI

Sub: Special recruitment drive for filling up the backlog vacancies reserved for SC/STs.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

26 NOV 2009

Guwahati Bench
गুৱাহাটী ন্যায়ালয়

Sir

Please refer to the letter No. 14109/6/82/DCH/E-II dated 9.6.1989 addressed to the Officer-in-Charge, WSC, Agartala a copy of which has been endorsed in the Zonal Director, WSC, Guwahati and the Director (Coordination), Bombay as well as telegram dated 21.6.1999 calling for information on the subject cited above.

In this connection, this is to inform you that the undersigned was on official tour to WSC, Bhubaneswar from 19.6.1989 and returned on 23rd June, 1989 (night)

The relevant records have been gone through and the particulars called for have been compiled from the relevant records viz. Reservation Roster and other files and post-wise and Centre-wise/IIHT-wise reservation position in respect of 22 posts of SC and 5 posts of ST under group 'C' and 5 posts of Sc and 3 posts of St under group 'D' categories which have been allotted to various WSCs/IIHTs upto 31.8.1989 by the office of the Director (co-ordination) are furnished in the statement enclosed.

With regard to furnishing the letter No. and date communicating the reservation position to the concerned WSCs/IIHTs, it is observed that the same are not readily

ATTESTED
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ADVOCATE

traceable and hence efforts are continuing to locate the same. In the meanwhile these particulars have also been called for from the WSCs/IIHTs and the same will be furnished, shortly.

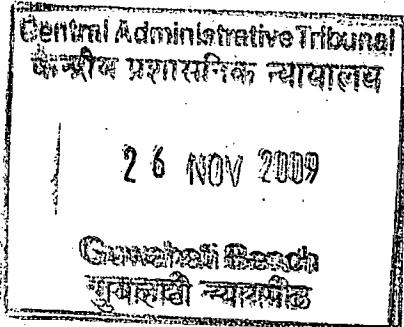
Encl. As above

Yours faithfully

Sd/

(G.D. Vaghela)

Director (Coordination)



ATTESTED
N
ADVOCATE

STATEMENT SHOWING THE CENTRE-WISE/IIHT-WISE/. . . FOR SCS/STS
AS ON 1989.

Sl.No.	No. of vacancies earmarked for		Name of the post(out of the Group for which the reservation point is earmarked	Name of the WSCs/IIHTs	Remarks
Group 'C'	SC	ST			
1	2	3	4	5	6
1	1	Nil	Instructor-cum- Demonstrator	IIHT, Solan	
2	1	Nil	Photographer	WSC, Guwahati	
3	1	Nil	Instructor-cum- Demonstrator	IIHT, Guwahati	General Administrative Tribunal संघीय प्रशासनिक न्यायालय
5	1	Nil	Research Assistant	IIHT Varanshi	26 NOV 2009
9	1	Nil	Driver	WSC, Jaipur	Guwahati Bench गुवाहाटी न्यायालय
15	1	Nil	Accountant	WSC, Agartala	
17	1	Nil	Art designer	"	
18	Nil	1	Art designer	"	
27	1	Nil	Lower Division Clerk	IIHT, Guwahati	

AITESTED
N
ADVOCATE

- 31 -

Office of the Director (Coordination)
of Welfare Services (SC/ST)
15-A, Kama House, Dilkusha,
Dowlatpur, Guwahati-781001.

By Speed Post

No. WSC/BOM/E-1(81)/VIII/1983

Dated: 26th June 1989

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

To

Shri B.R. Gupta,
Deputy Development Commissioner
for Handlooms, Govt. of India,
Ministry of Textiles,
Udyog Bhavan,
NEW DELHI.

26 NOV 2009

Guwahati Bench
गुवाहाटी न्यायालय

sub: Special recruitment drive for filling up
the backlog vacancies reserved for SCs/STs.

Sir,

Please refer to the letter No. 1019/6/81/DCH/E-11 dated 9-6-1989 addressed to the Officer-in-charge, WSC, Agartala, a copy of which has been endorsed by the Zonal Director, WSC, Guwahati and the Director (Coordination), Bombay as well as telegram dated 21-6-1989 calling for information on the subject cited above.

In this connection, this office informs you that the undersigned was on official tour to Mymensingh from 19-6-1989 and returned on 23rd June, 1989 (midnight).

The relevant records have been gone through and the particulars called for have been compiled from the relevant records viz. Reservation Roster and other files and the post-wise and Centre-wise/IIHT-wise reservation position in respect of 22 posts of SC and 5 posts of ST under Group 'C' and 5 posts of SC and 3 posts of ST under Group 'D' categories which have been allotted to various WSCs/IIHTs upto 31-3-1989 by the Office of the Director (Coordination) are furnished in the statement enclosed.

With regard to furnishing the letter No. and date communicating the reservation position to the concerned WSCs/IIHTs, it is observed that the same are not readily traceable and hence efforts are continuing to locate the same. In the meanwhile these particulars have also been called for from the WSCs/IIHTs and the same will be furnished, shortly.

Hand post copy of the said
telegram received to-day

Yours faithfully,

G.D. Vaghela
(G.D. Vaghela)
Director (Coordination)

Enclosure: As above.

ATTESTED
A
ADVOCATE

32-

STATEMENT SHOWING THE CENTRE-WIDE/IIIT/AGARTALA, ETC. EARMARKED FOR SCs/STs AS ON 10.11.1961

S.No.	No. of vacancies Earmarked for	SC	ST	Name of the post (out of the Group for which the reservation point is earmarked.)	Earmarked the WSC/IIIT from the reserv- ed point to	Bengal
					4.	5.
1.	2.	3.				
1.	1	Nil		Instructor-Cum-Demonstrator	IIIT, Guwahati	
2.	1	Nil		Photographer	WSC, Guwahati	
3.	1	Nil		Instructor-Cum-Demonstrator	IIIT, Guwahati	
4.	Nil	1		Technical Assistant (WV)	WSC, Bombay	
5.	1	Nil		Research Assistant	IIIT, Varanasi	
6.	1	Nil		Assistant Master Gr. II	IIIT, Varanasi	
7.	1	Nil		Workshop Foreman	IIIT, Varanasi	
8.	Nil	1		Weaving Assistant	WSC, Bhubaneswar	
9.	1	Nil		Driver	WSC, Jaipur	
10.	1	Nil		Weaving Instructor	IIIT, Guwahati	
11.	1	Nil		Driver	WAC, Nagpur	
12.	1	Nil		Dyeing Demonstrator	IIIT, Varanasi	
13.	1	Nil		Driver	IIIT, Guwahati	
14.	Nil	1		Driver	WSC, Agartala	
15.	1	Nil		Accountant	WSC, Agartala	
16.	1	Nil		Art Designer	WAC, Nagpur	
17.	1	Nil		Art Designer	IIIT, Varanasi	
18.	Nil	1		Art Designer	IIIT, Guwahati	
19.	1	Nil		Pattern-Maker-Cum-Designer	WSC, Guwahati	
20.	1	Nil		-do-	WSC, Bhagalpur	
21.	1	Nil		-do-	WSC, Bhubaneswar	
22.	Nil	1		-do-	WSC, Bhagalpur	
23.	1	Nil		Printer	WSC, Panipat	
24.	1	Nil		Carpenter	WSC, Agartala	
25.	1	Nil		Lower-Division Clerk	IIIT, Guwahati	
26.	1	Nil		-do-	WSC, Jaipur	
27.	1	Nil		-do-	IIIT, Guwahati	
28.	1	Nil		Occupational Attendants	WSC, Bombay	
29.	1	Nil		-do-	WSC, Calcutta	
30.	Nil	1		-do-	WSC, Visakhapatna	
31.	1	Nil		Peon	WAC, Bombay	
32.	Nil	1		Peon	WSC, Agartala	
33.	1	Nil		Hamal	WAC, Madras	
34.	1	Nil		Chowkidar	IIIT, Lucknow	
35.	Nil	1		Chowkidar	IIIT, Guwahati	

Grand Total 27 8 = 35

Central Administrative Tribunal
देशीय प्रशासनिक न्यायालय

Guwahati Bench
গুৱাহাটী অসমৰ ন্যায়ালয়

Seven Vacancies
Designers were
the Officer of
(Co-ordination
DGEC, New Delhi
reservation has
not been claimed
Weavers' Group

A. TESTED
ADVOCATE

33-
Dated : 21/8/97

SC/GAU/Admn.1(22)/97/ 2074

OFFICE ORDER

Shri B.C. Das, U.D. Clerk in ~~WEEVERS~~ working in Weavers' Service Centre, Agartala is hereby promoted to the post of Accountant in the pay scale of Rs. 1400-40-1800-1B-2300/- on purely temporary and ad-hoc basis and posted at Weavers' Service Centre, Agartala. His promotion will take effect from the date he takes charge of the higher post at Weavers' Service Centre, Agartala.

His promotion being purely temporary and ad-hoc this will not confer on him any formal right either to continue in the higher post indefinitely or for promotion on regular basis or to claim seniority on the basis of this ad-hoc promotion.

His pay on promotion as Accountant will be fixed in accordance with the relevant rules.

To,
Shri B. C. Das,
U.D. Clerk,
Weavers' Service Centre,
Agartala.

(S.K. DAS)
DIRECTOR

Copy to :-

1. The Officer-In-Charge, Weavers' Service Centre, Agartala for kind information and necessary action please.
2. The Asstt. Controller of Accounts, Pay and Account Office, Calcutta.
3. The Assistant Director, Office of the Development Commissioner for Handlooms, Ministry of Textile, Udyog Bhawan, New Delhi.
4. Personal file of Sh. B.C. Das.
5. Guard file.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

26 NOV 2009

Guwahati Bench
युबाहाटी न्यायपीठ

(S.K. DAS)
DIRECTOR

ATTESTED
A
ADVOCATE

To
The Officer-in-charge,
Weavers' Service Centre,
AGARTALA.

Subject :- Joining Report to the promoted
post of Accountant- acceptance-
regarding.

26 NOV 2009

Sir,

In compliance with the Office Order
No.WSC/GAU/Admin.-1(22)/97/2070, Dated, the 21-8-97
issued by the Director(Zonal), Weavers' Service Centre,
Guwahati. I have the honour to inform you I would
like to join to the promoted post of Accountant
on ad-hoc basis, in the Weavers' Service Centre,
Agartala, to-day on 27-08-97 at forenoon, which
may kindly be accepted and put on records.

This is for favour of your kind
information and doing the needful in the matter.

Dated :- 27/08/97.

Yours faithfully,
Babul ch. das
(SHRI BABUL CHANDRA DAS)
ACCOUNTANT,
WEAVERS' SERVICE CENTRE,
AGARTALA.

ATTESTED
A
ADVOCATE

P.M. 744100
GUWAHATI - 781001

No. WSC/GAU/Admn.1(23)/99/

24/15

Dated : 7/10/99

OFFICE ORDER

Shri B.C. Das who is at present officiating as Accountant on ad-hoc basis stands reverted to the post of U.D. Clerk in public interest with immediate effect and posted at Weavers' Service Centre, Agartala.

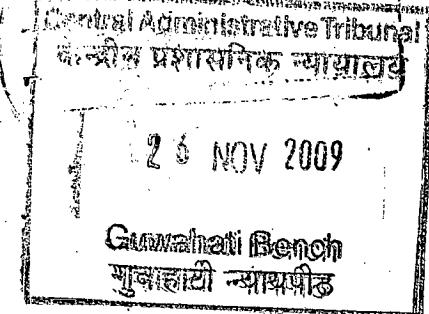
The pay on reversion will be fixed as per rules.

To,
Sh. B.C. Das,
Accountant (Ad-hoc),
Weavers' Service Centre,
Agartala.

(S.C. JAIN)
DIRECTOR

Copy to :-

1. The Officer-In-Charge,
Weavers' Service Centre,
Agartala for information
and necessary action.
2. The Account Officer,
Pay and Account Office (Tex.),
Calcutta.
3. The Assistant Director, I.D.I.(NT)
Office of the Development
Commissioner for Handlooms,
Ministry of Textile,
Udyog Bhawan, New Delhi.
4. Guard file.



(S.C. JAIN)
DIRECTOR

7/10/99

ATTESTED
N
ADVOCATE

To
The Director(Zonal),
Weavers' Service Centre,
GUWAHATI.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

26 NOV 2009

(THROUGH PROPER CHANNEL)

Guwahati Bench
गুৱাহাটী ন্যায়পীঠ

Subject :- Promotion to the post of Accountant(Reserved for S.C) in the Eastern Zone of Weavers' Service-Centre in respect of Shri B.C.Das, U.D.Clerk, presently posted at Weavers' Service Centre, Agartala Unit.

Sir,

I have the honour to submit the following facts for favour of your kind consideration and for my promotion to the post of ACCOUNTANT(Reserved for S.C.).

That, I step into the service of Weavers' Service-Centre, Agartala as L.D.Clerk on 10/11/82 and subsequently promoted to the post of U.D.Clerk on 27/06/86 on ad-hoc basis. My promotion to the post of U.D.Clerk has also been regularised w.e.f. 21/04/92. (Copy enclosed)

That, my promotion to the post of 'ACCOUNTANT' , has also been considered by the competent authority as I have fulfilled the eligibility criteria for promotion to the post of 'ACCOUNTANT' , in all respects and the authority was kind enough to promote me to the post of Accountant on and from 27/08/97(on ad-hoc basis). In this connection, I am rather surprised to receive a Office Order vide No. WSC/GAU/Admn.1(23)/99/2415, Dated, 7/10/99, reverting me to the post of U.D.Clerk effecting from 01/11/99. (Copy enclosed)

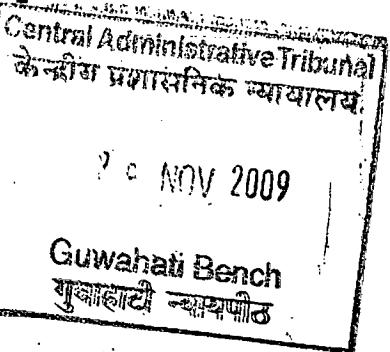
That, the vacant post of Accountant as already referred to earlier is reserved for S.C. as per roster point as communicated and clarified by the authorities vide their No. A-14019/6/82-DCH/E-II, Dated, 8th August, 1989, itself. (Copy enclosed)

That, my promotion to the post of Accountant was also considered against the said vacancy itself, since I am the ~~xxx~~ senior most U.D.Clerk as per the seniority list of this cadre maintained by the concerned authorities. Moreover, my promotion to the post of Accountant though on ad-hoc basis was considered by the competent authority after ascertaining the fulfilment of all eligibility criteria for the said promotion.

(Contd..Page No.2).

ATTESTED
ADVOCATE

(Page No.2).



That, the decision of the competent authority to revert me from officiating post of Accountant to the post of U.D.Clerk has trimendous affected in my assured career progression and that too for as S.C. member having under representation in the Central Govt. services.

That, the concerned authority should have been taken up to regularise my promotion to the post of Accountant as I have rendered more than 2(two) years un-interrupted qualifying service to the post of Accountant instead of taking a harsh decision to revert me back to the lower post.

That, the result out vacancy of the post of Accountant is still lying vacant and the roster position has not been changed so far I deserve to be favoured with the regular promotion to the post of Accountant without any further delay keeping in view the policy pronouncement of the Govt. of India for speedy up action to fill up all the backlog vacancy reserved for S.C and S.T.

Under the facts and circumstances as enumerated above, I would earnestly request you to consider my promotion to the post of Accountant at the earliest opportunity so that a S.C. member should not be further deprpved from his legitimate entertainment to his career progression.

For this act of your kindness, I shall remain grateful to you for ever.

Yours faithfully,

Dated, Agartala, the 28th-
January 2009

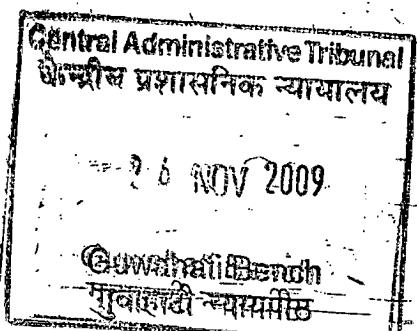
(B.C.DAS)
U.D.CLERK,
WEAVERS' SERVICE CENTRE,
AGARTALA.

Copy to :- The Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhavan, New Delhi-110 011, for favour of kind taking necessary action.

Balulch Das
(B.C.DAS)
U.D.CLERK,
WEAVERS' SERVICE CENTRE,
AGARTALA.

ATTESTED
ADVOCATE

The Development Commissioner
for Handlooms,
Ministry of Textiles,
Udyog Bhavan,
NEW DELHI-110011.



(THROUGH PROPER CHANNEL)

Subject :- Representation against the illegal and arbitrary reversion of Shri B.C. Das to grade of U.D.C from the post of 'ACCOUNTANT' vide office order No. WSC/GAU/Admn.-1(23)/-99/2415, Dated, 7/10/99, issued by the Director (Zonal), Weavers' Service Centre, Guwahati, and office order No. WSC/AGT./P.F/-34/99/1461, Dated, 19/11/99, reverting me illegally w.e.f. 1/11/99 and prayer for continuous Promotion in the post of 'ACCOUNTANT'.

Sir,

With due respect I beg to submit the following representation, on being aggrieved, for favour of your kind perusal and sympathetic consideration.

1. That I am the citizen of India and belong to 'dhoba community', which is recognised as S.C in Tripura. Photocopy of S.C community is annexed and marked as ANNEXURE-1.

2. That I have been initially appointed as L.D. Clerk w.e.f. 10/11/82, vide order No. WSC/AGT./2(2)/-810-14, Dated, 29/10/82 and confirmed in that grade w.e.f. 1/4/1988, vide order No. WSC/GAU/ADM./1(27)/pt-III/92/93/1378, Dated, 5/5/93. Subsequently I have been promoted in the grade of U.D. Clerk on ad-hoc basis w.e.f. 23/6/1986, vide your order No. WSC/BOM/E-161/III/92/3942, Dated, 23/6/1986, and w.e.f. 21/4/92. I have been appointed on regular basis as U.D.C vide order No. WSC/GAU/Admn./1(23)/Part-II/92/5400, Dated, 11/12/92. Copies of orders are annexed and marked as ANNEXURE - 2,3 & 4.5 respectively.

3. That subsequently I have been promoted as 'ACCOUNTANT' in the office of the Assistant Director, Weavers' Service Centre, Agartala on ad-hoc basis w.e.f. 21/8/97, vide order No. WSC/GAU/Admn./1(22)/97, Dated, 21/8/97, issued by the Director (Zonal), weavers' Service Centre, Guwahati. Copy of which is annexed and marked as ANNEXURE - 6.

That, all of a sudden I have been illegally and arbitrarily reverted to grade of U.D. Clerk, vide order No. WSC/GAU/Admn./1(23)/99/2415, dated, 7/10/99, with immediate effect and in the office order No. WSC/AGT./P.F-34/99/1461, dated, 19/11/99 effect on reversion as shown with retrospective effect of 1st November, 99, copies of aforesaid order dated, 7/10/99 & 19/11/99 are annexed in ANNEXURE No. 7&8. Hence this representation against those two orders dated, 7/10/99 & dated 19/11/99 on the grounds amongst other shown below :-

GROUND S

(A). That there are 6 (six) posts of Accountant and 1(one) post of Assistant as shown in the seniority list as on 31/12/95, circulated vide circular No. WSC/GAU/Admn.-1(8)/96/1657, dated, 10/07/96. A copy of the seniority list dated 10/7/96 is annexed and marked as ANNEXURE-9.

From the seniority list as on 31/12/95 it is seen that the following persons are in position in the posts shown against each of them.

(Contd.. Page No.2).

ATTESTED
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ADVOCATE

It may be mentioned that the posts of Assistant and Accountant are the identical posts having identical scales and these are feedre posts of Accountant.

(B). For the purpose of promotion from the grade of Assistant /Accountant, a roster has been prescribed vide MHA. O.M. No.1/9/94-Est (SCT), dated, 29/4/1994 both is annexed and marked here as ANNEXURE -10.

(C). Now it may be pointed out that for the 7(seven) posts (1 Assistant + 6 Accountant) the roster points are prescribed as below :-

IN/OUT	WHETHER RESERVED/UN-RESERVED	MAN IN POSITION	CATEGORY
	S.C.	1. Smti Y.B. Debi.	UR Promoted to Supdt. Guwahati Bench
	UR.	2. Shri R.K. Biswas.	UR Promoted to Supdt.
10.	UR.	3. Shri L.M Singh. Acctt.	UR. (New posted at W.S.C., Imphal.)
	S.T.	4. Shri S.K. Yadav. Acctt.	UR. (On deputation)
	UR.	5. A.K Sadhu. Acctt.	UR. (Now Posted at W.S.C., Calcutta.)
	UR.	6. Shri R.K Barman. Acctt.	UR. (Now Posted at I.I.H.T, Ghy.)
	UR.	7. Smit K. Swain. Acctt. (Smti K. Das)	UR. (Now Bhubaneswar.)
	S.C.	8. Shri R.C. Hambram Acctt.	S.T. (Now posted at W.S.C. Guwahati)
	UR.	9. Shri B.C. Das	S.C. (Reverted w.e.f. 1/11/99)
	UR.	10. Shri L. Barman Assistant	UR. (Now posted at W.S.C., Ghy on adhoc basis)

It is a matter of great regret and shocking that there is not a single man belonging to S.C. amongst the employees shown above.

According to the roster, 1st & 8th points have been marked for the promotion of Scheduled Cast. Among all these persons, I am only the person belonging to Scheduled Caste and my promotion should be topped against all these persons not to speak of reversion from the post of Accountant of the post of U.D.C., as I am eligible for promotion according to the seniority-cum-fitness and having the member of Scheduled Caste.

(D). That, by illegally denying my promotion to the post of Accountant and illegally and arbitrarily reverting me from the post of Accountant to U.D.C., having existing of the continuous permanent post Accountant, the constitutional rights guaranteed for S.C. and mandates of Supremest Court & High Courts & C.A.T., issued from time to time have been deliberately disregarded and flouted.

(E). Shri L. Barman, who is junior to me has been illegally promoted and I being the senior has been illegally reverted disregarding all the service norms regulating appointment, promotion etc.

(Contd... Page No.3).

ATTESTED

 ADVOCATE

Central Administrative Tribunal
 कानूनी अधिकार समिक्षा बोर्ड
 26 NOV 2009

In this context and circumstances I beg to pray that your honour may be graciously pleased to enocll~~at~~ reversion order (ANNEXURE-7), and continued my service as Accountant to set right the injustice done earlier and restore the seniority over all who is illegally holding the resgrvd post of Scheduled Caste, and regularise the ad-hoc promotion without delay.

(F). In this regard I have submitted a representation dated, 28/1/2000, addressing to the Director(Zonal), Weavers' Service Centre, Guwahati, through proper channel, with a copy to you, but I have not been favoured with any reply yet.

AND

For which act of your kindness, I shall remain ever grateful to you.

Dated : 12/07/2000.

Yours faithfully,

Babulch. das

(BABUL CHANDRA DAS)

U.D. CLERK,

WEAVERS' SERVICE CENTRE,

AGARTALA.

Copy to :-

1. The Director (Zonal), Weavers' Service Centre, Guwahati, for information & with a request to take immediate necessary sympathetic action.
2. Advance copy to the Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhavan, New Delhi.
3. Advance copy to the Director (Zonal), Weavers' Service Centre, Guwahati.

Babul ch. das

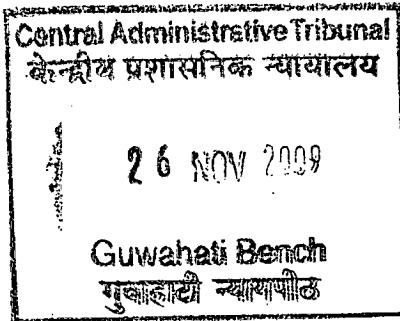
(BABUL CHANDRA DAS)

U.D. CLERK,

WEAVERS' SERVICE CENTRE,

AGARTALA.

o/v



ATTESTED
①
ADVOCATE

I
 Director (Zonal),
 Weavers' Service Centre,
 GUWAHATI.

REMINDER NO. - 2

(THROUGH PROPER CHANNEL)

Subject :- Representation against the illegal and arbitrary reversion of Shri B. C. Das, to grade of U.D.C. from the post of ACCOUNTANT vide office Order No. - WSC/GAU/Admn.-1(23)/-99/2415, dated 07/10/99 issued by the Director (Zonal), Weavers' Service Centre, Guwahati and Office order No. WSC/Agt/P.F/-34/99/1461, dated 19/11/99, reverting me illegally w.e.f. 01/11/99 and prayer for continuous promotion in the post of 'ACCOUNTANT'.

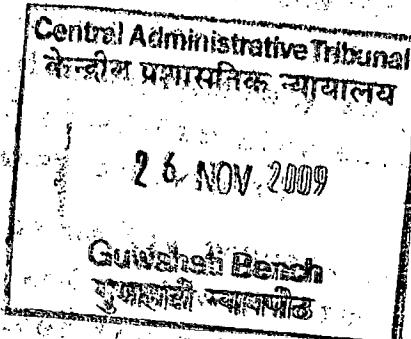
Sir,

With due respect I have the honour to refer my earlier representations dated 28-01-2000 and 12-07-2000 on the subject cited above but no any response received till date and to so far furnish the following facts for your kind consideration, perusal and favourable decisions on this issue.

1. EXCESS REGULARISATION IN THE GRADE OF U.D.C.

Total sanction strength in Eastern Zone in the Grade of U.D.C. is 10 (ten) following incumbents were working as U.D.C. on regular basis.

1. Smt. K. Daschoudhury.
2. Shri R.N. Roy.
3. Shri S.K. Halder.
4. Smt. Kunhabati Devi.
5. Shri B.C. Das.
6. Shri L. Barman.
7. Shri G. Samanta.
8. Shri Arun Chanda.
9. Shri B.C. Singha.
10. Shri R.C. Deka.
11. Shri P.K. Roy.



Under the circumstances it is proved that the service of P.K. Roy was regularised malafidely as it is excess in the sanction strength.

2. POST OF ACCOUNTANT RESERVED FOR S.C.

That, by illegally denying my promotion to the Post of Accountant and illegally reverting me from the post of Accountant to U.D.C., having existing of the continuous permanent post Accountant, the constitutional rights granted for S.C. and mandates of Supreme Court & High Court & C.A.T., issued from time to time have

ATTESTED
 (M)
 ADVOCATE

3. DECLINE THE PROMOTION OF SENIOR AND ALLOWING JUNIORS' FOR PROMOTION.

Shri L. Barman, who is junior to me in the Grade of U.D.C. has been illegally promoted to the post of Assistant and despite of being Senior I has been illegally reverted to the post of U.D.C. disregarding all the service norms regulating appointment on promotion.

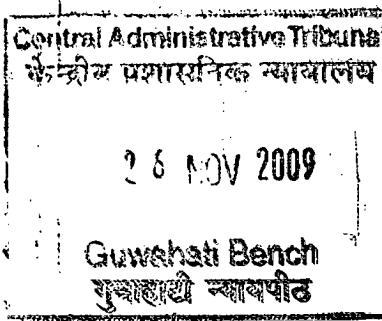
4. NON FULFILMENT OF REQUIRED SERVICE IN THE GRADE OF ACCOUNTANT.

As per recruitment Rule 8 (eight) years regular Service in the Grade of U.D.C. or Store Keeper is required. The service of Shri R.C. Hambram in the Grade of U.D.C., was regularised with effect from 21-04-92 during DPC of 1998 the services of Shri Hambram in the Grade of Accountant was regularised and he did not fulfill the require service of 8 (eight) years in the Grade of U.D.C. Therefore, his case in the Grade of Accountant was regularised with malafide intention.

In this context I am to inform you that both the services of Shri Hambram and me were regularised in the Grade of U.D.C. with effect from 21-04-92 during 1998 DPC. The case of Shri Hambram was considered for regularisation in the Grade of Accountant. Where as my case was considered for reversion to the Post of U.D.C. from Accountant. Which is entirely in justice with me. Therefore, the action of Zonal Director Eastern Zone is against me is totally on step mother behaviour.

In this connection I am to earnestly request you to kindly look into the matter personally and review and re-examination of my case, issue necessary order for getting of my promotion to the post of either Assistant or Accountant with earliest with consequential benefits for which I shall remain grateful to you for ever.

An early and favourable action in this regard will be highly appreciated.



Date :- 19/09/2000

A. TFSTED
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ADVOCATE

Yours faithfully,
Babul Ch. Das
(B.C. DAS)
U.D. CLERK.
WEAVERS' SERVICE CENTRE,

- 43 -

Government of India,
Ministry of Textiles
Weavers' Service Centre
&

Regional Design Centre,
IIHT, Campus,
Khanapara, Guwahati-22

No.WSC/GAU/Admn-1(23)/2003/2158

Dated July 4, 2005

OFFICE ORDER

On recommendation of the Departmental Promotion Committee, for Group 'C' & 'D' posts of Weavers' Service Centres/ Indian Institute of Handloom Technology under East Zone, Shri B.C. Das, U.D.C., Weavers' Service Centre, Imphal is promoted to the post of Assistant in the pay scale of Rs.5000-150-8000 on regular basis and posted at Indian Institute of Handloom Technology, Guwahati.

His promotion will take effect from the date, he actually takes over charge of the post of Assistant in Indian Institute of Handloom Technology, Guwahati.

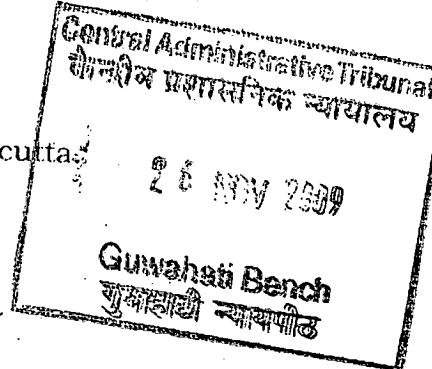
He will be on probation for a period of 2 years from the date he takes over charge of the aforesaid post in Indian Institute of Handloom Technology, Guwahati.

His pay on promotion as Assistant will be fixed in accordance with the relevant rules.

(D. JAYARAMAIAH)
Director

To,
Shri B.C.Das,,
U.D.C. WSC., Imphal
Copy to,

1. The Officer-in-Charge, Wavers' Service Centre, Imphal for his information & necessary action
2. The officer-in-Charge, Indian Institute of Handloom Technology, Guwahati He is requested to inform this office the date on which Shri Das reports for duty at his Institute.
3. The Pay & Accounts Officer, Pay & Accounts Office, Calcutta
4. The Addl. Development Commissioner for Handlooms, Udyog Bhawan, New Delhi-110011.
5. Guard File.



(D. JAYARAMAIAH)
Director

ATTESTED
ADVOCATE

GOVT OF INDIA
MINISTRY OF TEXTILES
WEAVERS' SERVICE CENTRE
IMPHAL, MANIPUR

No: WSC/IMP/Esst.-1(2)/03/05/792

Dated: 29/07/2005

OFFICE ORDER

Consequent upon his transfer order from Weavers' Service Centre, Imphal to Indian Institute of Handloom Technology, Guwahati vide letter No. WSC/GAU/Admn-1(23)/2003/2159 dated 04/20/06/2005 from the Director (Zonal), Weavers' Service Centre, Guwahati on regular promotion to the post of Assistant in the pay scale of Rs.5000-150-8000. Shri B.C. Das, the U.D. Clerk of this office is hereby stand relieved on 01/08/2005 in the forenoon with instruction to report for duty at Indian Institute of Handloom Technology, Guwahati.

Yours faithfully,

(R.Banikya)

Deputy Director (Design)

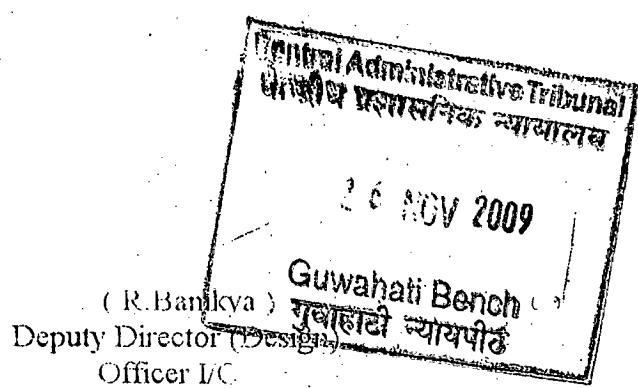
Office I/C

To:

Shri B.C.Das, U.D.Clerk
W.S.C., Imphal.

Copy to: -

1. The Officer-in-Charge
Indian Institute of Handloom Technology, Guwahati He is requested to inform this office in which date Shri B.C.Das reports for duty.
2. The Director (Zonal)
Weavers' Service Centre, Guwahati
3. The Accounts officer
Pay and Accounts office, Kolkata.
4. The Addl. Development Commissioner
for Handloom, New-Delhi.
5. Guard File.



ATTESTED
ADVOCATE

ANNEXURE--15

Recruitment Rule

SCHEDULE

Name	Classification	Scale of Selection	Whether selection post or non-selection post.	Age limit for direct Selection post.	Recruits.	Whether benefit of additional years of service is required for direct admission under rule 30 of the Central Civil Service (Pension) Rules, 1972.	Educational and other qualifications required for direct recruitment.	Whether period of age and of probation is prescribed for direct recruitment.	Method of recruitment, educational qualification required, her by direct recruitment or by promotion or by deputation/transfer and percentage of to be made.	In case of recruitment motion by promoter exists, what is its deputation/transfer, grades from which promotion/deputation/transfer to be made.	Circumstances in which Union Public Service Commission is to be consulted in making recruitment.
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1	2	3	4	5	6	7	8	9	10	11	12	13
Superintendent	General Central Service Group 'C'	550-20-650-25-750	Selection	Not applicable.	No	Not applicable	No	Two years	50% by pro-Promotion motion and 50% by deputation examination	1. Jt. DCH, Deputy Superintendent/Asstt. with 3 years regular service in the grade.	Not applicable.	Chairman of the examination Asstt. with 2. Director WSC, Member

ATTESTED
ADVOCATE

5. Director,
All India
Handicrafts Board

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GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
WEAVERS' SERVICE CENTRE
WEAVERS' COLONY: BHARAT NAGAR
DELHI: 110052.

SPFED POST

Dated 14.01.2005.

No. WSC/NZ/DLI/O.S./D.Exam/12(8) 137

Office Circular

Subject: Superintendent limited Departmental Competitive Examination 2005 for filling up vacancies Un-Reserved under Zonal Departmental Examination Quota.

It has been decided to conduct Departmental Examination for filling up vacancies Office Superintendent under North/South and East Zone as per extent recruitment rules of Weavers' Service Centre/IIHTs. The Posts are meant for General Category candidate.

2. Assistant with three years regular service and UDC with ten years regular service in the grade as on date of vacancies in their respective Zones as mentioned below will be eligible for appearing in the Departmental Examination.

No. of Posts vacant	Date of Vacancy	Place of Vacancy	Mode of recruitment as per RRs	Whether the vacancy is reserved or un-Reserved.
1	01.01.2001	South Zone	By Departmental Examination.	Un-Reserved.
1	01.07.2002	South Zone	-do-	Un-Reserved.
1	01.08.2002	North Zone	-do-	Un-Reserved.
1	15.04.2004	East Zone	-do-	Un-Reserved.

3. The plan of examination, subject and syllabus of examination is indicated in Annexure -I.

4. The eligible employees of WSCs/IIHTs falling under South/North and East Zone who intend to appear in the Departmental Examination may apply in the Prescribed form (Copy enclosed) through Officer-in-Charge, of their Centres/Institute. The Officer In-Charge will duly scrutinise the particulars of the applicant from service records and sign part-II of the form in token of correspondence of the particulars and thereafter forward the same to the undersigned. The following Time Schedule will be observed in processing the applications.

Contd.P.2..

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ADVOCATE

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(a) Applications will be submitted by the eligible employees to their Officer-in-Charge by 28.01.2005.

(b) The Officer-in-Charge will forward the applications to the undersigned by 07.02.2005.

(c) The examination will be held on 19th and 20th February, 2005 in the premises of Weavers' Service Centre, Weavers' Colony: Bharat Nagar, Delhi-110052. Employees appearing in the test will be entitled to TA/DA as per their rules.

5. The selection will be made on the basis of merit in the written examination and assessment of service records.

DIRECTOR

Encl: As above.

Copy to:-

1. Shri/Smt/Kum. L.M. Singh, Assistant, WSC, Guwahati

2. The concerned Officer-in-Charge of WSCs/IIHTs of South/North and East Zone for information and necessary action.

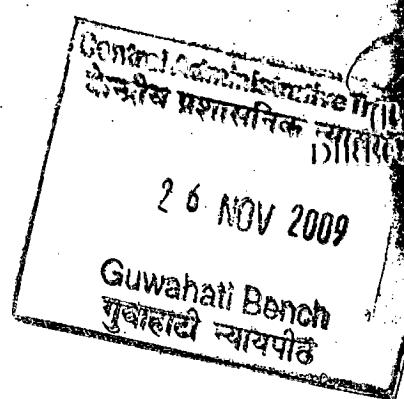
3. The Director, South/North/East and West Zone for information.

4. The Deputy Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhawan, New Delhi with reference to his letter No. 50/1/97-DCHL/E.II (WZ) dated 7th January 2005.

5. File No. WSC/NZ/DLH/12(5)Vol.34/

6. File No. WSC/NZ/DLH/19(1)Vol.6

7. Guard File.



ATTESTED
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ADVOCATE

← 48 →

Government of India
Ministry of Textiles
Weavers' Service Centre
&
Regional Designs Centre
Jawahar Nagar, IIHT., Campus,
Khanapara, Guwahati-22

No. WSC/GAU/Admn-1(53)/04/ 1204

Dated June 18, 2009

26

To,
Shri Babul Chandra Das,
Assistant,
IIHT., Guwahati

Sub: Information sought under RTI Act 2005 regarding
vacancies of Office Superintendent in East Zone- regarding

Sir,

Please refer to the letter No. 53/1/2006/DCH/E.II. dated 03/06/2009 issued by the office of the D.C.(H), New Delhi addressed to this office and copy endorsed to you on the above subject, relevant information is furnished below:-

'After bifurcation since 1987, 3 + 4 = 7 Nos. vacancies of Superintendent were occurred under the Zonal Director of WSC., Guwahati .Following incumbent promoted to the post of Office Superintendent after 1987, as per vacancy based roster:

1. Shri S.N. Gupta w.e.f. 22-4-1992 as *promotee*,
2. Shri G.K. Ghosh w.e.f. 17-7-1992 as Dept. examinee
3. Shri K. Barman, w.e.f. 17-7-1992 as Dept. Examinee

And thereafter 4 vacancies occurred which were filled up following posts based model Roster w.e.f. 02-07-1997; the incumbents of the posts and mode of promotion are mentioned as under :-

1. Shri R.K. Biswas w.e.f. 13-8-1998 as *promotee*
2. Smt. Y. B. Devi, w.e.f. 13-8-1998 as *promotee*
3. Shri L. M. Singh, w.e.f. 11-4-2005 as Dept. Examinee
4. Sri S.K. Yadav, w.e.f. 02-6-08 as *promotee*.

No post filled up from the category of SC/ST candidates by promotion to the post of Office Superintendent following the model Roster for promotion maintained by this office as per norms prescribed. One No. of SC vacancy occurred during the year 1992 -96, but due to non availability of eligible SC candidate during that period , the post could not be filled up from SC category.

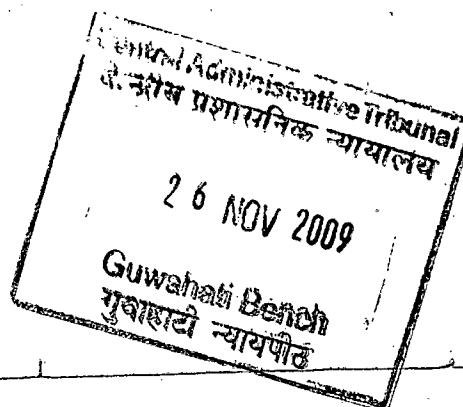
Yours faithfully,

S. P. SINGH
(S.P. SINGH)
DIRECTOR

Copy to:

The Addl. Development Commissioner for Handlooms
Office of the D.C.(H), Udyog Bhavan, New Delhi with reference to his
office letter No. 53/1/2006/DCH/E.II.. dated 03/06/2009

(S.P. SINGH)
DIRECTOR



ATTESTED
ADY 954 TB

No. WSC/GAU/Admn.1(23)/92/ 1928 Dated: 27/10/92

OFFICE ORDER

Consequent upon declaration of the result vide letter No. WSC/DLH/Admn.1(6-c)/2529 dated 17.7.92 and letter of even no. dated 10.9.92 the following officials who are officiating as Superintendent on ad-hoc basis are hereby appointed as Superintendent on Regular basis in the Weavers' Service Centres/ Indian Institute of Handloom Technology(Eastern Zone) under the organisation of the Development Commissioner for "Handlooms w.e.f. from the date shown against each:

Sl. No.	Name & Designation	Centre where working - Posted	Date of posting	
1.	2.	3.	4.	5.
	S/Shri			
1.	B. K. Majumdar, Accountant.	I.I.H.T., Guwahati	-	Resigned
2.	G. K. Ghosh, Accountant	W.S.C., Calcutta.	W.S.C., Calcutta.	17.07.1992
3.	K. Barman, Accountant.	W.S.C., Guwahati.	W.S.C., Guwahati.	17.07.1992
4.	S. N. Gupta, Accountant.	W.S.C., Bhubaneswar.	W.S.C., Bhubaneswar.	Already promoted as Superintendent on regular basis by D.P.C., w.e.f. from 21.4.92.

They will be on probation for a period of two years w.e.f. from the date shown against each of them.

Their pay will be fixed in accordance with the relevant rules.

Y. M. Sonkusale
(Y. M. Sonkusale) (23/10/92)
Director

To,

Individual concerned.

Copy to:

1. The Officer-incharge, Weavers' Service Centre/ Indian Institute of Handloom Technology, Guwahati/ Calcutta/Bhubaneswar with a spare copy for pasting in the Service book.
2. The Director(Co-ordination), Weavers' Service Centre, Bombay.
3. The Dy. Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhawan, New Delhi.
4. The Pay & Accounts Officer(Textiles), Ministry of Commerce, Calcutta.
5. Accounts Section, Weavers' Service Centre, Guwahati.
6. The Director, WSC, Delhi

(Y. M. SONKUSALE)
DIRECTOR

ATTESTED

ADYOGATB

- 50 -

ANNEXURE--19
Dated 05/02/09
2009

GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
WEAVERS' SERVICE CENTRE
WEAVERS' COLONY: BHARAT NAGAR
DELHI: 110052.

No. WSC/NZ/DLH/O.S./D.Exam/12 (8) / 475

Dated 20.02.2009

Office Circular

Subject: Filling of the posts of Office Superintendent in various WSCs/IIHTs through departmental Examination – regarding.

It has been decided to conduct Departmental Examination for filling up Vacancies of Office Superintendent under West / South Zone as per extent Recruitment rules in Weavers' Service Centre/IIHTs. The Posts are reserved for General Category candidate.

1. Assistant with three years regular service and UDC with ten years regular service in the grade as on date of vacancies in their respective Zones as mentioned below will be eligible for appearing in the Departmental Examination.

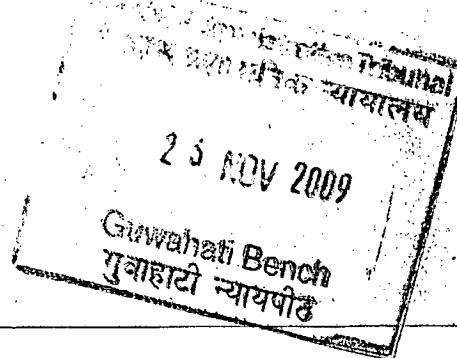
No. of Posts vacant	Date of Vacancy	Place of Vacancy	Mode of recruitment as per RRs	Whether the vacancy is reserved or un-Reserved.
1	01.06.08	North Zone	By Departmental Examination.	Un-Reserved.
1	11.06.08	East Zone	-do-	Un-Reserved.

2. The plan of examination is as under :-

Dated 28.02.2008. (10.00 A.M. to 12.00 P.M.)	Question Paper - I	Office Procedure and Office Management.
Dated 28.02.2009. (1.00 P.M. to 3.00. P.M.)	Question Paper-II	Général Financial Rule.
Dated 01.03.2009. (10.00 A.M. to 12.00 P.M.)	Question Paper- III	General Service Rule.
Dated 01.03.2009. (1.00 P.M. to 3.00. P.M.)	Question Paper- IV	Working of WSCs/IIHTs.

3. The eligible employees of WSCs/IIHTs falling under West/South Zone who are appearing in the Departmental Examination may apply in the prescribed form (Copy enclosed as Annexure -I.) through Officer-in-Charge, of their Centres/Institute. The Officer In-Charge will duly scrutinise the particulars of the applicant from service records and sign part-II of the form in token of correctness of the particulars and thereafter forward the same to the undersigned.

Contd...P...2...



ATTESTED

ADVOCATE

4. The pattern of the question papers is as under :-

Question Paper - I.

Marks.

Office Management and Office Procedure.

(It will cover)

i.) Noting and Drafting, Précis Writing.	50
ii.) Procedure and practice in the Govt. of India Secretariat & Attached Offices.	25
iii.) General knowledge of the Constitution of India and the Machinery of Govt. Practise and Procedure in Parliament, General Studies	25

Total 100

Question Paper - II. (General Financial Rules).

100

It will cover budgeting, receipts and payments rules, Purchase procedure, payment of loans and advances, Settlement of all kinds of pension, duties of DDOs And Cash work etc.

Question Paper - III. (General Service Rules).

100

It will incorporate establishment, rules, service records, joining time, leave rules and all kinds of service matter.

Question Paper - IV. (Working of WSCs/IIHTs.

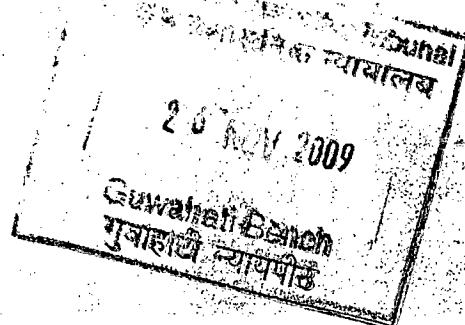
100

Duration of each question paper would be 02 hours.

Applications will be submitted by the eligible employees to their concerned Officer-in-Charge by 25.02.2009 positively.

6. Application must reach to the undersigned upto 27.02.2009 by the Officer -in- Charge of respective Centres/Institute. Confirmation may be faxed immediately Followed by hard copy

Contd...P...3...

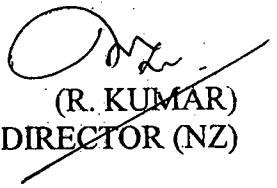


ATTESTED

ADVOCTATE

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5. The examination will be held on 28th Feb., 2009 and 1st March, 2009 (Holidays) in the premises of Weavers' Service Centre, Weavers' Colony: Bharat Nagar, Delhi-110052. (Phone Nos. 011-27302999, 011-27303793 (Fax No. 011-27307560). The employees appearing in the test will be entitled to TA/DA as per their entitlement under rules. Candidates shall not be allowed use of Mobile/Calculators.
6. The selection will be made on the basis of merit in the written examination and assessment of service records.


(R. KUMAR)
DIRECTOR (NZ)

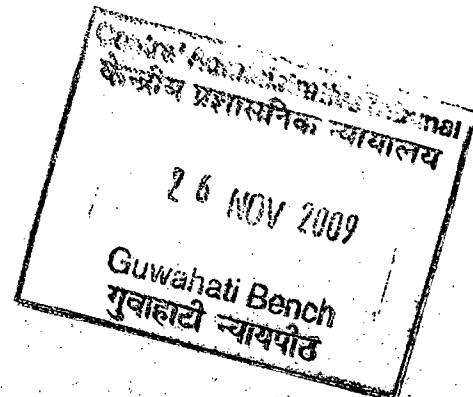
Encl: As above.

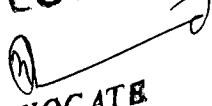
Copy to: -

1. Shri/Smt./Kum. T. C. Dass UDC, IIHT, Guwahati

2. The officer-in-Charge WSCs, Delhi/ Panipat/Jaipur/Varanasi/Meerut/Srinagar/IIHT Jodhpur/Varanasi for information and necessary action.
3. The Director, East Zone for information.
4. The Addl. Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhawan, New Delhi with reference to his letter No. 50/1/2006- DCHL/E.II. Dated 29th January, 2009.


(R. KUMAR)
DIRECTOR (NZ)



ATTESTED

ADVOCATE

To
The Director,
Weavers' Service Centre,
Guwahati.

Through Proper Channel

Sub: Non-compliance of Model Roster for cadre strength up-to 13 Posts and denial of benefit of promotion to the SC/ST Candidates to the post of Office Superintendent.

Sir,

Most respectfully, I beg to lay following few lines for your kind consideration and necessary action thereof:

1. That Sir, I am at present working to the post of Assistant in the office of the Indian Institute of Handloom Technology, Guwahati under your administrative control and due for promotion of Office Superintendent as I have completed three years regular service as on 09.08.2008.
2. That Sir, as per Recruitment Rules, 50% Posts of Office Superintendent are liable to be filled up by promotion from the incumbents working as Assistant subject to fulfillment of required service and rest 50% Posts through Departmental Examination.
3. That Sir, there are 5 Nos. Post of Office Superintendent falling under Eastern Zone. Since formation of Zone i.e. 01.09.1987, the three incumbents [(Sh. R. K. Biswas (Year: 1998), Smt. Y. B. Devi (Year: 1998) & Sh. S. K. Yadav (2008))] were considered to the post of Office Superintendent on promotion and five incumbents were considered to the post of Office Superintendent through Departmental Examination [S/Shri B. K. Majumdar, G. K. Ghosh, K. Barman, S. N. Gupta (in the year 1992) and L. M. Singh (Year: 2005)]. All 8 incumbents belong to General Category. Hence, your office has denied the promotion of SC/ST Category. It is needless to mention that Sh. S. N. Gupta has been considered for promotion to the post of Office Superintendent in the year 1992 after conducting Departmental Examination and before announcement of result for the same.
4. The present sanctioned strength of Office Superintendent under Easter Zone is 4.
5. As per general procedure, 1st and 2nd case would be considered by promotion and Departmental Examination respectively. Hence, the conducting Departmental Examination in the year 2009 for the post of Office Superintendent does not appear to be in order. In the aforesaid examination, the name of Shri L. Barman, Assistant who got promotion from the post of UDC with effect from 01.01.2009 and junior to me is going to be illegally considered for the post of Office Superintendent by denying Senior-most Candidate.
6. I belong to Scheduled Caste Candidate and eligible for promotion as Office Superintendent in the year 2008.

In the light of the factual position explained above, you are earnestly requested to review the case with maintaining the roster properly so that the SC/ST category as well as senior-most Assistant cannot be deprived of the regular promotion for the post of Office Superintendent for which I shall remain grateful to you for ever.

Yours faithfully,

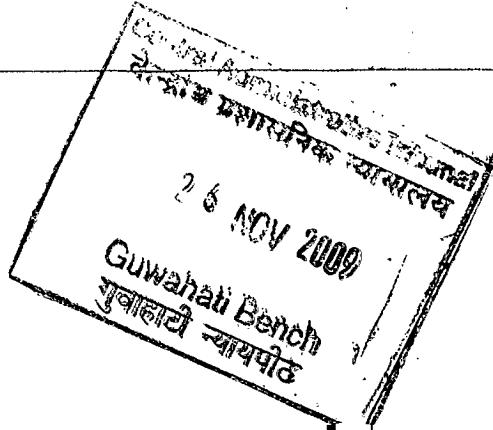
(B. C. Das)
Assistant
IIHT, Guwahati

Copy for information and necessary action to:

1. The Addl. Development Commissioner for Handlooms, Min. of Textiles, New Delhi with reference to his office letter No. A-56/1/2006-DCHL/E.II dated 05.05.2007.
2. The Director, National Commission for Schedule Caste State Office, 24, Nilmoni Phukan Path, Christian Basti, Guwahati.

Babul Ch. Das
(B. C. Das) 11-6-09
Assistant

ATTESTED
ADVOCATE



Government of India
 Ministry of Textiles
Weavers' Service Centre
 I I H T Campus
 Jawahar Nagar, Khanapara
 National Highway No. 37
 Guwahati-781 022
PH: (0361) 230-3586; FAX: 0361-2302599

No.WSC/GAU/Admn-9(8)/03/ 1937

Dated August 31, 2009

Sub: Declaration of Departmental Exam. result in respect of the Post of Office Superintendent exam held on 28th Feb'09 and 1st March'09- regarding

A Departmental Examination was conducted in the premises of WSC., Delhi on 28th February'09 and 1st March'09 for filling up a vacant post of Office Superintendent by the office of the D.C. (Handlooms), New Delhi which occurred on 11-06-08 at WSC., Guwahati . The result of the said Departmental examination has been communicated to this office by the office of the D.C. (Handlooms), New Delhi vide letter No. 50/1/2006-DCH/Estd. II. dated 21-4-09

A total No. of 2 eligible candidates from this zone was appeared in the said examination, out of which only 1 (one) candidate has passed the examination as per the merit basis of marks obtained by the candidate of this zone in the above examination. The same is as under for information to all concerned:-

Sl. No.	Roll No.	Name of the Dept. candidate	Results	Whether SC/ST/General
1	14	Shri L. Barman, UDC/Asstt.	Pass	General

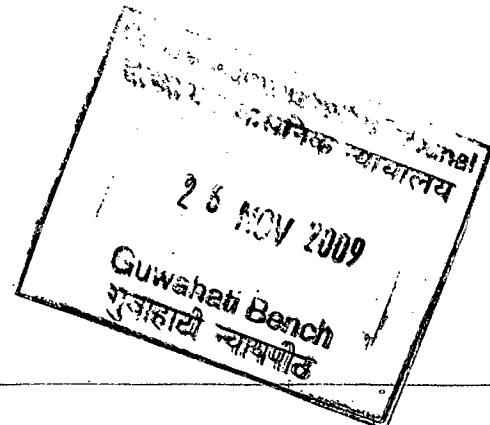
(S.P. SIGH)
 Director

Copy to: 1. The Officer-in-Charge, IIHT., Guwahati/Bargarh

2. The Officer-in-Charge, WSC., Guwahati/Agartala/Bhagalpur/
 Bhubneswar/Kolkata/Imphal

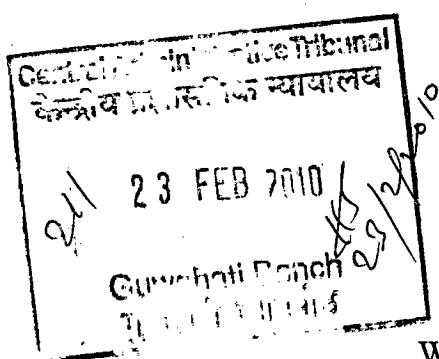
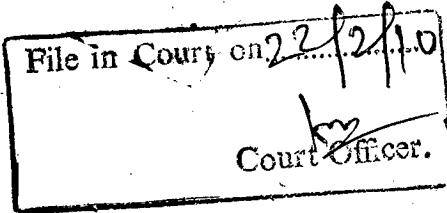
3. The Addl. Development Commissioner for Handlooms,
 Office of the D.C. (Handlooms), Udyog Bhavan , New Delhi

S.P. SIGH)
 Director



ATTESTED
 @
 ADVOCATE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH



IN THE MATTER OF

Original Application No.248/2009.

Sri Babul Chandra Das

.....Applicant

- Versus -

Union of India & Ors.

.....Respondents

IN THE MATTER OF

Written statement submitted by the Respondents 2

WRITTEN STATEMENT

The humble answering respondents

submit their written statement as follows

:

1(a) That I Sri S. P. Singh, S/o Lt. Lt. Ram Singh, presently working as the Director, Weavers' Service Centre, Kharapara, Guwahati-32 and Respondents No. 3 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 of all the respondents.

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

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

S. P. Singh
Director (E.Z)

22/2/10
through Motin Uddin Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

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

2. That with regard to the statements made in para 1 of the Original Application the answering respondents beg to state that Govt. orders on post based rosters are effective from July 2, 1997. Recruitment/promotion made on or after July 2, 1997 have to be based on post based rosters instead of vacancy base (O.M.No. 36012/2/94-Estt.99RES) dated 2.7.97. Reservation (point) is determined afresh with reference to the post only and not with reference vacancy. As per post based roster operated with effect from 2.7.97, no post of office superintendent earmarked for reserved for SC. This Department has maintained properly the recruitment rules for selection to the post of office Superintendent as per the norms of ratio fixed for the Departmental Examination.

3. That with regard to the statements made in para 2, 3, 4.1, 4.3, 4.4 & 4.7 of the Original Application the answering respondents beg to state that the same are being matter of records and do not offer any comment.

4. That with regard to the statements made in para 4.5 of the Original Application the answering respondents beg to state that the applicant's service was regularized as UDC only with effect from 21.4.1992 and he submitted representation for promotion to the post of Accountant on 7.8.1996 i.e. after completing 4 years 3 months services as UDC whereas as per Recruitment Rules for promotion to the post of Accountant requires 8 years regular service In the grade. His request for promotion to the post of Accountant not at all eligible for the post so far Recruitment rules are concerned. The applicant states that vde letter No.A14019/6/82-DCH/E.II dated 8.8.89 issued by the Development Commissioner, Ministry of Textiles, Government of India whereby one post of

S. P. Singh
Director (E.Z)

22-11-2010

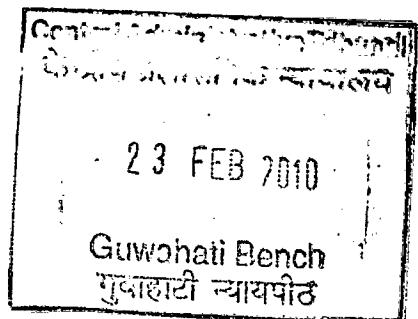
Accountant in the WSC, Agartala under the Eastern Zone was kept reserved for SC category candidate under the Special Recruitment Drive for SCs/STs. But as per order of the Govt. post base roster is operated only from 2.7.1997 and making statement by the application that the post of Accountant was reserved for SC is not correct. Moreover, authenticity of the letter dated 8.8.1989 is not established and not traceable at this stage.

5. That with regard to the statements made in para 4.6 of the Original Application the answering respondents beg to state that the same is not agreeable by the respondent, as the Director (Coordination) Ministry of Textiles, Govt. of India vide comuniton letter No.WSC/BOM/E-1(81)/VIII/1943 dated 26.6.1989 itself stated that with regard to furnishing the letter No. and date communicating the reservation positon to the concerned WSC/IIHTs, it is observed that the same were not traceable.

6. That with regard to the statements made in para 4.8 of the Original Application the answering respondents beg to state that the applicant is appointed as an Accountant on ad-hoc basis with effect from 27.8.97 on purely temporary and ad-hoc basiswhich will not confer on him any formal right either to continue in the higher post indefinitely or for promotion on regular basis. Furnishing reasons of reversion it itself depicts in the ad-hoc appointment order of the applicant. In this connection a letter received from Joint Secretary of Ministry of Personnel, Public Grievances & Pension, DOP & T, New Delhi dated 23.9.97 may refer wherein after 1.1.1998 pay & allowances of ad-hoc appointees are released only if the arrangement for that particular period has been approved by that Department.

Copy of letter No.28036/3/97-Estt.(D) dated 23.9.97 is annexed herewith and marked as Annexure-1.

S. P. Singh
Director (E.Z.)



7. That with regard to the statements made in para 4.9 of the Original Application the answering respondents beg to state that the promotion of Shri R.C.Hembram (ST) to the post of Accountant on 13.8.98 in Weavers' Service Centre, Agartala is as per approval of the Departmental Promotion Committee. As per the approval, the respondents authority acted accordingly appointing him to the post of Accountant at Weavers' Service Centre, Agartala.

8. That with regard to the statements made in paragraphs 4.10 to 4.13 of the Original Application the answering respondents beg to state that they are not in a position to comment as the page No. 8 of OA 248 is not annexed with the application. However, with reference to the representation dated 28.1.2000 of the applicant, the respondents state that in the meantime (Maintenance of post based Rosters), the vacancy based rosters which were being maintained earlier have been replaced by post based rosters from 2.7.1997 in respect of Direct Recruitment and Promotion. In this connection item No.11 and 25 of Swamy's Master Manual for DDOs and Head of office may be referred. According to the new post based rosters point as an when vacancies arises efforts were made for promotion on regular basis only to the eligible person based on reservation rosters point.

Copy of Swamy's Master Manual for DDOs and Head of Office item No.11 and 25 are annexed and marked as Annexures 2 & 3.

9. That with regard to the statements made in para 4.14 of the Original Application the answering respondents beg to state that the Recruitment Rules provides that there are two modes of promotion to the cadre of Office Superintendent i.e. 50% by promotion and 50% by Departmental examination. As per recruitment rule for the promotion the post of Office Superintendent, a candidate must have worked ten years of regular service as UDC or three years of regular service as Assistant. The applicant has completed 10 years of regular

S. P. Singh
Director (E.Z.)

23 FEB 2010

Gurucharan Dass

service as UDC in the 2002. At that time the applicant was eligible only to appear in Departmental examination and not eligible for promotion to the post of Office Superintendent.

10. That with regard to the statements made in para 4.15 of the Original Application the answering respondents beg to state that the applicant in the notified Departmental competitive examination which was held in 2005 for filling up vacancies un-reserved under Zonal departmental examination quota for selection to the post of Office superintendent. The applicant appeared in the said examination held for the selection to the post of Office Superintendent. But the applicant was not qualified for the post under Departmental examination.

11. That with regard to the statements made in para 4.16 of the Original Application the answering respondents beg to state that Shri S.K.Yadav, is promoted to the post of Office Superintendent by conducting Departmental Promotion Committee in the year 2008..

Further, the respondents with reference to the information furnished under RTI Act seeking information regarding vacancies of Office Superintendent in East Zone, the respondents authority have promoted shri R.K.Biswas and Smt Y.B.Devi to the post of Office Superintendent through Departmental Promotion Committee (DPC) w.e.f. 13.8.1998 i.e. on the same day and whereas in earlier occasion Shri G.K.Ghosh, Accountant and Shri K.Barman, Accountant respondent letter No.WSC/GAU/Admn-1(23)/92/4928 dated 27.10.92 were promoted to the post of Superintendent on regular basis on the same day 17.7.1992. As the earlier two incumbent promoted to the post of Superintendent on the same day keeping ratio of percentage at that occasion, the Departmental Promotion Committee approved promotion to Shri R.K.Biswas and Smt Y.B.Devi accordingly. By doing

S. P. Singh
Director (E.Z.)

23 FEB 2010

Gopalpur Branch
Tatyasaheb

so, the respondent authority maintained ratio of percentage of Recruitment Norms and not violated the Recruitment rules.

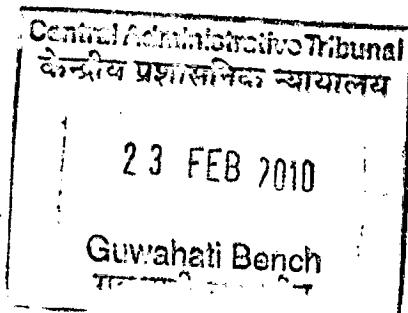
Copy of office Order No.WSC/GAU/Admn-1(23)/92/4928 dated 27.10.92 issued by the Director, Weavers' Service Centre, Guwahati is annexed and marked as Annexure-4.

One number of SC vacancy occurred during the year 1992-96, but due to non availability of eligible SC candidate during that period, the post could not be filled up from SC category candidate. However, the applicant Shri B.C.Das promoted to the post of Assistant on 10.8.2005 against reserved SC quota and at the point of time he was not eligible for promotion to the post of Office Superintendent on the basis of departmental Promotion Committee and as per norms of the Government with reference to the crucial date for determining eligibility for promotion to the post of Office Superintendent as conveyed by the office of the Development Commissioner for Handlooms, New Delhi vide No.50/1/2006-DCH/E. II dated 27.8.2008. He is eligible for the post only from January 1, 2009 subject to fulfillment of bench mark in Annual Confidential Reports grading etc. As at that time no vacancy existed to promote him to the post of Office Superintendent under reserved quota.

Copy of letter No. 50/1/2006-DCH/E. II dated 27.8.2008 is annexed herewith and marked as Annexure-5.

Further respondents state that vide order No. WSC/GAU/Admn-1(23)/92/4928 dated 27.10.92, respondent appointed 4 officiating Office Superintendent on regular basis in the WS/IIHT through Departmental examination. In the order dated 27.10.1992 the name of Shri B.K. Majumdar as Office Superintendent was not reflected in the letter dated 18/26.6.2009 under RTI, because Shri B.K.Majumdar has already resigned before the date of

S. P. Singh
Director (E.Z.)



appointment order which is indicated clearly mentioned in the order. In this connection, an office order for the post of Office Superintendent (ad-hoc) vide No.IHTG/Ett-1(3)/92/1691 dated 6.7.1992 issued by the Director, Indian Institute of Handloom Technology, Guwahati consequent upon his selection for the post of Accounts Officer, under Regional Medical Research Centre for Tribal, Jabalpur may please be referred to. Shri B.K.Majumdar was relieved from the post on 6.7.1992 i.e. before date of his promotion to the post of Superintendent dated 27.10.1992. Therefore his name obviously was not incorporated in the information furnished vide letter dated 18/26.6.2009.

Copy of letter No.IHTG/Ett-1(3)/92/1691 dated 6.7.1992 issued by the Director, Indian Institute of Handloom Technology, Guwahati is annexed herewith and marked as Annexure-6.

12. That with regard to the statements made in para 4.17 of the Original Application the answering respondents beg to state that as per order of the Govt. post based roster has come up for operation from 2.7.1997. Accordingly, this Department maintaining model Roster for promotion for cadre strength upto 13 posts as far as the post of Office Superintendent is concerned both for the method of Departmental Promotion Committee and under the method of Departmental Examination separately for each method recruitment. In this regards a copy of model roster and guidelines of preparing of separate Rosters appointments by promotion may refer.

Copy of model Roster for promotion for cadre strength upto 13 posts and instruction for maintaining separate roster for both ways of recruitment are annexed and marked as Annexures 7 & 8 respectively. (Copy from Swamy's Establishment and Administration).

S. P. Singh
Director (E.Z)

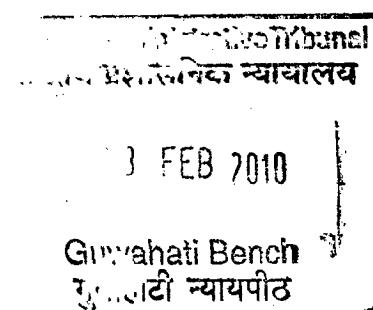
3.13.2010

13. That with regard to the statements made in para 4.18 of the Original Application the answering respondents beg to state that vide circular No.WSC/NZ/DLH/O.S/D. Exam/12(8)/475 dated 20.2.2009 notified for filling up of the post of Office Superintendent in WSC/IIHTs through Departmental Examinaton. The applicant appeared in the said examination for the post of office Superintendent, but he did not qualify for promotion as per result of Departmental Examination. Further, the respondents have maintained the post based reservation for cadre strength upto 13 posts in respect of post of Office Superintendent both for incumbent promoted under the Departmental Promotion Committee and by the conducting Departmental Examination. In this connection reservation roster maintained for the post of Office Superintendent for the incumbent through Departmental Promotion Committee and through conducting Departmental examination under the guidelines may please refer.

Copy of reservation roster maintained for the incumbent through DPC and Deptt. examination are annexed and marked as Annexures 9 & 10.

14. That with regard to the statements made in paragraph 4.19 of the Original application the answering respondents beg to state that the applicant submitted a representation on 11.6.09 regarding non compliance of Model roster for cadre strength upto 13 point roster and denial of benefit of promotion to SC/ST candidates to the post of Office Superintendent is concerned, it is to state that the applicant has submitted similar application dated 12.6.09 to the Director, National Commission for Scheduled Caste State office, Guwahati as well as to the Addl. Development Commissioner for Handloom, New Delhi. In response to the representation, the Director National Commission for Scheduled castes, Guwahati served notice to this Directorate for reply for non compliance of Model roster for

S. P. Singh
Director (E.Z.)



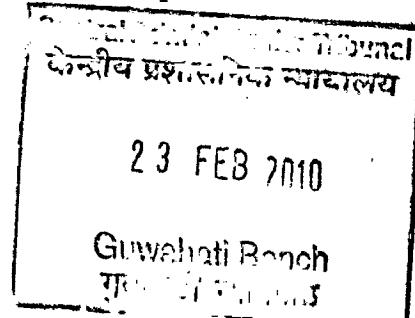
cadre strength upto 13 posts ad denial of benefit of promotion to the SC/ST candidate to the post of Office Superintendent.

Copy of the representation dated 11.6.09 addressed to respondents and 12.6.09 addressed to the Director, National Commission for SC/ST State office, Guwahati are annexed and marked as Annexures 11 & 12.

15. That with regard to the statements made in paragraph 4.20 of the Original application the answering respondents beg to state against the representation dated 12.6.09 addressed to the Director, National Commissioner for Scheduled Caste/Schedule Tribe state office Guwahati as the same representation as dated 11.6.09, the respondents furnished detailed replies to the Director, National Commission for SC/ST State office Guwahati with reference to his letter No. 6/Rep/S/2009-RU dated 16.6.09, the respondents furnished the detailed queries made in his representation to the Commission vide letter No.WSC/Gau/Admn-1(53)/04/155051 dated 29/21.7.2009. As per the letter No. WSC/GAU/Admn-9(8)/03/1933 dated 31.8.2009 Shri L. Barman i.e. respondent No.4 was selected in the Departmental Examination held on 28.2.09 and 1.3.2009, the respondent got promotion order vide No.WSC/GAU/Admn-1(23)/08/2399-2407 dated 11/12.11.2009 with posting at Weavers' Service Centre, Guwahati till 31.3.2010 and thereafter at Indian Institute of Handloom Technology, Guwahati. In response to the promotion, Shri L. Barman, respondent No.4 has joined duty at office Superintendent at Weavers' Service Centre, Guwahati on 13.11.2009 (F.N). In the Departmental examination for selection to the post of Office Superintendent is made as per norms of the Recruitment Rules.

Copy from the Director, National Commission for SC Guwahati letter No.6/Rep/S/2009-RU dated 16.6.09 and respondents letter No.

S. P. Singh
Director (E.Z.)



WSC/GAU/Admn-1(53)/04/155051 dated 29/21.7.2009 are annexed and marked as Annexures 13 & 14 respectively. Also promotion order issued to Shri L.Barman promoting him to the post of Office Superintendent vide No. WSC/GAU/Admn-1(23)/08/2399-2407 dated 11/12.11.2009 and joining report dated 13.11.09 are annexed herewith and marked as Annexures 15 & 16.

17. That with regard to the statements made in paragraphs 4.21 & 5.6 of the Original application the answering respondents beg to state after decentralization of the Department into four zones on 1.9.1987, the respondents have promoted total 8(eight) and not 9(nine) number of incumbents including the respondent No.4 to the post of office Superintendent till 2009 under the Eastern Zone. Out of 8 and not 9 incumbents the respondents have promoted 4 incumbents through the Departmental examination viz. Shri G.K.Ghosh (27.10.1992), K. Barman (27.10.92), L.M.Singh (11.4.2005) and L. Barman (13.11.09) and 4 incumbents viz. Shri S.N.Gupta (21.4.92) Shri R.K.Biswas (13.8.1998), Smt. Y.B.Devi (13.8.1998) and Shri S.K.Yadav (02.06.2008) have been promoted to the post of Office Superintendent. Shri B.K.Majumdar ad hoc Superintendent has already resigned before he was appointed. Therefore only 8 incumbents have promoted to the post of Office Superintendent. All the above 8 incumbent belong to General category based on the post based reservation roster maintained separately in respect of promotion through Departmental promotion and by through departmental competitive examination. The copy of which rosters have already annexed for perusal. From the reservation roster maintained separately as per norms, so far no reservation point reserved for SC category candidate has arisen as per the said roster for the both modes of reservations roster maintained by this Zonal Directorate. Moreover, the respondents have not violate the

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Recruitment Rules which provides promotion to the post of Office Superintendent 50% through Deptt. promotion and 50% through Departmental examination. Although prior to post based reservation i.e. 1992-96 there was one vacancy for SC category to the post of Office Superintendent, but the same could not be filled up due to non availability of eligible candidate. Although the instant vacancy occurred on 11.6.08 which earmarked for UR as per Model roster for promotion for cadre strength upto 13 posts is under filling up by dept. examination, the applicant, Shri B.C.Das, Assistant, IIHT, Guwahati was also given a second chance to appear in the Dept. examination which was held on 28th February, 2009 and 1st March'09, he appeared in the said examination, but declared failed as communicated to this office of the Development Commissioner for Handlooms, New Delhi vide letter No.50/1/2005-DCHL/Estt.II dated 21.4.2009. He also declared failed in his first attempt in the departmental examination held on 19th & 20th February'05. Moreover, the departmental promotion Dy. Supdt/Accountant/Assistant with 3 years regular service in the grade is eligible for promotion. For promotion through departmental promotion committee Shri B.C.Das rendered 2 years 4 months as Assistant. So far for the eligibility for departmental promotion as per the existing Recruitment rules in respect of Shri Babul Ch. Das is concerned he has rendered 2 years 4 months service on 1.1.2008. For determining crucial date for eligibility for promotion as conveyed by office of the Development Commissioner for Handlooms, New Delhi vide letter No.50/1/2006-DCH/E.II dated 27.8.08 (Annexure-5 may refer) in conformity with DOPT OM No.22011/7/86-Estt (D) dated 18.7.89 & O.M.No.22011/3/98-Estt. (D) dated 17.9.98, the 1st day of the crucial year in which the vacancy occurred should be taken irrespective of whether ACRs are written financial year wise or calendar year wise. Accordingly the date of eligibility for the existing vacancy of office

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Superintendent was determined as 1st January, 2008 and Shri B.C.Das, Assistant, IIHT, Guwahati has neither fulfilled the eligibility norms for departmental promotion on 1.1.2008 nor qualified for promotion through departmental examination by virtue of the examination result.

Copy of letter of the office of the Development Commissioner for Handlooms, New Delhi vide letter No. 50/1/2005-DCHL/Estd.II dated 21.4.2009 is annexed herewith and marked as Annexure-17.

18. That with regard to the statements made in paragraphs 4.22 & 5.1 of the Original application the answering respondents beg to state the respondents are not agree with the contentions of the application. Allegation leveled because he was declared failed in the Departmental examination which was held on once in 2005 and one on 2009.

19. That with regard to the statements made in paragraphs 4.23 to 4.27 of the Original application the answering respondents beg to state the applicant appeared twice Departmental examination and did not qualify the departmental examination. This may be due to his quality he does not know rules and regulations and of the office maintenance as the requirement of the post, he may be feeling humiliated among ^{his} co-workers, that is which he is making false statement.

20. That with regard to the statements made in paragraph 5.2 of the Original application the answering respondents beg to state action was taken as per norms and there was no violation of rules and regulations.

21. That with regard to the statements made in paragraph 5.3 of the Original application the answering respondents beg to state that under the recruitment rules for the post of Office Superintendent i.e. 50% of the vacancies are to be filled through promotion and remaining 50% through departmental

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examination. The respondents authority have totally maintained the ratio of the departmental examination in respect of promotion the post of Office Superintendent. Hence the quashing the order issued by the respondent No.WSC/GAU/Admn-9(8)/03/1933 dated 31.08.1998 does not arise.

22. That with regard to the statements made in paragraph 5.4 of the Original application the answering respondents beg to state the department is conducting training etc. as per guidelines given by the appropriate authority. Since there is no guidelines for special training to SC/ST, the department has not separately conducted training to SC candidate.

23. That with regard to the statements made in paragraph 5.5 of the Original application the answering respondents beg to state the respondents have maintained the roster under the reservation policy for post of Office Superintendent in the case of selection through departmental promotion committee or departmental examination and not therefore remarks made in this respect is not relevant.

24. That with regard to the statements made in paragraph 5.7 of the Original application the answering respondents beg to state the post based reservation maintained with effect from 2.7.1997, no reserved post has come up for recruitment, hence question of conducting departmental examination under reserved category does not arise and question of quashing of order dated 31.8.09 of the respondent is under court of law.

25. That with regard to the statements made in paragraph 5.8 of the Original application the answering respondents beg to state the respondents conducted departmental examination under the extent recruitment rules.

26. That with regard to the statements made in paragraph 5.9 & 5.10 of the Original application the answering respondents beg to state that post based

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reservation roster are being maintained with effect from 2.7.97, accordingly no reserved post has come up for recruitment so far.

27. That with regard to the statements made in paragraph 5.11 of the Original application the answering respondents beg to state that the respondents considered representation from time to time based on merit.

28. That with regard to the statements made in paragraph 5.12 of the Original application the answering respondents beg to state the respondents are not agree with the contention of the applicant.

29. That with regard to the statements made in paragraph 5.13 of the Original application the answering respondents beg to state the respondents has taken equal manner towards the similarly situated person.

30. That with regard to the statements made in paragraph 5.14 of the Original application the answering respondents beg to state the respondents exercised the power as established by law.

31. As per the recommendation of the competent authority a Departmental Examination held on 28th February'09 and 1st March'09 for the post of Office Superintendent. On the basis of the Departmental examination, both Shri B.C.Das, Assistant and shri L. Barman, UDC/Assistant have appeared for the post of Office Superintendent and accordingly on the basis of the Departmental examination Shri L.Barman has qualified for the post of Office Superintendent and declared the result of the examination vide order of the respondent No.WSC/GAU/Admn-9(8)/03/1933 dated 31.8.09. On the basis of the result and guidelines communicated by the competent authority a formal departmental Promotion Committee constituted and recommended for promotion to the post of office Superintendent in respect of Shri L. Barman. Accordingly with the approval vide office Order No. WSC/Admn-1(23)/2008/2399-2407 dated 11/12-11-2009,

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Government of Bihar
Department of Education

Shri L. Barman was promoted to the post of Office Superintendent and he has joined the post on 13.11.2009 at Weavers' Service Centre, Guwahati. The resultant vacancy of Assistant vacated by Shri L. Barman in view of his joining to the post of Office Superintendent, the respondent authority has promoted Shri M. Saw, Storekeeper, Weavers' Service Centre, Bhagalpur to the post of Assistant directing him to report for duty at Weavers' Service Centre, Guwahati. Thus as per established norms of the Government for maintaining smooth function of a Government machinery, it is essential not to disturb the present set up of the office.

Copy of office order No.WSC/GAU/Admn-1(23)/2008/2425 dated 12/13.11.2009 is enclosed herewith and marked as Annexure-18.

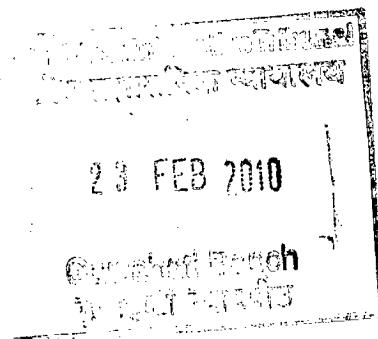
32. That the application filed by the applicant has no merit which may be dismissed with costs.

33. That the reply has been made bonafide and for the ends of justice and equity.

It is therefore humbly prayed before this Hon'ble Tribunal that the present application filed by the applicant may be dismissed with costs.

S. P. Singh
Director (E.Z.)

Government of India
Ministry of Textiles
Weavers Service Centre
I.I.H.T. Complex
Jorhatnagar, Khanapara,
Guwahati—22.



VERIFICATION

I, Sri S.P. Singh

Son of Sh. Baba Ram Singh aged about 59

years, resident of Khanapara, Guwahati

working as Director, Weavers Service Centre, Guwahati-22

Duly authorized and competent officer of the answering respondents to sign this

verification, do hereby solemnly affirm and verify that the statements made in

1, 2, 4, 5, 7 to 15, 17, 18, 21, 24, 26, 31

paras 1 are true to my knowledge, belief and information & those

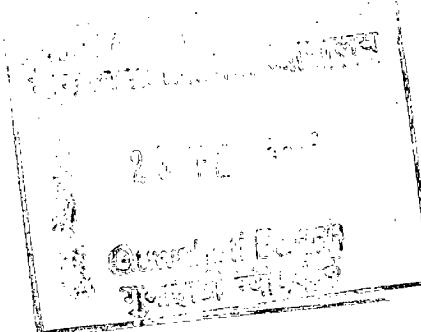
made in para 6, 12, & 13 being matter of record are true to my

knowledge as per the legal advice and I have not suppressed any material facts

and I sign this verification on this 10th day of January, 2010 at Guwahati-22.

S. P. Singh
Director (E.Z.)

Government of India
Ministry of Textiles
Weavers Service Centre
I. I. H. T. Campus
Jawaharnagar, Khanapara,
Guwahati-22



(17)

Guwahati Bench
Gauhati न्यायालय

23 FEB 2010

Guwahati Bench
गुवाहाटी न्यायालय

No. 28036/3/97-Estt(D)

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi 110001
September 23, 1997

29 SEP 1997

The Controller General of Accounts,
Ministry of Finance
Lok Nayak Bhawan, Khan Market,
New Delhi 110003

Subject: -- Release of pay & allowances of officials
appointed/promoted on ad hoc basis = [red]

Sir,

Instructions have been issued vide this Department's O.M. No. 28036/8/87-Estt(D) dated 30th March, 1988 requesting Ministries/Departments to fill all posts only on regular basis in accordance with the prescribed procedure and Recruitment Rules. They have also been requested to ensure that ad hoc appointments are made only in rare and exceptional circumstances and are limited to posts which cannot be kept vacant until regular candidates become available. The instructions further provide that the continuation of such ad hoc arrangements by the Ministries/Departments are subject to the overall restriction of one year. In order to continue such arrangements any further, specific prior approval of this Department is mandatory.

However, instances have come to the notice of this Department where aforesaid instructions have not been followed in letter and spirit resulting into avoidable administrative complications including court cases. Persuasive measures adopted by this Department have not yielded the desired results. The ad hoc arrangements are being allowed as a matter of routine. In many of the cases referred to this Department, requests are made seeking ex-post-facto approval to the ad hoc arrangements after it has been allowed to continue for several years.

SAW

17(A)

- 2 -

In view of the aforesaid position, a decision has been taken with the approval of the Secretary(Personnel) to undertake a comprehensive review of the ad hoc arrangements made by various Ministries/Departments. An Office Memorandum dated 27.8.1997 (copy enclosed) to this effect has already been issued. This may, however, not turn out to be sufficient to enforce compliance both in terms of the requirement of the aforesaid O.M. dt. 27.8.1997 as well as BOP&T's mandatory approval for continuance of ad hoc arrangements beyond one year. In order to make the Ministries/Departments follow our instructions, it is, as such, proposed to impose financial embargo also in the matter. It is, therefore, requested that the suitable instructions may please be issued to the respective Controllers of Accounts to ensure that pay & allowances after 1.1.1998 of ad hoc appointees are released only if the arrangement for that particular period has been approved by this Department. As stated above, approval of this Department is required for continuation of the ad hoc arrangement beyond one year.

A copy of instructions issued to this effect by the C.G.A may subsequently be sent to the Department of Personnel & Training for taking further action in the matter.

This has the approval of the Secretary (Personnel).

S. P. Singh
Director (E.Z.)

Encl: As above.

Yours faithfully,
Harinder Singh

1547 (Harinder Singh)
Joint Secretary (E)
Tel 3011276

- (c) to work-charged posts where reservation is to be applied suitably at the percentages applicable for Groups 'C' and 'D' except those required for emergencies like flood/accident relief, etc.
[G.I., D.P. & A.R., O.M. No. 36021/9/76-Estt. (SCT), dated the 10th February, 1977.]
- (d) to certain categories of Scientific/Technical personnel in respect of posts up to and including lowest grade in Group 'A'.
[G.I., D.P. & A.R., O.M. No. 9/2/73-Estt. (SCT), dated the 23rd June, 1975.]
- (e) in the case of daily-rated staff, though the reservation orders may not be applied *in toto*, SC and ST candidates should be recruited in such a way that their total representation does not fall below the percentages prescribed for them.
[G.I., D.P. & A.R., O.M. No. 36011/18/61-Estt. (SCT), dated the 16th July, 1981.]
- (f) to the casual workers appointed against regular posts, since such regularization amounts to Direct Recruitment. If sufficient number of casual workers are not available to fill the reserved vacancies, the shortfall is to be adjusted by appointment of SC and ST from outside and in no case casuals not belonging to these categories should be appointed against reserved vacancies.
[G.I., D.P. & T., O.M. No. 49014/12/88-Estt. (C), dated the 22nd August, 1988.]

Not applicable—

- (a) to posts in Department of Space and in the Department of Electronics and in regard to the recruitment of trainees to the training school under the Department of Atomic Energy.
[G.I., D.P. & A.R., O.M. No. 9/2/73-Estt. (SCT), dated the 23rd June, 1975.]
- (b) to ex cadre posts. But if such ex cadre posts are in existence for a long time, the question of including such posts in the cadre is to be considered.
[G.I., D.P. & A.R., O.M. No. 16/1 (3) 65-Estt. (SCT), dated the 20th September, 1965.]

- (c) to posts filled by deputation. But the eligible SC and ST candidates should be duly considered. Ministries/Departments under whose control such posts are to be filled by deputation should also duly consider the cases of SC and ST while selecting persons on deputation. Where the number of posts is fairly substantial, a fair percentage of such posts should be filled by SC and ST, subject to their availability.

Guwahati Bench
T.G.I. & A.R., O.M. No. 16/2/67-Estt. (C), dated the 27th September, 1967 and D.P. & A.R., O.M. No. 36012/7/77-Estt. (SCT), dated the 21st January, 1978.]

10. **Grouping of posts.**— If the total number of posts in any cadre or grade is below 20, they should be grouped with posts in the same group, i.e., Group 'C' or 'D' taking into account the status, salary, qualifications, etc. For this purpose, a cadre or a grade or a division of a service consisting

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of less than 20 posts may be treated as a small cadre. A group so formed should not ordinarily consist of less than 25 posts. It is not the intention that isolated posts should be grouped together only with other isolated posts. Subject to the other conditions for grouping, there is no objection to the grouping of any isolated post with a cadre, grade or division of service consisting of more than 20 posts and already comprising a group by itself. Proposal for grouping of posts requires prior approval of the Department of Personnel and Training.

NOTE.— The posts of Safaiwalas should not be grouped with other categories of isolated Group 'D' posts for this purpose.

[¹Dept. of Per. O.M. No. 1/4/70-Estt. (SCT), dated the 11th November, 1971; O.M. No. 8/1/74-Estt. (SCT), dated the 20th December, 1974 and D.P. & A.R., O.M. No. 36024/8/76-Estt. (SCT), dated the 9th November, 1977.]

11. **Maintenance of Post-based Rosters.**— (i) *Form of Rosters.*— The vacancy-based rosters which were being maintained earlier have been replaced by post-based rosters from 2-7-1997 as under.

- (a) 200-point post-based roster for Direct Recruitment on All India basis by Open Competition.
- (b) -do- Model Roster for cadre strength up to 13 posts.
- (c) 120-point post-based roster for Direct Recruitment on All India basis otherwise than by Open Competition.
- (d) -do- Model Roster for a cadre strength up to 13 posts.
- (e) Local recruitment to Groups 'C' and 'D' posts.

Instructions/principles for operating Post-based Rosters are given in Swamy's Compilation on Reservations and Concessions.

12. **Procedure for filling reserved vacancies.**— (i) *Recruitment by Advertisement for both reserved and unreserved vacancies.*— A single advertisement can be issued, whether recruitment is through examination or otherwise, specifying clearly therein the vacancies reserved for SCs/STs, etc. If on the first attempt, any reserved vacancies remain unfilled for want of suitable reserved category candidates, they should not be filled by General candidates but should be re-advertised.

(ii) *Recruitment through Employment Exchange.*— Total vacancies clearly indicating the number of vacancies reserved for SCs/STs, etc., should be notified to the Employment Exchange with at least 15 days' notice for sponsoring candidates. Vacancies may also be notified to other Employment Exchanges/Central Employment Exchange, if sufficient candidates are not available with the local Employment Exchange. Advertisements are also to be published in 'Employment News' and displayed on the Office Notice Boards for wider publicity. The cases of all the candidates who have

ultimate salary of Rs. 18,300 or less p.m., SC/ST officers who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list, provided they are not considered unfit for promotion.

[Dept. of Per. & Trg. O.M. No. 36028/21/2003-Estt. (Res.), dated the 29th January, 2004.]

22. Reservation in *ad hoc* promotions.—Since *ad hoc* promotions can be made only against vacancies of more than 45 days, reservation is to be followed. However, there is no need to have a separate roster for this purpose. On each occasion of filling up such vacancies, the reservation should be identified with reference to "Replacement Principle", if such vacancies are filled on regular basis. A separate register called 'Ad hoc Promotions Register' may be maintained to note down particulars of all *ad hoc* promotions made. This is to facilitate reversion of such promotees strictly in the order, i.e., the juniormost candidate being reverted first. This reversal order will be followed strictly and there is no preference for SC/ST candidates in reversion.

[Dept. of Per. & A.R., O.M. No. 36011/14/83-Estt. (SCT), dated the 30th April, 1983 and dated the 30th September, 1983.]

23. Promotions / appointments to Selection Grade posts.—Since the appointment to selection grade posts also constitutes promotion, the reservation orders applicable for promotions by 'Selection' or by 'Seniority-cum-Fitness' methods will apply to promotions / appointments to selection grade post made by 'Selection' or 'Seniority-cum-Fitness' basis, as the case may be.

[Dept. of Per. & A.R., O.M. No. 8/11/73-Estt. (SCT), dated the 12th September, 1974.]

24. No grouping of posts.—There will be no grouping of posts for promotions. Reservation applies to each grade / post filled by promotion separately.

[Dept. of Per. & A.R., O.M. No. 8/1/74-Estt. (SCT), dated the 20th December, 1974.]

25. Maintenance of Post-based Rosters.—As in the case of Direct Recruitment, Post-based Rosters have been introduced for promotions. Since the percentage of reservations for SC/ST are the same as for Direct Recruitment on All India basis by Open Competition, 200-point post-based roster has been prescribed for promotions also from 2-7-1997.

26. Caste status to be verified again at the time of promotion against reserved vacancy.—Though the Caste Certificate of SC/ST would have been verified at the time of initial appointment, this should be verified again at the time of promotion against a reserved vacancy. For this purpose, the caste and the community to which an SC/ST person belongs, his place of residence and the name of the State, should be pasted on the top of the Service Book, personal file or any other relevant document to facilitate such verification.

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গুৱাহাটী ন্যায়পুর

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Director (E.Z.)

(19) A Scheduled Caste person, whose caste has been descheduled after his initial appointment as a Scheduled Caste, is no longer entitled to enjoy the benefit of reservation in promotions.

[Dept. of Per. & A.R., O.M. No. 36011/16/80-Estt. (SCT), dated the 27th February, 1981; Dept. of Per. & Trg., O.M. No. 42012/8/87-Estt. (SCT), dated the 14th October, 1987 and O.M. No. 36012/36 (22)/89-Estt. (SCT), dated the 16th June, 1989.]

27. Lower qualifying marks, separate standards of evaluation.—In the case of promotions through limited departmental competitive examination and in the case of promotions by 'Selection', 'Seniority subject to Fitness' methods, there is provision for lower qualifying marks in departmental competitive examinations and for separate standards of evaluation for SC/ST candidates for promotion.

[Dept. of Per. & Trg., O.M. No. 36012/23/96-Estt. (Res.), Vol. II, dated the 3rd October, 2000.]

28. The procedure to be observed by the DPCs for objective assessment of the suitability of the candidates under different methods of promotion is given in Chapter 4.

29. Treatment of a single reserved vacancy.—(i) *In the case of promotion up to Group 'C' level.*—If only one vacancy arises in an initial recruitment year and that happens to be a reserved vacancy, it should be treated as unreserved and filled by a General candidate. The vacancy should be carried forward to the next recruitment year and should be got filled by the candidate of the reserved category. Even if this happens to be a single vacancy in that year, it should be treated as reserved. In the event of a suitable candidate not being available from the reserved category, the reserved vacancy should be got dereserved and carried forward to three subsequent recruitment years. Dereservation procedure is to be followed each year before the carry forward of reservation to the subsequent year. Only in the third year of such carry forward, the vacancy could be exchanged between SC and ST. Recruitment year for this purpose would be the year in which recruitment actually takes place.

(ii) *In the case of promotions from Group 'C' to Group 'B', etc.*—Single vacancy in a year will be treated as unreserved and filled by General candidate. The reserved vacancy will be carried forward to the subsequent year. Any promotion of the particular reserved category in that year will be counted against the carried forward vacancy. Exchange between SC and ST is permissible in that year.

30. Where the DPC panel spills over to two years.—For the purpose of reckoning reservation, carry forward, recruitment year, etc., the year in which the first appointment is made from the DPC panel, if it spills over to the subsequent year is to be taken as the recruitment year.

[Dept. of Per. & A.R., O.M. No. 1/2/74-Estt. (SCT), dated the 29th April, 1975; O.M. No. 36011/39/81-Estt. (SCT), dated the 30th November, 1981 and O.M. No. 36011/42/82-Estt. (SCT), dated the 15th March, 1982.]

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No. WSC/GAU/Admn.1(23)/92/ 17/928 Dated: 27/10/92

OFFICE ORDER

Consequent upon declaration of the result vide letter No. WSC/DLH/Admn.1(6-c)/2529 dated 17.7.92 and letter of even no. dated 10.9.92 the following officials who are officiating as Superintendent on ad-hoc basis are hereby appointed as Superintendent on Regular basis in the Weavers' Service Centres/Indian Institute of Handloom Technology(Eastern Zone) under the organisation of the Development Commissioner for "Handlooms w.e.f. from the date shown against each:

Name & Designation	Centre where working - Posted	Date of posting	
2.	3.	4.	5.
S/Shri			
B. K. Majumdar, Accountant.	I.I.H.T., Guwahati	Resigned	
G. K. Ghosh, Accountant	W.S.C., Calcutta	17.07.1992	
K. Barman, Accountant.	W.S.C., Guwahati.	17.07.1992	
S. N. Gupta, Accountant.	W.S.C., Bhubaneswar	Already promoted as Superintendent on regular basis by D.P.C., w.e. from 21.4.92.	

They will be on probation for a period of two years w.e.f. from the date shown against each of them.

Their pay will be fixed in accordance with the relevant rules.

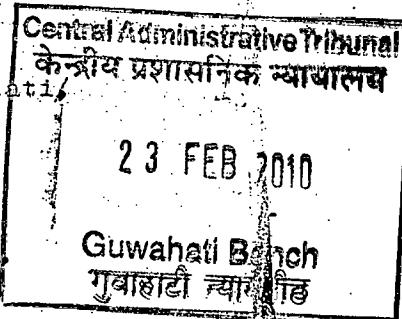
S. P. Singh
Director (E.Z.)

Y. M. Sonkusale
(Y. M. Sonkusale) (23/10/92)
Director

Individual concerned.

Y to:

1. The Officer-incharge, Weavers' Service Centre/ Indian Institute of Handloom Technology, Guwahati, Calcutta/Bhubaneswar with a spare copy for pasting in the Service book.
2. The Director(Co-ordination), Weavers' Service Centre, Bombay.
3. The Dy. Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhawan, New Delhi.
4. The Pay & Accounts Officer(Textiles), Ministry of Commerce, Calcutta.
5. Accounts Section, Weavers' Service Centre, Guwahati.
6. The Director, WSC, New Delhi.



No.50/1/2006-DCHL/E.II
GOVERNMENT OF INDIA
MINISTRY OF TEXTILES

OFFICE OF THE DEVELOPMENT COMMISSIONER FOR HANDLOOMS

New Delhi, dated the 27th August 2008.

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S-24

Amx-5

To

The Director(NZ), WSC, Delhi.
The Director(EZ), WSC, Guwahati.

Sub: Filling the post of Office Supdt. through Departmental Examination – reg.

Sir,

This is regarding filling up the vacant posts of Office Superintendents (a Group 'B' Non-Gazetted post in the pay-scale of Rs.5500-8000/-) through Departmental Examination in WSCs/IHTs under your zone, as per the following details:-

No. of posts vacant	Date of vacancy	Year	Zone where vacancy exists	Mode of recruitment as per RRs	How the vacancy arose
1	1.6.08	2008-09	North Zone	By Deptt. Examination	Due to voluntary retirement of Shri Mangtu Singh.
1	11.6.08	2008-09	East Zone	- do -	Due to promotion of Shri K.Barman

2. As per the extant RRs, 50% of the posts of Office Superintendent are to be filled by promotion and 50% by Departmental Examination. Presently, 02 posts of OS are vacant in WSCs/IHTs to be filled through Departmental Examination. Assistant with 3 years regular service and UDC with 10 years regular service in the grade, are eligible to appear in the said examination.

3. Crucial date for determining eligibility

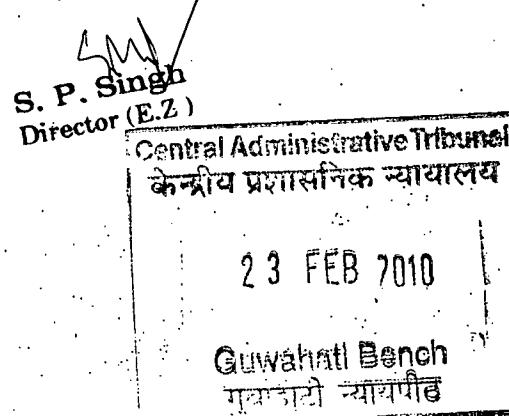
As per the DOPT O.M. No.22011/7/86-Estt.(D) dated 19.07.1989 and O.M. No.22011/3/98-Estt.(D) dated 17.9.1998, the eligibility dates for determining the eligibility of officers for promotion would be the first day of the crucial year, i.e. January, 1 irrespective of whether ACRs are written financial year-wise or calendar year-wise.

4. In view of the above, you are requested to furnish the following information/details immediately to this office :-

- Whether the above vacancy falling under Departmental Examination is reserved (if reserved, please indicate category) or un-reserved.
- Details of UDCs/Assistants in your zone eligible to appear in the above Examination, in the following proforma :-

S. No.	Name & Designation of the incumbent	Date of regular appointment in the grade of UDC/Assistant	Number of years of regular service he/she has rendered as on January 1, 2008 in the grade of UDC/Assistant	Whether eligible to appear in the Deptt. Exam.
1	2	3	4	5

Yours faithfully,



(S. Chowdhury)
Assistant Director

(22)

18

GOVERNMENT OF INDIA
MINISTRY OF SCIENCE & TECHNOLOGY
INDIAN INSTITUTE OF HANDBLOCK TECHNOLOGY
MANAPUR, GUWAHATI-781022.

No. IHTG/ESTT-1(3)/92/1691. Dated, 6th July 1992.

OFFICE ORDER

Consequent upon his selection to the post of Accounts Officer under Regional Medical Research Centre for Tribals (ICMR), Jabalpur vide OM No. JSP/Estt./Appt./Order/2103/92 dated, 11.06.92 issued by the Director, RMRC, Jabalpur and in pursuance to the resignation acceptance letter No. WSC/GAU/Admn-1(21)/92/3720 dated, 03.07.92 by the Zonal Director (Eastern Zone), WSC, Guwahati; Shri B.K. Majumdar, Office Superintendent of this Institute is hereby relieved of his duties from this Institute on the afternoon of 06.07.92 for joining his new assignment.

To

Shri B.K. Majumdar,
Superintendent,
Indian Institute of
Handloom Technology,
G U W A H A T I.

(H.P. SHUKLA)
DIRECTOR

Copy to :

1. The Director(EZ), WSC, Guwahati for information and with a request to provide the substitute immediately so as to avoid the hampering of work of this Institute as well as pre-check work of WSC, Guwahati.
2. The Director, RMRC for Tribals (ICMR), Jabalpur with a request to send the copy of the joining report as and when Shri B.K. Majumdar reports for duty in his Office.
3. The Dy. Development Commissioner for Handlooms, Udyog Bhavan, P.B. No. DHQ-5421, New Delhi - 11.
4. The Accounts Officer, Pay & Accounts Office(Textiles), 1-Council House Street, Calcutta-1.
5. Personal File of Shri B.K. Majumdar.
6. Guard File.

S. P. Singh
Director (E.Z)

(H.P. SHUKLA)
DIRECTOR

Ministry of Tribal Affairs
नियन्त्रण प्रशासनिक न्यायालय

23 FEB 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

Sl. No. of Post	Share of entitlement		Category for which the post should be ear- marked	Sl. No. of Post	Share of entitlement		Category for which the post should be ear- marked
	SC @ 15%	ST @ 7.5%			SC @ 15%	ST @ 7.5%	
173.	25.95	12.975	UR	187.	28.05	14.025	SC-28
174.	26.10	13.05	SC-26	188.	28.20	14.10	ST-14
175.	26.25	13.125	ST-13	189.	28.35	14.175	UR
176.	26.40	13.20	UR	190.	28.50	14.25	UR
177.	26.55	13.275	UR	191.	28.65	14.325	UR
178.	26.70	13.35	UR	192.	28.80	14.40	UR
179.	26.85	13.425	UR	193.	28.95	14.475	UR
180.	27	13.50	SC-27	194.	29.10	14.55	SC-29
181.	27.15	13.575	UR	195.	29.25	14.625	UR
182.	27.30	13.65	UR	196.	29.40	14.70	UR
183.	27.45	13.725	UR	197.	29.55	14.775	UR
184.	27.60	13.80	UR	198.	29.70	14.85	ST-15*
185.	27.75	13.875	UR	199.	29.85	14.925	SC-30*
186.	27.90	13.95	UR	200.	30	15	UR

* To allot requisite number of posts without violating rule of 50%.

Annexure - 7
297

23 78 POST-BASED ROSTERS

APPENDIX TO ANNEXURE-III Amx-7

Model Roster for promotion for cadre strength up to 13 posts

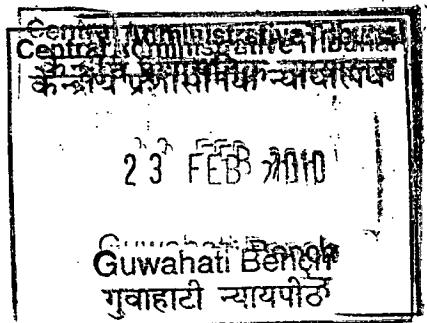
REPLACEMENT NO.

Cadre Strength	Initial Recruit- ment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1.	UR	UR	UR	UR	UR	UR	SC	UR	UR	UR	UR	UR	ST	
2.	UR	UR	UR	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST
3.	UR	UR	UR	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST
4.	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	ST
5.	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	ST
6.	UR	SC	UR	UR	UR	ST								
7.	SC	UR	UR	UR	ST									
8.	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	ST
9.	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	ST
10.	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	ST
11.	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	ST
12.	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	ST
13.	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	UR	ST

NOTE: For cadres of 2 to 13 posts, the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row, i.e., like

1. All the posts of a cadre are to be earmarked for the categories shown under column Initial Appointment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.
2. The relevant rotation by the indicated reserved category could be skipped over if it leads to more than 50% representation of reserved category.

S. P. Singh
Director (E.Z.)



this Department's O.M. No. 36012/37/93-Estt. (SCT), dated 19-8-1993 clarifying that the Supreme Court had in the *Indira Sawhney* case, permitted the reservation, for the Scheduled Castes and the Scheduled Tribes, in promotion, to continue for a period of five years from 16-11-1992.

2. Consequent to the judgment in *Indira Sawhney*'s case, the Constitution was amended by the *Constitution (Seventy-Seventh Amendment) Act*, 1995, and Article 16 (4-A) was incorporated in the Constitution. This Article enables the State to provide for reservation, in matters of promotion, in favour of the Scheduled Castes and the Scheduled Tribes, which in the opinion of the State are not adequately represented in the service under the State.

3. In pursuance of Article 16 (4-A), it has been decided to continue the reservation in promotion, as at present, for the Scheduled Castes and the Scheduled Tribes in the services/posts under the Central Government beyond 15-11-1997 till such time as the representation of each of the above two categories in each cadre reaches the prescribed percentages of reservation whereafter, the reservation in promotion shall continue to maintain the representation to the extent of the prescribed percentages for the respective categories.

4. All Ministries/Departments are requested to urgently bring these instructions to the notice of all their Attached/Subordinate Offices as also the Public Sector Undertakings and Statutory Bodies, etc.

[G.I., Dept. of Per. & Trg., O.M. No. 36012/18/95-Estt. (Res.), Pt. II, dated the 13th August, 1997.]

In the following cases of promotions in grades or services in which the element of direct recruitment, if any, does not exceed 75%.

	SC	Percentage
ST	7½ %	

Administrative Training Institute
प्रशिक्षण संस्थान
(i) Through limited Departmental Competitive examinations in Groups 'B', 'C' and 'D'.

(ii) By selection—

- (a) in Groups 'B', 'C' and 'D'.
- (b) from Group 'B' to the lowest rung of Group 'A'.

23 FEB 2010

[G.I., M.H.A., O.M. No. 1/12/67-Estt. (C), dated the 11th July, 1968, as amended by M.H.A., Resolution No. 27/25/68-Estt. (SCT), dated the 25th March, 1970; G.I., Dept. of Per. & Trg., O.M. No. 36021/77/5-Estt., dated the 25th February, 1976 and No. 36012/17/88-Estt. (SCT), dated the 25th April, 1989.]

NOTE 1.—Promotion made from Group 'B' to the senior scales or Group 'A' directly bypassing any intermediate grade (Rs. 2,200-4,000) (pre-revised scale) in between, will be covered by the expression "lowest rung or category of Group 'A'".

[G.I., Dept. of Per. & A.R., O.M. No. 36011/12/80-Estt. (SCT), dated the 10th November, 1980.]

S. P. Singh
Director (E.Z.)

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-79-

Annexure - 8

SCHEDULED CASTES AND SCHEDULED TRIBES

Annexure - 8

NOTE 2.—In promotions by selection to posts within Group 'A' which carry an ultimate salary of Rs. 5,700 (pre-revised scale) or less p.m., there is no reservation. But the SCs and STs officers who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. Their position in the select list would, however, be the same as assigned to them by the Departmental Promotion Committee on the basis of their record of service.

[G.I., Dept. of Per. & A.R., O.M. No. 1/10/74-Estt. (SCT), dated the 23rd December, 1974 and G.I., Dept. of Per. & Trg., O.M. No. 36012/12/88-Estt. (SCT), dated the 21st September, 1988.]

(iii) On the basis of seniority subject to fitness—

in all Groups, i.e., 'A', 'B', 'C' and 'D'.

[G.I., Dept. of Per., O.M. No. 27/2/71-Estt. (SCT), dated the 27th November, 1972, as amended by O.M. No. 36021/77/6-Estt., dated the 25th February, 1976.]

2. Maintenance of Rosters

Following are the instructions on the maintenance of separate and common rosters for posts filled by various modes of direct recruitment and promotion:

A. SEPARATE ROSTERS

(i) Appointments by direct recruitment.

(ii) Appointments by promotion:

—with separate rosters for each mode of promotion, viz.,—

(a) by limited competitive examinations,

(b) selection-cum-seniority/selection by merit

[G.I., M.H.A., O.M. No. 1/11/69-Estt. (SCT), dated the 22nd April, 1970 read with OM, dated the 27th March, 1997.]

B. COMMON ROSTER

Permanent appointments and temporary appointments likely to become permanent or to continue indefinitely.

NOTE 1.—The appointment of a person, who holds a post which is exempted from the above reservation, to a post which is not so exempt, shall, for the purpose of the maintenance of the roster, be treated as appointment by direct recruitment.

NOTE 2.—If a post is to be filled by direct recruitment, the reservation orders will apply even if a person already serving under Government is appointed to that post for which he has applied and has been selected as a direct recruit.

H no. 9

Amr - 9

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Post based Reservation roster w.e.f: 02-07-1997

RESERVATION ROSTER FOR THE POST OF: Office Superintendent For less than 13 posts

1. Name of the post/Group : Office Superintendent
 2.(i) Total Number of Sanctioned post : 4
 (ii) Post under Promotion Quota : 2
 3. Pay Scale : Rs. 5500-9000
 4. Classification/Status : Group 'B' Non Gazetted, Ministerial
 5. Mode of Recruitment : 50% by Promotion and 50% by Departmental Exam

Roster point Number	Category of which post is earmarked	Name of the person	Date of appointment	Post utilized by	Particulars of Excess (E) / Shortfall(s) in reservation for						Remarks/Date of retirement/Promotion	
					SC		ST		OBC			
					E	S	E	S	E	S		
1	UR	Shri J. Pal	04-03-86	UR	-	-	-	-			Promoted as Asstt. Director Gr. II. w.e.f 15-7-02	
2	UR	Shri S.N. Gupta	21-4-92	UR	-	-	-	-			Retired on 31-12-07	
Replacement point												
1st	UR	Sri R. K. Biswas	13-08-98	UR	-	-	-	-			Retired on 28-2-05	
2nd	UR	Smt. Y. B. Devi	13-08-98	UR	-	-	-	-			S. P. Singh	
3rd	UR	Shri S.K. Yadav	02-06-08	UR	-	-	-	-			Director (E.Z.)	
4th	UR											
5th	SC-1											
6th	UR											
7th	UR											
8th	UR											
9th	UR											
10th	UR	Central Administrative Officer										
11th	UR	Central Administrative Officer										
12th	ST-1	Central Administrative Officer										

23 FEB 2010

Panjab Branch

Post based Reservation roster w.e.f. 02-07-1997

Amx - 10

RESERVATION ROSTER FOR THE POST OF Office Superintendent . For less than 13 posts

1. Name of the post/Group : Office Superintendent

2. (i) Total Number of Sanctioned post, : 4

(ii) Post under Departmental Exam. Quota : 2

3. Pay Scale : Rs. 5500-9000

4. Classification/ Status : Group 'B' Non Gazetted, Ministerial

5. Mode of Recruitment : 50% by Promotion and 50% by Departmental Exam

Roster point Number	Category of which post is earmarked	Name of the person	Date of appointment	Post utilized by	Particulars of Excess in reservation for				Remarks/ Date of retirement/ Promotion	
					SC		ST			
					E	S	E	S		
1	UR	Sri K. Barman	17-07-92	UR	-	-	-	-	Promoted as Asstt. Director Gr. II. (NT) w.e.f. 11-6-08	
2	UR	Shri G. K. Ghosh	17-07-92	UR	-	-	-	-	Left the post on 1-1-05 S. P. Singh Director (E.Z)	
1st	UR	Shri L. M. Singh	11-4-05	UR						
2nd	UR	Shri L. Barman	13-11-09	UR						
3rd	UR									
4th	UR									
5th	SC-1									
6th	UR									
7th	UR									
8th	UR									
9th	UR									
10th	UR	Administrative Officer								
11th	UR	प्रशासनिक व्यायालय								
12th	ST-1									
		23 FEB 2010								
		Guwahati Bench								
		গুৱাহাটী ন্যায়পীঠ								

S. P. Singh
Director (E.Z)Additional Dev. Admin.
Personnel Manager
Office of the
Chief Judge
Utkal Bhawan
Mahanagar
Guwahati
Assam
781001
Phone: 0361-2321111
Fax: 0361-2321112S. P. Sin
Director (E)

Central Administration Department
केन्द्रीय प्रशासनिक स्थायी लाय

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23 FEB 2010

Amx-11

The Director,
Weavers' Service Centre,
Guwahati.

Through Proper Channel

Guwahati Bench
গুৱাহাটী ন্যায়পৌর

Sub: Non-compliance of Model Roster for cadre strength up-to 13 Posts and denial of benefit of promotion to the SC/ST Candidates to the post of Office Superintendent.

Sir,
Most respectfully, I beg to lay following few lines for your kind consideration and necessary action thereof.

1. That Sir, I am at present working to the post of Assistant in the office of the Indian Institute of Handloom Technology, Guwahati under your administrative control and due for promotion of Office Superintendent as I have completed three years regular service as on 09.08.2008.
2. That Sir, as per Recruitment Rules, 50% Posts of Office Superintendent are liable to be filled up by promotion from the incumbents working as Assistant subject to fulfillment of required service and rest 50% Posts through Departmental Examination.
3. That Sir, there are 5 Nos. Post of Office Superintendent falling under Eastern Zone. Since formation of Zone i.e. 01.09.1987, the three incumbents [(Sh. R. K. Biswas (Year: 1998), Smt. Y. B. Devi (Year: 1998) & Sh. S. K. Yadav (2008)] were considered to the post of Office Superintendent on promotion and five incumbents were considered to the post of Office Superintendent through Departmental Examination [S/Shri B. K. Majumdar, G. K. Ghosh, K. Barman, S. N. Gupta (in the year 1992) and L. M. Singh (Year: 2005)]. All 8 incumbents belong to General Category. Hence, your office has denied the promotion of SC/ST Category. It is needless to mention that Sh. S. N. Gupta has been considered for promotion to the post of Office Superintendent in the year 1992 after conducting Departmental Examination and before announcement of result for the same.
4. The present sanctioned strength of Office Superintendent under Easter Zone is 4.
5. As per general procedure, 1st and 2nd case would be considered by promotion and Departmental Examination respectively. Hence, the conducting Departmental Examination in the year 2009 for the post of Office Superintendent does not appear to be in order. In the aforesaid examination, the name of Shri L. Barman, Assistant who got promotion from the post of UDC with effect from 01.01.2009 and junior to me is going to be illegally considered for the post of Office Superintendent by denying Senior-most Candidate.
6. I belong to Scheduled Caste Candidate and eligible for promotion as Office Superintendent in the year 2008.

In the light of the factual position explained above, you are earnestly requested to review the case with maintaining the roster properly so that the SC/ST category as well as senior-most Assistant cannot be deprived of the regular promotion for the post of Office Superintendent for which I shall remain grateful to you for ever.

Yours faithfully,

Babul Ch. Das
11.6.09

(B. C. Das)

Assistant

IIHT, Guwahati

11/E-II
2/06/09
S. P. Singh
Director (E.Z.)

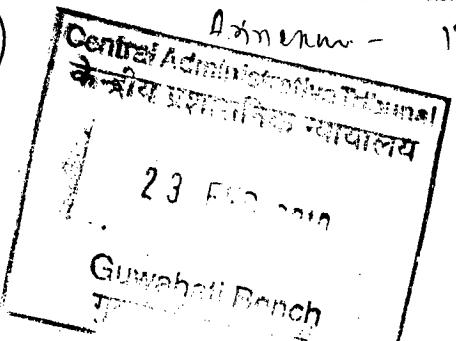
Copy for information and necessary action to:

1. The Addl. Development Commissioner for Handlooms, Min. of Textiles, New Delhi with reference to his office letter No. A-561/2006-DCHL/E.II dated 05.05.2007.
2. The Director, National Commission for Schedule Caste State Office, 24, Nilmoni Phukan Path, Christian Basti, Guwahati.

Babul Ch. Das

(B. C. Das)

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Director,
National Commission for Schedule Caste State Office,
Nilmoni Phukan Path,
Christian Basti,
Guwahati.

Sub: Non-compliance of Model Roster for cadre strength up-to 13 Posts and denial of benefit of promotion to the SC/ST Candidates to the post of Office Superintendent.

Sir,

Most respectfully, I beg to lay following few lines for your kind consideration and necessary action thereof:

1. That Sir, I am at present working to the post of Assistant in the office of the Indian Institute of Handloom Technology, Guwahati under the administrative control of Zonal Director, Weavers' Service Centre, Guwahati and due for promotion of Office Superintendent as I have completed three years regular service as on 09.08.2008.
2. That Sir, as per Recruitment Rules, 50% Posts of Office Superintendent are liable to be filled up by promotion from the incumbents working as Assistant subject to fulfillment of required service and rest 50% Posts through Departmental Examination.
3. That Sir, there are 5 Nos. Post of Office Superintendent falling under Eastern Zone. Since formation of Zone i.e. 01.09.1987, the three incumbents [(Sh. R. K. Biswas (Year: 1998), Smt. Y. B. Devi (Year: 1998) & Sh. S. K. Yadav (2008)] were considered to the post of Office Superintendent on promotion and five incumbents were considered to the post of Office Superintendent through Departmental Examination. [S/Shri B. K. Majumdar, G. K. Ghosh, K. Barman, S. N. Gupta (in the year 1992) and L. M. Singh (Year: 2005)]. All 8 incumbents belong to General Category. Hence, the Zonal Director, WSC, Guwahati has denied the promotion of SC/ST Category. It is needless to mention that Sh. S. N. Gupta has been considered for promotion to the post of Office Superintendent in the year 1992 after conducting Departmental Examination and before announcement of result for the same.
4. The present sanctioned strength of Office Superintendent under Eastern Zone is 4.
5. As per general procedure, 1st and 2nd case would be considered by promotion and Departmental Examination respectively. Hence, the conducting Departmental Examination in the year 2009 for the post of Office Superintendent does not appear to be in order. In the aforesaid examination, the name of Shri L. Barman, Assistant who got promotion from the post of UDC with effect from 01.01.2009 and junior to me is going to be illegally considered for the post of Office Superintendent through Departmental Examination instead of departmental promotion on seniority basis without maintaining of proper roster by denying Senior-most Candidate.
6. I belong to Scheduled Caste Candidate and eligible for promotion as Office Superintendent in the year 2008.

In the light of the factual position explained above, you are earnestly requested to take up the matter with the Zonal Director, Weavers' Service Centre, Guwahati for maintaining the roster properly so that the SC/ST category as well as senior-most Assistant cannot be deprived of the regular promotion for the post of Office Superintendent for which I shall remain grateful to you for ever.

Yours faithfully,

Babul Ch. Das
(B. C. Das) 12/6/09
Assistant
IIHT, Guwahati

Copy for information & necessary action to:

1. The Addl. Development Commissioner for Handlooms, Min. of Textiles, Udyog Bhawan, New Delhi – 110 011.
2. The Director (EZ), Weavers' Service Centre, Jawaharnagar, Khanapara, Guwahati – 781 022.
3. The Officer-in-Charge, IIHT, Jawaharnagar, Khanapara, Guwahati-781022.



Amx-13
Date _____

BY FAX

Post Copy

1305

29-6-09

भारत सरकार
Government of India
राष्ट्रीय अनुसूचित जाति आयोग
National Commission for Scheduled Castes
राज्य कार्यालय : गुवाहाटी
State Office : Guwahati

सं० / No. 6/Rep./S/2009-RU

दिनांक / Date : 16th June, 2009.

To,

The Director (EZ),
Ministry of Textile,
Weavers' Service Centre,
Jawaharnagar,
Khanapara,
Guwahati - 781 022.

Subject :

Non-compliance of Model Roster for cadre strength up-to 13 Posts and denial of benefit of promotion to the SC/ST Candidates to the post of Office Superintendent.

Sir,

Whereas a petition/complaint/information has been received by the National Commission for Scheduled Castes from Shri B. C. Das, Assistant, IIHT, Guwahati dated 12-06-2009 is enclosed and the Commission has decided to investigate/inquiry into the matter in pursuance of the power conferred upon it under Article 338 of the Constitution of India, you are hereby requested to submit the facts and information on the action taken on the allegations/matters to the undersigned within 15 days of receipt of this notice.

You are, further, requested to submit a copy of reservation roster (promotion) maintained for the post of Office Superintendent together with a copy of recruitment rules of the post.

Please take notice that in the case the Commission does not receive reply from you within the stipulated time, the Commission may exercise the powers of Civil Court conferred on it under Article 338 of the Constitution of India and issue summons for your appearance in person or by a representative before the Commission.

Enclosure(s) : As above.

Yours faithfully,

S. P. Singh
Director (E.Z)

(L. K. Pegu, IDES)
Director

Copy for information to :—

- 1) The Additional Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhawan, New Delhi - 110 011.
- 2) The Officer-in-Charge, IIHT, Jawaharnagar, Khanapara, Guwahati - 781 022.
- 3) Shri B. C. Das, Assistant, IIHT, Jawaharnagar, Khanapara, Guwahati - 22.

Director

GOVT. OF INDIA
MINISTRY OF TEXTILES
Office of the Development
Commissioner for Handlooms
WEAVERS' SERVICE CENTRE
NH-37, Jawahar Nagar, Khanapara
Guwahati-781 022 (ASSAM)
Ph. : 2302599, 2303586
Fax : 2302599, 2301669
e-mail : wscgau1@sancharnet.in

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सत्यमेव जयते



भारत सरकार
वस्त्र मंत्रालय
हथकरघा विकास आयुक्त का कार्यालय
बुनकर सेवा केन्द्र

राजमार्ग-37, जवाहर नगर, खानापारा
गुवाहाटी- 781 022 (असम)
दूरभाष : 2302599, 2303586
फैक्स : 2302599, 2301669

ई-मेल : wscgau1@sancharnet.in
ग्राम : सेवाकेन्द्र

Gram ~~W.S.C.A.L.D.~~ Dmn-1(53)/04/ 1550 ~57

To,
The Director,
National Commission for Schedule Castes,
Guwahati

Sub: Non-compliance of Model Roster for cadre strength upto 13
posts and denial of benefit of promotion to the SC/ST
candidates to the post of Office Superintendent- regarding.

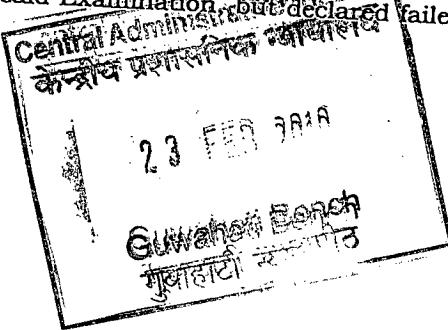
Sir,

Please refer to your letter No. 6/Rep/S/2009-RU dated 16TH June 2009
and this office letter of even No. dated 29/30-06-09 on the above subject.

In this connection interim parawise comments are furnished against the
allegation/matters raised by Shri B.C. Das, Assistant, IIHT., Guwahati:-

- 1) Nothing to add against his statement.
- 2) Nothing to add against his statement.
- 3) The statement made by Shri B.C. Das, under para No. 3 is not correct.
4 (Four) persons i.e. Shri S.N. Gupta, Shri R.K. Biswas, Smt. Y.B. Devi and Shri S.K. Yadav were considered for promotion to the post of Office Superintendent by way of Departmental promotion and 3 (three) persons, viz Shri K. Barman, Shri G.K. Ghosh and Shri L.M. Singh were promoted to the post of Office Superintendent through conducting Dept. Examinations. Shri B.K. Majumdar who was promoted on ad-hoc basis to the post of Office Superintendent left this Dept. on 6-7-1992 on permanent absorption in an other Dept. before getting regular promotion in this Dept. through Dept. Examination. Shri G.K. Ghosh, OS has also left this Dept. w.e.f 1-11-2005 on permanent absorption Central Admn. Tribunal, Kolkata
- 4) Nothing to add against his statement
- 5) As per RRs the post of Office Superintendent is required be filled up 50% by promotion and 50% by Dept. Exam. For Departmental Promotion: Dy. Supdt./Accountant/Assistant with 3 years regular service in the grade is eligible and whereas for promotion by Dept. Examination, Dy. Supdt/Accountant/Assistant with 3 years regular service and Upper Division Clerk with 10 years regular service in the grade is eligible. It has already been mentioned under para No. 3 that 4 persons were promoted through DPC and the rest 3 (three) were promoted through conducting Dept. Exam. to the post of Office Superintendent (4 + 3=7) and rest 1 (one) existing vacancy, which has occurred due to promotion of Shri K. Barman to the post of Asstt. Director Gr. II. (NT) on 11-06-08, earmarked for UR. as per Model Roster for promotion for cadre strength upto 13 posts is under way of filling up by Dept. Examination. Shri B.C. Das, Assistant, IIHT., Guwahati was also given a second chance to appear in the Dept. Examination which was held on 28th February'09 and 1st March'09. He appeared in the said Examination but declared failed as communicated

S. P. Singh
Director (E.Z.)



(31)

to this office from office of the Development Commissioner for Handlooms, New Delhi vide letter No. No.50/1/2006-DCHL/Ett. II. Dated 21-04-2009 (copy enclosed for reference). He was also declared failed in his first attempt in the Departmental Exam held on 19th & 20th Feb'05

As already explained above there are two modes of promotion i.e by Departmental Promotion and by conducting Dept. Examination. For Departmental Promotion: Dy. Supdt./Accountant/Assistant with 3 years regular service in the grade is eligible and whereas for promotion by Dept. Examination, Dy. Supdt/Accountant/Assistant with 3 years regular service and Upper Division Clerk with 10 years regular service in the grade is eligible. Shri L. Barman, UDC has rendered 14 years and 8 month service in the grade and Sri B.C. Das has rendered 13 years 3 months as UDC and 2 years 4 months as Assistant. Both are eligible to appear in Dept. exam and hence they have appeared the Dept. exam accordingly. So far the eligibility for Departmental promotion as per the existing RRs in respect of Shri Babul ch. Das is concerned, he has rendered 2 years 4 months service as on 01-01-2008. For determining crucial date for eligibility for promotion as conveyed by office of the D.C. (H), New Delhi vide his letter No. 50/1/2006-DCH/E.II. dated 27/8/08 (copy enclosed) in conformity with DOPT O.M. No. 22011/7/86-Ett (D) dated 19-7-89 and O.M. No. 22011/3/98-Ett.(D) date. 17-9-98, the 1st day of the crucial year in which the vacancy occurred should be taken, irrespective of whether ACRs are written financial-year wise or calendar year wise. Accordingly the date of eligibility for the existing vacancy of Office Superintendent has been determined as 1st January, 2008 and Shri B.C. Das, Asstt. IHT., Guwahati has neither fulfilled the eligibility norms for Departmental Promotion on 01-01-2008 nor qualified for promotion through Departmental Exam by virtue of the exam result.

As desired, a copy of reservation roster for promotion for cadre strength upto 13 posts maintained for the post of Office Superintendent w.e.f. 02-07-1997 (Post-Based Rosters instead of vacancy-Based Rosters) together with a copy of recruitment rules of the post are enclosed.

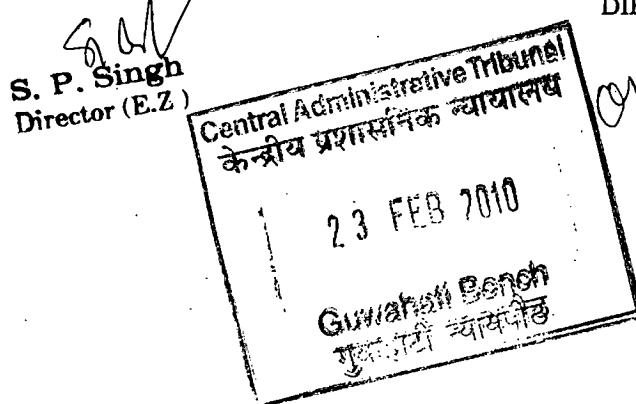
This is further state that vide this office letter of even No. dated 29/30-06-09 the matter is under scrutiny at H. Qtrs, level. The H. Qtrs has desired that all the Rosters for promotion/Dept. exam/DR etc. required to be vetted by them. The process is being completed which will be forwarded for vetting, till then interim reply as mentioned above is furnished for your information and necessary action.

Yours faithfully,

(S.P. SINGH)
DIRECTOR

Copy to: 1. The Addl. Development commissioner for Handlooms,
Office of the DC (H), Udyog Bhavan, New Delhi-110011 with
reference to his letter No. A-56/1/2006- DCHL/E.II.
dated 1/7/09

(S.P. SINGH)
DIRECTOR



(32)

Government of India
 Ministry of Textiles
 Weavers' Service Centre
 &
 Regional Design Centre
 IIHT, Campus,
Khanapara, Guwahati-22

Sl No. 61

No.WSC/Admn-1(23)/2008/ 2399 - 2402 Dated November 11, 2009

OFFICE ORDER

72

Consequent on his selection to the post of Office Superintendent under Limited Dept. Competitive Examination'09 and on the recommendation of the Departmental Promotion Committee for Gr. 'B', 'C' & 'D' posts of Weavers' Service Centre/Indian Institute of Handloom Technology under east Zone and in pursuance of approval received from office of the D.C. (Handlooms) vide their letter No. 501/2008/DCHL/E. II. Dated 30-09-2009, Shri Laksheswar Barman working as Assistant, Weavers' Service Centre, Guwahati is promoted to the post of Office Superintendent in the pay scale of Rs. 5500-175-9000 (pre-revised) corresponding to revise pay in PB-2 Rs. 9300-34800 + GP Rs. 4200 on regular basis and posted at IIHT., Guwahati and Shri L.M. Singh, Office Superintendent, IIHT., Guwahati is posted at WSC., Guwahati

Also in pursuance of the letter received from office of the D.C. (Handlooms), New Delhi vide letter No. 50/2/3008/DCHL/E.II. dated 27-10-09, Shri L. Barman, Assistant will be retained at WSC., Guwahati till 31-03-2010 (A/N) and accordingly Shri L.M. Singh, Office Superintendent will be retained at IIHT., Guwahati till 31-03-2010 (A/N).

Promotion of Shri L. Barman will take effect from the date he actually takes over charge of the post of Office Superintendent in Weaver Service Centre, Guwahati.

He will be on probation for a period of 2 years from the date he takes over charge of the aforesaid post in Weavers' Service Cerntre, Guwahati.

His pay on promotion as Office Superintendent will be fixed in accordance with the relevant rules.

(S.P. SINGH)
 Director

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

23 FEB 2010

Guwahati Bench
 गुवाहाटी बैच

To,
 Shri L. Barman, Assistant,
WSC., Guwahati

Shri L.M. Singh,
Office Superintendent, IIHT., Guwahati

Copy to

1. The Officer-in-charge, WSC., Guwahat for his information & necessary action.
2. The Officer-in-charge, IIHT., Guwahati for information & Necessary-action
3. The Sr. Pay & Accounts Officer, RPAO, Kolkata.
4. The Addl. Development Commissioner for Handlooms, Office of the D.C.(Handlooms), New Delhi with reference to his letter No501/2008/DCHL/E. II. Dated 30-09-2009 and dated 27-10-09
5. Bill Section
6. Personal file
7. Guard file

(S.P. SINGH)
 Director

an
 Jy

S. P. Singh
 Director (E.Z)

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13/11/09

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V33/09

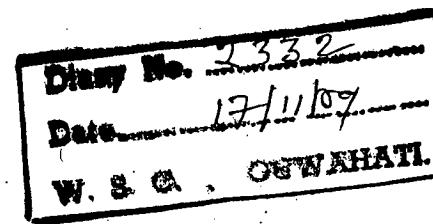
✓
13/11/09

To,

The Director (EZ),
Weavers' Service Centre,
Guwahati

Sub: Joining report- regarding

Dated 13-11-2009



Sir,

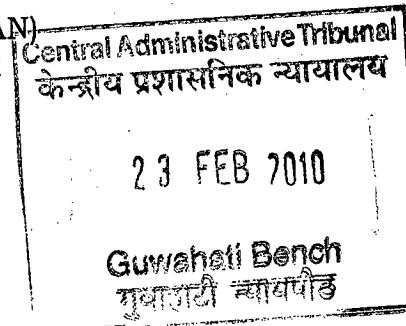
I am very much thankful for receiving the order No. WSC/Admn-1(23)/2008/2399 dated 11/12-11-2009 offering promotion to the post of Office Superintendent with posting at WSC., Guwahati till 31-3-2010 (A/N) and thereafter at IIHT, Guwahati.

In response to the above order, I have reported for duty in the new assignment in this office on the forenoon of 13th November'2009.

You are, therefore, requested please accept my joining.

Yours faithfully,

13/11/09
(LAKSHESWAR BARMAN)
Office Superintendent



S. P. Singh
Director (E.Z)

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Annexure - 17

26

MOST IMMEDIATE/CONFIDENTIAL

No.50/1/2006-DCHL/Estd.II
GOVERNMENT OF INDIA
MINISTRY OF TEXTILES
OFFICE OF THE DEVELOPMENT COMMISSIONER FOR HANDLOOMS

New Delhi, dated the 21st April 2009.

To,

The Director(EZ),
WSC, Guwahati.

Sub: Filling up of the posts of Office Superintendents in various WSCs/IIHTs through Departmental Examination – regarding.

Sir,

You are aware that a Departmental Examination was conducted in the premises of WSC, Delhi on 28.2.09 & 1.3.09 in respect of the following one vacant posts of Office Superintendent in WSC/IIHT under your zone :-

No. of vacant posts	Mode of recruitment as per RRs	Whether the vacancy is reserved or un-reserved
01	By Departmental Examination	Unreserved

2. A total number of 02 eligible candidates from your zone appeared in the said examination, out of which, one has got through the examination. As a general principle, the candidates possessing at least 33% marks have been treated to have successfully passed the examination. Accordingly, the merit-list prepared on the basis of the marks obtained by each candidate belonging to your zone in the above examination is, as under:-

SI. No.	Roll No.	Name of the candidate	Marks obtained out of 400	Result
1.	14	Shri L. Barman, UDC	185	PASS
2.	10	Shri B.C.Das, UDC	71	FAIL

3. A meeting of the DPC shall be convened by the concerned ZDs(WSCs) to assess the work and conduct of the selected officer as per the records available in their annual ACR. DPC will only assess whether the officer is 'fit' or 'unfit' for promotion. There will be no grading of ACR on the basis of the lines of Outstanding, Very Good, Good etc. Selection in the departmental promotion will be made strictly in order of merit of the result of the competitive examination subject to the condition that the officer selected is 'not unfit' for promotion.

4. Your office will ascertain integrity certificate in respect of candidate selected on the basis of performance in the written examination. The result of only those candidates will be announced by the concerned ZD(WSCs) who are clear from Vigilance angle and who are not found unfit for promotion by the DPC.

5. The post of Office Superintendent in the pay-scale of Rs.5500-9000/- (Pre-revised) is a Group 'B'(Non-Gazetted) post in WSCs/IIHTs and DC(HL) is the Appointing Authority in respect of these posts. For filling the promotional posts of OS, the DPC meeting will be convened under the chairmanship of the concerned Zonal Director(WSCs) and recommendations / minutes of the DPC sent to this

S. P. Singh
Director (E.Z.)

Contd.... 2/-

35

office for approval of DC(HL). After approval of DC(HL), the order of promotion shall be issued by the concerned ZD(WSCs).

6. As per the extant RRs to the post of OS, 50% of the posts of Office Superintendent are to be filled by promotion and 50% by Departmental Examination. The DOPT, in its Point of doubt No.8 of Annexure to O.M.No.35034/1/97-Estt.(D)(Vol.IV) dated 10.2.2000, has clarified that if the relevant Recruitment Rules, prescribe a promotion quota to be filled up on the basis of departmental examination, such appointments shall be counted as promotion for the purpose of ACPS. Hence, appointment of the candidates to the post of OS in WSCs on the basis of Departmental Examination is deemed to be as promotion.

7. The aforesaid 02 vacancies of Office Superintendent belong to unreserved category. It is pointed out that reservation to OBC candidates is available in DR posts only. Hence, OBC candidate(s) stood first in the above departmental examination is deemed to be a General category candidate for the purpose of promotion. So far as promotion of SC/ST candidates against the posts reserved for General Category is concerned, the DOPT, in its O.M.No.36028/17/2001-Estt.(Res.) dated 11.7.2002, has clarified that the treatment of SC/ST candidates promoted on their own merit, in the reservation Rosters will be, as under:-

(iv)

The SC/ST candidates appointed by promotion on their own merit and not owing to reservation or relaxation of qualifications will not be adjusted against the reserved points of the reservation roster. They will be adjusted against unreserved points.

If an unreserved vacancy arises in a cadre and there is any SC/ST candidate within the normal zone of consideration in the feeder grade, such SC/ST candidate cannot be denied promotion on the plea that the post is not reserved. Such a candidate will be considered for promotion along with other candidates treating him as if he belongs to general category. In case he is selected, he will be appointed to the post and will be adjusted against the unreserved point.

SC/ST candidates appointed on their own merit (by direct recruitment or promotion) and adjusted against unreserved points will retain their status of SC/ST and will be eligible to get benefit of reservation in future/further promotions, if any.

The case of any SC/ST candidate being considered for promotion as OS under Departmental Examination quota, will be dealt with and decided by the DPC in view of the above and other guidelines of DOPT, issued from time to time in this regard.

8. In view of the above, please take further necessary action in the matter at your end immediately.

9 This issues with the approval of DC(HL).

Yours faithfully,

Alv

(Sohan Kumar Jha)

Addl. Development Commissioner(HL)

S. P. Singh
Director (E.Z.)

Ministry of Textiles
Weavers' Service Centre
I I H T Campus
Jawahar Nagar, Khanapara
National Highway No. 37
Guwahati-781 022
PH: (0361) 230-3586; FAX: 0361-2302599

No. WSC/GAU/Admn-1(23)/2008/ 2425

Dated November 12, 2009

(36)

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OFFICE ORDER

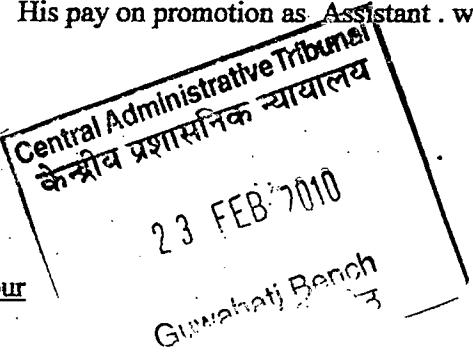
On the recommendation of the Departmental Promotion Committee for Group 'C' & 'D' posts of Weavers' Service Centres/ Indian Institute of Handloom Technology under East Zone , Shri M. Saw, Store Keeper, Weavers' Service Centre, Bhagalpur is promoted to the post of Assistant in the pay scale of Rs. 5000-150-8000 (Re-revised) corresponding to revise PB-2 Rs. 9300-34800 + G.P. Rs. 4200 on regular basis and posted at Weavers' Service Centre, Guwahati .

His promotion will take effect from the date he actually takes over charge of the post of Assistant in Weavers' Service Centre, Guwahati..

He will be on probation for a period of 2 years from the date he takes over charge of the aforesaid post in Weavers' Service Centre, Guwahati

His pay on promotion as Assistant . will be fixed in accordance with the relevant rules.

To,
Shri M. Saw,
Store Keeper,
WSC., Bhagalpur



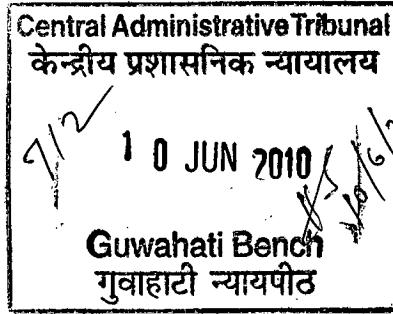
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(S.P. SINGH)
Director

Copy to,

1. The Officer-in-Charge, Wavers' Service Centre, Bhagalpur for his information & necessary action.
1. The Officer-in-Charge, Wavers' Service Centre, Guwahati for his information & necessary action
3. The Sr. Pay & Accounts Officer, Pay & Accounts Office, Calcutta
4. The Addl . Development Commissioner for Handlooms, office of the DCH, Udyog Bhavan, New Delhi-110011.,
5. Bill Section
6. Personal file
7. Guard File.

(S.P. SINGH)
Director

S. P. Singh
Director (E.Z)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

IN THE MATTER OF :

O.A.No.248 of 2009

Sri Babul Chandra Das

.....Applicant

-Vs-

The Union Of India & Others

.....Respondents

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2	Verification		9
3	Copy of the letter dated 08.08.1998.	22	10 to 13
4	Copy of the Seniority list of Assistant.	23	14 to 18

Date: 10.06.2010

Filed By

Tilly Datta

Advocate

Babul Ch. Das

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

10 JUN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

IN THE MATTER OF:

O.A. No.248 of 2009

Sri Babul Chandra Das

Applicant

-Vs-

The Union of India & Ors.

Respondents

- AND -

IN THE MATTER OF:

Rejoinder filed by the Applicant to the written statement submitted by the Respondents.

The humble Applicant submits this Rejoinder as follows:-

1. That with regard to the statement made in paragraph 1(a) of the written statement, the Applicant have no comment to offer and beyond record nothing is admitted by the Applicant.
2. That with regard to the statement made in paragraph 1 (b), (c) and (d) of the written statement the Applicant begs to state that that the same are false, irrelevant, vague and not sustainable in the eye of law. The instant Original Application No.248 of 2009 is bonafide, justifiable and deserved to be allowed by this Hon'ble Tribunal.
3. That with regard to the statement made in paragraph 2 of the written statement the Applicant begs to state that on or after 2nd July 1997th the vacancy based Roster have been replaced by the Post based Roster. As a result the Official Respondent had to replace vacancy based Roster by post based Roster. But the Respondents wrongly implemented the O.M. dated 02.07.1997 for the cadre of Superintendent, which consist of 4 posts (2 posts

FILED BY

Sri Babul Ch. Das
Jilly Datta
Advocate
through
10.06.2010

by promotion and 2 posts by departmental examination). It is evident from the Annexure 9 of the written statement for cadre strength of 2 posts, 5th post by falls under SC category whereas the respondents due to wrong implementation of O.M. dated 02.07.1997, filled the 5th post by 'UR' category candidate. On 02.07.1997, there were 2 posts filled by the promotion of 'UR' candidate, again on 13.08.1998 as a result of replacement by 2 'UR' candidates (Shri R.K. Biswas and Shri Y.K. Devi), there were altogether 4 Superintendent against 2 posts. Therefore, after 02.07.1997 the Roster position should have been as follows:-

Roster Point Number	Category of which post is earmarked	Name of the person
1	UR	Shri J. Pal
2	UR	Shri S N Gupta
3	UR	Shri R.K. Biswas
4	UR	Smti Y.B. Devi
5	SC	Shri SK Yadav 'UR'

From the above Roster point number it is evident that 5th post was reserved for 'SC' category candidate, whereas respondents due to wrong implementation post based roster have filled the 5th post by an unreserved candidate-Shri S.K. Yadav. The applicant being a 'SC' candidate has been deprived by the official Respondents due to wrong implementation of post based roster. It is categorically denied that no post earmarked for reserved for SC candidate as stated by the respondents.

4. That with regard to the statement mad in paragraph 3 of the written statement the Applicant begs to offer no comment and beyond record nothing is admitted by the Applicant.

5. That with regard to the statement made in paragraph 4 and 5 of the written statement the Applicant beg to state before operating the post based roster w.e.f. 02.07.1997, the office of the Development Commissioner for Handloom, Ministry of Textiles

vide their letter dated 08.08.1989 kept reserved one post of Accountant in the WSC, Agartala under the Eastern zone for SC category candidates and the Applicant being the only Scheduled castes category candidate submitted his representation for the said post as per the relaxation norms provided for the SC category candidates. In paragraph 3 of the said letter it had been clearly stated that as per the statement of backlog vacancies one post of Accountant was reserved for SC in WSC, Agartala. Moreover, as per the letter dated 26.06.1989 (Annexure 6 in O.A. No.248 of 2009) one vacant post of Accountant was earmarked for SC category candidate in the WSC Agartala but the respondent authorities had not been taken action to filled up the said vacant post though the Applicant was eligible for the said post under the relaxation norms and Special recruitment Drive. As such, the statement of the respondents is not correct and false and hence denied.

Copy of the letter dated 08.08.1989 is annexed herewith and marked as Annexure-22.

6. That with regard to the statement made in paragraph 6 & 7 of the written statement the Applicant categorically denied the same. Further, the Applicant begs to state that from Annexure 7 of the written statement it is evident that for cadre strength of 7 posts as per post based roster the initial recruitment after 02.07.1997 should be as follows-

1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8th
Sc	UR	UR	UR	UR	UR	UR	ST

It is to be stated that the respondents never followed the post based roster for filling up of the post of Assistant after 02.07.1997. It is evident from the seniority list of Assistant corrected upto 01.01.2009, the respondents filled up the post of Assistant after 02.07.1997 as follows-

Rebeld Ch. 0005

10 JUN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

— 4 —
— 96 —

1. A.K. Sahu (UR) - promoted as Assistant on 13.08.1998

2. R.C. Hembram (ST) - promoted as Assistant on 13.08.1998

The Applicant being the only SC candidate should have been promoted against the 1st post earmarked for 'SC' candidate. It is evident from the seniority list that Shri R.C. Hembram being a ST candidate has been promoted as Assistant on 13.08.1998 after completing only 6 years service as UDC that too against the post earmarked for 'UR' category as per post based 13 point roster. Therefore from the seniority list, it is evident that Applicant although became eligible for promotion to the post of Assistant on 21.04.2000, he was deprived for promotion to the post of Assistant upto 10.08.2005. It is also evident that the respondents have grossly violated the post based roster after 02.07.1997 for filling up of post of Assistant by promotion. As such, the promotion of Shri R C Hembram is gross violation of post based roster. The present Applicant being a SC candidate have been deprived of promotion to the post of Assistant after 21.04.2002 also the Applicant should have been promoted to the post of Assistant against the carried forward SC vacancy after 21.04.2000 but the respondents without following the post based roster promoted K.K. Devi on 16.04.2002 and promoted the Applicant on 10.08.2005. As a result of non-observation post based roster after 02.07.1997 the promotion of the Applicant to the post of Assistant has been deferred for 3 years and his further promotion to the post of Superintendent have been affected adversely. If the Applicant was promoted on 16.04.2002 to the post of Assistant against the carried forward 'SC' vacancy following the post based roster for cadre strength of 7 post then the promotion of the Applicant to the post of Superintendent would have been due in the year 2005. But due to violation of roster point for cadre strength of 7 posts of Assistant, the promotion prospect of the Applicant to the post of Superintendent have been adversely affected.

Babul Ch. Das

Copy of the Seniority list of Assistant is annexed herewith and marked as Annexure-23.

7. That the Applicant categorically denies the statement made in paragraph 8 of the written statement and further begs to state that from the abovementioned paragraph 5 of this rejoinder and from the seniority list corrected upto 01.01.2009 it is evident that the respondents have violated the post based roster from 02.07.1997 for the post of Assistant. It is also evident from the seniority list of Assistant that after 02.07.1997, 1st post Assistant was fill up by UR candidate Shri A.K. Sahu whereas as per Model roster for promotion (Annexure 7 of the written statement) 1st post is reserved for 'SC' (for cadre strength of 7 posts), 2nd post is UR filled by Shri R.C. Hembram (ST candidate). Applicant being the 'SC' candidate was promoted on 10.08.2005 although he was due for promotion as Assistant on 21.04.2000. As such, the respondents have deprived the Applicant not only for promotion to the post of Assistant as well as for promotion to the post of Superintendent reserved for 'SC' category by Shri S.K. Yadav (UR candidate).

8. That with regard to the statement made in paragraph 9 of the written statement, the Applicant begs to state that the promotion of Applicant to the post of Assistant was due on 21.04.2000 and as a SC candidate he was eligible for promotion against the backlog 'SC' vacancy. Since as per post based roster after 02.07.1997 the 1st post of Accountant is reserved for 'SC' candidate but the respondents in the year 2002 in spite of promoting the Applicant against backlog 'SC' vacancy of Accountant/Assistant promoted Smti. K.Devi. As a result, the Applicant has been deprived for further promotion of Superintendent.

✓ 9. That with regard to the statement made in paragraph 10 of the written statement, the Applicant re-iterates and reaffirm the statement made in paragraph 4.15 of the Original Application.

Basel Ch. 2009

10. That the Applicant categorically denies the statement made in para 11 of the written statement and further begs to state that as on 02.07.1997 the roster position for the post of Superintendent should have been as follows-

1	UR	J Pal
2	UR	S N Gupta
3	UR	R.K. Biswas
4	UR	Y.B. Devi
5	SC	..

Thus due to wrong implementation of the post based roster by the official Respondents, they had filled up the 'SC' vacancy through Shri S.K. Yadav (UR) candidate by depriving the Applicant for promotion to the post of Superintendent. It is further stated that from Annexure 9 of the written statement it is evident that on 02.07.1997 altogether 4 persons were promoted to the post of Superintendent against 2 posts. As such from the conduct of the respondents it is evident that the respondents not only violated the post based roster after 02.07.1997 but also the official Respondents have deprived the promotion of the Applicant to the post of Superintendent reserved for 'SC' category by promoting one Shri S.K. Yadav.

It is further stated that from the seniority list of Assistant it is evident that Applicant was promoted to the post of Accountant on 10.08.2005 against an UR vacancy. As discussed in preceding paragraphs as per Model roster of cadre strength 7 of Assistant 1st post is required to be filled up by 'Sc' candidate. Therefore, the Hon'ble Tribunal be pleased to direct the respondents to antedate promotion of the Applicant to the post of Assistant at least w.e.f. 21.04.2002 or from the date of promotion of K.K. Devi i.e. from 16.04.2002 against backlog 'Sc' vacancy and thereafter be pleased to direct the respondents to promote the Applicant to the post of Superintendent at least from the date of completion of 3 years as Assistant.

Babul Ch. SAs

11. That the Applicant categorically denies the statement made in paragraph 12 of the written statement and further begs to state that the respondents department is not maintaining the post based roster for promotion after 02.07.1997 either for the post of Assistant or for the post of Superintendent as discussed in the preceding paragraph.

12. That with regard to the statement made in paragraph 13 of the written statement, the Applicant begs to state that the respondents have wrongly maintaining the post based roster after 02.07.1997 for the post of Superintendent. As a result the 5th post of Superintendent which is reserved for 'SC' category has been filled up by Shri S.K. Yadav (UR). Therefore, this Hon'ble Tribunal may be pleased to direct the respondents to promote the Applicant against 'SC' vacancy at least from the date of promotion of Shri S.K. yadav.

13. That with regard to the statement made in paragraph 14, 15, 17 & 18 of the written statement, the Applicant re-iterates and reaffirm the statement made in paragraph 4.19 to 4.22 of the Original Application. Further, the Applicant re-iterates the statement made in the forgoing paragraphs of this rejoinder.

14. That with regard to the statement made in paragraph 19 of the written statement, the Applicant begs to state that due to wrong implementation of post based roster after 02.07.1997, the Applicant has been deprived of promotion to the post of Assistant w.e.f. 21.04.2000 or from the date of promotion of K.Y. Devi. Therefore, the respondents cannot blame the Applicant for his deferred promotion to the post of Assistant and non-promotion to the post of Superintendent against 'SC' vacancy.

15. That with regard to the statement made in paragraph 20 of the written statement, the Applicant begs to state that the same are replied in the earlier paragraphs.

Barak Ch. Gao

10 JUN 2010

— 8 —
—102—

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

16. That the Applicant denies the statement made in paragraph 21, 22, 23, 24, 26, 27, 28, 29, 30 and 32 of the written statement, the Applicant begs to state that the same are not maintainable in the eye of law as well as fact of the case.

Therefore, the written statement filed by the Respondents bears no substance, merit and not tenable in the eyes of law and is wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of the Respondents to refute the contentions, averments, questions of law and grounds made by the Applicant in the Original Application deserved to be allowed by this Hon'ble Tribunal.

Babul Ch. Das

10 JUN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ— 9 —
— 101 —

VERIFICATION

I, Shri Babul Chandra Das, son of Late Rasraj Das, aged about 53 years, Presently working as Assistant in the Indian Institute of Handloom Technology, Ministry of Textile, Government of India, Jawahar Nagar, Khanapara, Guwahati-22 do hereby solemnly verify that the statements made in paragraph nos. 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16— are to my knowledge, and believe

1, 3, 4 — are being matters of records are true to my information deprived there from which I believe to be true and rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this the 10th day of June 2010 at Guwahati.

Babul Chandra Das

DECLARANT

Office of the Development Commissioner for Handlooms

Udyog Bhawan
New Delhi, the 8th August, 1989

The Zonal Director
Weavers' Service Centre
Guwahati.

11.7.1989

Govt. of India
Ministry of Textiles

Sub:- Special recruitment drive for filling up
the backlog vacancies reserved for SC/STs.

Sir,

I am directed to state that Secretary(Textiles) has directed me to request that a weekly progress report should be sent to the Ministry indicating the action taken during the week. A copy of Secretary(Textiles) D.O. letter dated 31st July, 1989 is enclosed. You are, therefore, requested to send urgently the progress report for the week ending 6th August, 1989.

You are also requested to clarify the following points:-

- (1) Particulars of the candidates appointed against the backlog vacancies reserved for SC/STs in various WSCs under the Eastern Zone, may be sent in the proforma circulated with this office letter of even number dated 29th June, 1989. The particulars may be sent separately in respect of the posts indicated in Director(Coordination)'s letter dated 26.6.89 (which are also indicated in Head Office letter of even number dated 29.6.89 addressed to each WSCs and copy enclosed to the Zonal Directors). The particulars of the candidates appointed against the vacancies reserved for SC/STs as per the roster opened in the Zonal Office after 1.9.87 may be indicated separately in the same proforma.

- (2) Art Designer- 1(SC) and Photographer-1(SC)

During the conversation on telephone I have had with you on 7th August, 1989, you gave me the impression that the post of photographer is not reserved. But it has been observed from the statement received from Director(Coordn) with his letter dated 26.6.89 that the post of photographer is reserved for SC. The post is therefore required to be filled by a SC candidate only. This may kindly be noted.

Two posts of Art Designers- 1(SC) and 1(ST) are also required to be filled against the backlog vacancies reserved for SC/STs. During the interview scheduled to be held in Calcutta on 17, 18 & 19th August, 1989, all efforts may be made to select 2 Art Designers- 1(SC) and 1(ST). It is presumed that two

contd.... 2/-

Full

APPROVED

Tilly Dutt
17/8/89

Central Armed Reserve Wing
दक्षिण भारतीय सशाखालय

10 JUN 2010

Govt. of India
Bench
[REDACTED]

2
clear vacancies of Art Designers are available in the Eastern Zone as per the allocation of posts made in Headquarters letter No. A-11011/2/88-Estt.II dated 11.4.89. The vacancy position of Art Designers may also be discussed with Director(Coordination) who will be available at Calcutta during the selection proceedings. A copy of Director (Coordination) letter dated 21.7.88 is also enclosed in this regard.

(3) Accountant-1(SC)-WSC Agartala

As per the statement of backlog of vacancies received from Director(Coordination) vide his letter dated 21.1.89 - one post of Accountant is reserved for SC in WSC Agartala. You have reported that this post is already filled in by a non SC/ST candidate. How this has been done needs to be explained. As per our records in Head Office, no sanction for de-reservation has been issued as yet. This case may be discussed with Director(Coordination). One post of Accountant in Eastern Zone has to be filled by SC candidate. Full particulars of all the incumbents working as Accountant in Eastern Zone may be communicated immediately clearly indicating the mode of recruitment & nature of appointment in the following proforma:

S.No.	Name	Date of appointment	Whether by promotion or by direct appointment	Whether appointed on regular or ad-hoc basis
1	2	3	4	5

Whether SC/ST	Remarks
6	7

(4) Carpenter-1(SC)-WSC Agartala

It has been reported that the post has been filled by a physically handicapped person w.e.f. 7.12.87. It is not understood how the post reserved for SC can be filled by a physically handicapped person. Full facts of this case, alongwith similar information as indicated in respect of Accountant above, may kindly be sent forthwith.

(5) Stenographer-1(SC)-WSC Agartala

The Officer-in-charge, WSC Agartala has reported that this post is reserved for SC. The vacancy has occurred only on 29.7.88. Thus the reservation position is required to be determined from the new roster opened in the Eastern Zonal Office

Contd....3/-

ATTESTED

Tilly Deller

ADVOCATE

after 1.9.87. As per Head Office instruction, a new roster was to be opened provisionally on the basis of 40 point roster indicated on page 47 of the Brochure (1987 Edition). The reservation points in the roster runs as under:

1 st- SC
2 & 3- Un-reserved
4 th- ST
5,6,7th- Un-reserved
8 th- SC
—
—

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

10 JUN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

The new roster based on average population percentage in the State covered by the Zone is required to be prepared as per Head Office letter No. A-14012/2/88-Estt.II dated 13.7.89. The following information may be sent urgently for preparation of this roster, as requested in letter No. A-14012/2/88-Estt.II dated 7.8.89.

S.No.	Name of the State	Population (as per 1981 census)			Total
		SC	ST	Others	
1	2	3	4	5	6

Pending the finalisation of the Zone-wise roster, the reservation position will be ascertained provisionally from the 40 Point roster (model roster for posts filled by Direct Recruitment on All India basis by open competition). As regards the model roster for posts to be filled by promotion, the position is clearly indicated in para 4.1(iii) of chapter 4 of the Brochure. The model roster prescribed for reservation of 15% for SCs and 7½% for STs is applicable to posts filled by promotion. The roster is same as prescribed for posts filled by Direct Recruitment on all India basis by open competition i.e. 40 point roster given on page 47 of the Brochure, extract of which are also reproduced above upto point B. In case of any further clarification, the undersigned may be contacted on telephone.

The reservation position in respect of the posts of Stenographer in NSC Agartala may kindly be determined as per the clarifications furnished above.

Contd... 4/-

ATTESTED

Tilly Guria
ADVOCATE

(6) Occupational Attendant-1(SC)-WSC Calcutta

It has been reported that the post has been filled by transfer of an existing incumbent from WSC Bhubaneshwar. In case the incumbent was working as Occupational Attendant in WSC Bhubaneshwar, the reservation point stands transferred to WSC Bhubaneshwar. Efforts may be made to select an Occupational Attendant from SC at any of the WSCs under the Eastern Zone so that one vacancy reserved for SC under the Occupational Attendant Category in Eastern Zone prior to 1987 may be filled as per the reservation position relating prior to 1.9.87.

(7) Weaving Assistant-1(ST)-WSC Bhubaneshwar

It is not clear as to how the vacancy reserved for ST has been filled by non ST candidate. The vacancy has to be filled by a ST candidate and the needful may be done immediately. Full facts relating to the case may be sent immediately. In case a vacancy of Weaving Assistant exists at any WSC under Eastern Zone, it can be filled by a ST candidate to clear the backlog.

Yours faithfully,

Encl: As above.

(G.S. Agarwal)
Assistant Director(Gr.I)

Copy to:-

1. Director(Coordination). He may kindly clarify as to how the post of Accountant and Carpenter in WSC Agartala which were reserved for SCs have been filled by non SC candidates. Full facts may kindly be sent urgently. In case similar discrepancies exists in other cases, facts in respect of all such cases may be conveyed so that a strategy may be evolved to clear the backlog within the stipulated period.
2. Officer-in-charge, WSC Agartala for information and necessary action.
3. Officer-in-charge, WSC Calcutta for information and necessary action.
4. Officer-in-charge, WSC Bhubaneshwar for information and necessary action.

(G.S. Agarwal)
Assistant Director(Gr.I)

ATTESTED

Tilly Sultan

ADVOCATE

Government of India
Ministry of Textiles
Weavers' Service Centre
I I H T Campus
Jawahar Nagar, Khanapara
National Highway No. 37
Guwahati-781 022
PH: (0361) 230-3586; FAX: 0361-2302599

No.WSC/GAU/Admn-1(8/)/2006/ 3113

Dated February 1, 2010

8/2/10

CIRCULAR

A draft seniority list of Group 'B', 'C' & 'D' Non gazetted Non Technical and technical officials of Weavers' Service Centres and IIHT., Guwahati (for common cadre non Tech. Only) under the East Zone as on 01-01-2009 was circulated to all WSCs and IIHT., vide this office letter dated 5-10-09. Representations were received in regard to some omissions /errors in the said draft seniority list. After examination of the representations, correction/addition have been made in the Seniority list wherever necessary and a copy of the corrected Seniority list as on 01-01-2009 is enclosed.

s.d.

(S.P. SINGH)
Director

Encl: As above

To

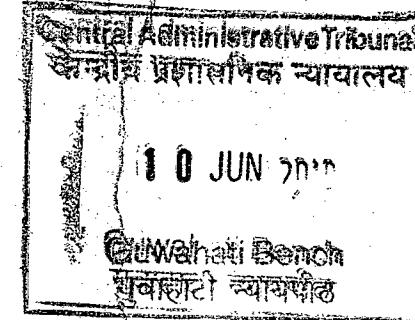
1. The Officer-in-Charge, Weavers' Service Centre, Agartala/ Imphal/Bhagalpur/Bhubaneswar/Kolkata
2. The Officer-in-Charge, IIHT, Guwahati/Bargarh
3. The Zonal Director, WSC., Delhi, Mumbai, Chennai
4. The Addl. Development Commissioner for handlooms, New Delhi

ATTESTED

Tilly Datta

ADVOCATE

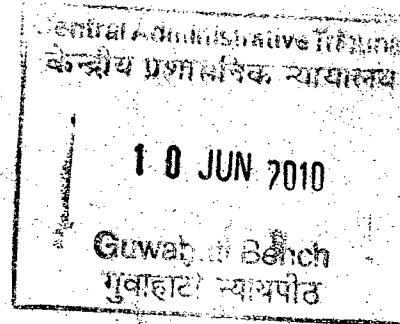
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SENIORITY LIST



NON-GAZ. GROUP 'B', 'C' & 'D'

STAFF OF EAST ZONE

CORRECTED UPTO 01-01-2009

ATTESTED

Tilly Datta

ADVOCATE

I N D E X

Sl. No.	Name of posts	Page No	Sl. No.	Name of Posts	Page No.
1	Office Superintendent	1	16	Art-Designer	13
2	Assistant	2	17	PMCD.	14
3	Sr. Steriographer	2	18	Weaver Gr. I	15
4	Stenographer ((jr)	3	19	Master Printer/M.D	15
5	U.D.C.	4	20	Photographer	15
6	LDC	5	21	Weaver Gr. II	16-17
7	Store Keeper	5-6	22	Block Printer	17
8	Driver	6	23	B.M/S.M	17
9	Daftary	7	24	Weaving Assistant	18
10	Peon	8	25	Printer	18
11	Hamal	9	26	Sizer	19
12	Chowkidar	9	27	Warper	19
13	Sweeper	10	28	Dyer	20
			29	Carpenter	20
14	Tech. Superintendent	11	30	Sample Cutter	21
15	Tech. Asstt.(Dyeing)	12	31	Occupational Attendant	21-22

Administrative Tribunal
সর্ব প্রশাসনিক ন্যায়ালয়

10 JUN 2010

Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

ATTESTED

Tilly Sultan

ADVOCATE

SENIORITY LIST OF NON-GAZETTED (TECHNICAL & NON-TECHNICAL) STAFF 01-01-2007 OF WEAVERS' SERVICE CENTRES & J.I.H.T.
GUWAHATI/BARGARH (NON-TECHNICAL) FAILING UNDER EAST ZONE.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्याय लय

10 JUN 2010

Guwahati Bench
গুৱাহাটী ন্যায়বিধি

OFFICE SUPERINTENDENT

SCALE OF PAY RS. 5500-175-9000/-

TOTAL POST - 4 Nos.

Sl. No.	Name	Office where working	Educational Qualification	Date of					Whether ST/SC/ OBC/ PH/etc	Remarks
				Birth	Entry into Govt. Service	Continuous apptt. In the present grade/post.	Confirmation in the post/grade	Seniority in the post/grade		
1	2. Smti Y.B. Devi	3. WSC, Imphal	4. B.A. Cash & Accnt. Training at ISTM., N.Delhi. Faculty dev. Program on Entrepreneurship at IIE, Guwahati.	5. 1-2-52	6. 18-9-76	7. 13-8-98	8. 1-4-88	9.	10.	11. Promotee, Pmt. as Store Keeper.
2	Sh. L.M. Singh	WSC, Guwahati	B.Sc.P-I	1-3-57	3-5-75	11-4-2005	24-12-82	24-6-94 (UDC)		. Deptt. Examination
3	Sh. S.K. Yadav	WSC., Kolkata	B.A. LLb, Cert of training for Admn. & Estt. & Accounts from IGAF, Calcutta.	22-8-53	19-6-76	2-6-08	24-12-82	24-6-94 (UDC)	OBC	Promotee, Pmt. as LDC.

ATTESTED

Tilly Datta
ADVOCATE

— 18 —
— 110 —

Assistant

Scale of Pay Rs. 5000-150-8000/-
Total post - 7 Nos.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
1	Sh. A.K. Sadhu	WSC, Bhagalpur	B.Sc.P-I (Training in financial regulation from IGAF, Calcutta.)	10-10-51	16-6-76	13-8-98	24-12-82	16-6-84 (UDC)		Promotee, Pmt. as LDC
2	Sh. R.C. Hembram	WSC, Agartala	H.S.E.	12-12-57	7-7-82	13-8-98	1-4-88	21-4-92 (UDC)	ST	Promotee. Pmt. as LDC
3	Smti K. Swain	WSC, Bhubaneswar	M.Com.	24-2-58	9-3-77	27-5-99	24-12-82	4-3-86 (S.K.)		Promotee, Pmt. as LDC
4	Kum. K. Devi	WSC, Guwahati	P.U. C.	1-1-57	10-8-79	16-4-2002	1-4-88	21-4-92 UDC		Promotee, Pmt. as LDC.
5	Sh. B.C. Das	IIHT., Guwahati	H.S.C. Introducing to the computer application at RTC, Kolkata.	21-7-56	10-11-82	10-8-2005	1-4-88	21-4-92 UDC	SC	Promotee. Pmt. AsLDC
6	Smti K. Das Choudhary	WSC, Kolkata	B.A.	21-1-51	8-3-73	14-11-2005	24-12-82			Promotee. Pmt. as LDC.
7.	Sh. L. Barman	WSC, Guwahati	B.A.	1-3-59	17-8-79	1-1-09	1-4-88			Promotee. Pmt. as LDC

SR. STENOGRAPHER:

Scale of pay Rs. 5000-150-8000/-
Total post - 2 No.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
1.	Smti A. Mukherjee	WSC, Guwahati	B.A.	7-1-50	4-6-73	06-06-2005	24-12-82	-	-	Pmt. Jr. Stenographer
2	Sh. A.K. Mohanty	WSC, Bhubaneswar	H.S.E.	16-4-52	9-7-75	6-12-08	24-12-82	-	-	Pmt. as Jr. Stenographer

ATTESTED

Tilly Dutta
ADVOCATE

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

1 JUN 2010

Guwahati Bench
गुवाहाटी न्यायपीठ

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