

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 253/2009
R.A./CP/NO. 2015
E.P./M.P./NO. 2015

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Section - 3(i)

P.D. 02/07/2015
SECTION OFFICER (JUDL.)

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

253

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

Applicant (S) : Shri Gurne Dayal Singh

Respondent (S) : Union of India MOPS.

Advocate for the : Mr. H.K. Das
{Applicant (S)}

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

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form is Rs. 50/- deposited vide IPO/ED No. <u>286 925488</u> Dated <u>9.11.09</u></p> <p><u>4.12.09</u> 3 (Three) copies of application with envelopes received from issue notices to the Respondent Nos. 1 to 3.</p> <p><u>4/12/09</u></p> <p><u>4.12.09</u> Dy. Registrar <u>HSK/12/09</u></p>	<p>07.12.2009</p>	<p>Grievance of the Applicant is that the post of Workshop Attendant is sought to be filled up by the Respondents based on the direct recruitment, ignoring his claim He belongs to S.C. community having four years experience as Peon and yet he has been denied consideration for the said post.</p> <p>Applicant preferred representation dated 28th August 2009 and 31st August 2009, respectively, which have been rejected vide impugned communication dated 23.05.2009(Annexure-4) stating that no Peon or messengers, including Applicant fulfilled the essential Industrial experience of one year, a condition precedent. Contention raised by the Applicant is that since he is departmental candidates, <u>condition of one year experience is inapplicable.</u> No copy of the R.S. are placed on record.</p> <p>It is contended that interview will be held on 08.12.2009. Issue notice.</p> <p style="text-align: right;">Contd/-</p>

O.A.253 of 2009

Contd/-

07.12.2009

Mr.M.K.Boro, learned Addl.Standing Counsel present in Court accepts notice on behalf of the Respondents. No formal notice need be issued to the Respondents. Service is completed.

Mr.M.K.Boro, learned Addl. Standing counsel appearing for the Respondents seeks two weeks time to obtain instructions. Applicant seeks stay of selection process.

Any appointment made to said post pursuant to the impugned selection process initiated by the Respondents shall abide the outcome of present O.A.

Call this matter on 18.12.2009.

(Mukesh Kumar Gupta)
Member (J)

/lm/

21.12.2009

Learned counsel for the applicant has submitted that the applicant is a departmental candidate, as such the condition one year experience is applicable.

Mr. M.K.Boro, learned Addl. Standing counsel appearing for Respondents filed notification dated May 1980 bearing No. DGET-27/2176-EE.II. Attention was invited on Serial No. 9 which prescribes qualifications for Workshop attendant as: "a pass in the 8th Standard and one year's industrial experience". Learned counsel submitted that the applicant is a departmental candidate as such the condition of one year experience is not applicable in the present context. He prayed for time to submit further. Case is adjourned to 13.01.2010.

(Madan Kumar Chaturvedi)
Member (A)

/pb/

Received the notice &
order dt 7/12/09
Munali K. Boro
Addl. Clk
18/12/09

Service Completed.

6
7/12/09.

21.12.09
no W/S filed.
la

No. W/S filed

2
12.12.2009

O.A. No. 253/2009

13.01.2010

Reply has not been filed. Learned counsel for respondents is not present. In the interest of justice list on 18.01.2010.

No reply filed.

22
15.1.2010



(Madan Kumar Chaturvedi)
Member (A)

nkm



(Mukesh Kumar Gupta)
Member (J)

18.01.2010

Heard learned counsel for the parties.

For the reasons recorded separately O.A. stands dismissed.

Received copy.

Has
20.1.10.



(Madan Kumar Chaturvedi)
Member (A)

/PB/



(Mukesh Kumar Gupta)
Member (J)

Received order dt. 18/1/10
Mineral kuma. no.
21/1/10 addl C.A. Sec.

1/12/2010

Final order dated - 18-1-2010
Prepared and sent to the
J/Secy for issuing the applicant
and all the respondents by post
vide No 309 to 312
dated 05-2-2010

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 253 of 2009

Date of Decision: 18 .01.2010

Guru Dayal Singh

..... **Applicant/s**

Mr. H.K. Das

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

- Versus -

U.O.I & Ors.

..... **Respondents**

Mr. M.K. Boro, Addl. C.G.S.C.

..... **Advocate for the
Respondents**

CORAM :

HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)

HON'BLE SHRI MADAN KUMAR CHATURVEDI, MEMBER (A).

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

Judgment delivered by

Member (J) / Member (A)

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 253 of 2009

Date of Order: This, the 18th day of January, 2010

**HON'BLE SHRI MUKESH KUMAR GUPTA, MEMBER (J)
HON'BLE SHRI MADAN KUMAR CHATURVEDI, MEMBER (A).**

**Guru Dayal Singh
Son of Ajit Singh, Peon
Vocational Rehabilitation Centre
For Handicapped, Basistha
Guwahati - 29, Assam.**

...Applicant

By Advocate: Mr. H.K. Das

-Versus-

- 1. The Union of India
Represented by its Secretary
Ministry of Labour & Employment
Shram Shakti Bhawan, Rafi Marg
New Delhi- 1.**
- 2. The Director General of
Employment and Training
Ministry of Labour & Employment
Shram Shakti Bhawan, Rafi Marg
New Delhi- 1.**
- 3. The Assistant Director (Rehab)
Vocational Rehabilitation
Centre for Handicapped
Basistha, Guwahati - 781029.**

...Respondents

By Advocate: Mr. M.K. Boro, Addl. C.G.S.C

ORDER (ORAL)

MUKESH KUMAR GUPTA, JUDICIAL MEMBER

**By present application, Sri Guru Dayal Singh, Peon in the
Vocational Rehabilitation Center (in short VRC) for Handicapped, Braille
Press, Basistha, Guwahati - 29, seeks the following reliefs:**

"8.1 To set aside and quash the impugned advertisement No. F-VRCG.A-11025/1/2009 dated 18.05.2009 notified in the daily news paper dated 23.05.2009 issued by the 2nd respondent [ANNEXURE - 3] and grant all consequential benefits.

8.2. To set aside and quash impugned order under No. F-VRCG.A-11025/1/2009/3679-80/3769-70 dated 29.10.2009 issued by the 2nd respondent [ANNEXURE - 7]

8.3. To direct the respondents to consider the case of the applicant for promotion to the post of Workshop Attendant (reserved for SC) and on being found suitable promote him to the said post with all consequential benefits."

2. He claims that he is entitled for promotion to next higher post i.e. Workshop Attendant. It is contended that educational qualification prescribed for promotion under RRs do not require holding one year's industrial experience, and such provisions cannot be applicable to promotion. Col 8 dealing with: "whether age and qualifications prescribed for direct recruit will apply in the case of promotion", reads as under:

**"Age- No
Educational Qualification - Yes."**

3. The contention raised by the applicant is that one year experience in industrial experience prescribed as essential besides educational qualification prescribed would not be applicable to him as he is aspiring "promotion" to said post. Advertisement dated 18th May, 2009 (Annexure-3) had been issued by the Respondents inviting applications from the eligible candidates to fill up said vacancy. He made certain representation seeking his consideration for said post, which was rejected vide communication dated 29/30.10.2009, also impugned in present proceedings reiterating that essential industrial experience has not been acquired by the applicant & therefore he cannot be considered for said the post. It is not disputed that said condition/experience has not been satisfied by the applicant.

8.1. To set aside and quash the impugned advertisement No. F-VRCA-11025/2009 dated 18.05.2009 notified in the daily news paper dated 23.05.2009 issued by the 2nd respondent (ANNEXURE - 3) and grant all consequential benefits.

8.2. To set aside and quash impugned order under No. F-VRCA-11025/2009/3673-80/3752-70 dated 23.10.2009 issued by the 2nd respondent (ANNEXURE - 3)

8.3. To direct the respondents to consider the case of the applicant for promotion to the post of Workshop Attendant (reserved for SC) and on being found suitable promote him to the said post with all consequential benefits."

2. The claimant that he is entitled for promotion to next higher post i.e. Workshop Attendant. It is contended that educational qualification prescribed for promotion under RRs do not require holding one year's industrial experience, and such provisions cannot be applicable to promotion. Col 8 dealing with: "whether age and qualifications prescribed for direct recruit will apply in the case of promotion", reads as under:


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4. Notice was issued to the Respondents vide order dated 07.12.2009 and Shri M.K. Boro, learned Addl. Standing Counsel appeared for the Respondents and produced the RRs in vogue for said post. We have heard both sides, perused the materials placed on record besides said rules governing promotion to said post. Since the issue raised in present OA is purely legal & factual aspects had not been disputed, filing of reply by the respondents was not insisted. We have heard present OA finally with the consent of parties.

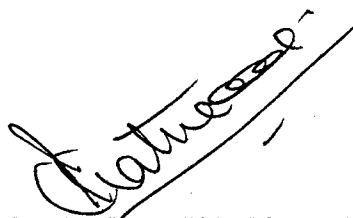
5. The question which arises for consideration is whether requirement of one year's industrial experience as prescribed under column 7 of the Rule would be applicable for promotion or not ? Contention raised by applicant has been that said requirement would not be applicable to him while the respondents have contested this aspect very vehemently.

6. On examination of the matter, we are of the considered view that bare perusal of said rules leaves no manner of doubt that educational qualification & experience required for direct recruitment is ipso-facto applicable in case of promotion too. One year's industrial experience prescribed under column 7 for recruitment is thus a condition necessarily to be satisfied while considering a candidate for promotion for said post of Workshop Attendant. Contention raised that one has to satisfy only the condition prescribed under Col. 11, in our view is totally misplaced & baseless. Col. 11 only details the feeder category & not the educational qualification & experience required by the candidate who falls in feeder category. Col. 11 cannot be read in isolation & necessarily has to be read along with Col 7 as well as Col 8 of the same rules. Mandate of column 8 just can not be ignored. It is well settled that once

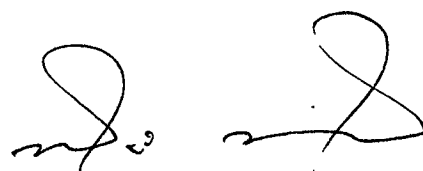


the statutory rules are framed, the same have to be scrupulously followed & observed. In the circumstances, finding no merits, O.A. is dismissed.

7. Learned counsel for applicant at this stage states that he be allowed relaxation of said condition, as prescribed under the Rules while considering him for promotion invoking Rules 6 dealing with "Power to relax." We may note that neither in the pleadings nor in relief clause such relief regarding relaxation of rules has been prayed for. Moreover, relief regarding relaxation of rules cannot be granted by Tribunal/Court as request on such account has to be examined & allowed in appropriate case & circumstance only by the competent authority and order passed thereon. If the applicant intends to seek relaxation, as now prayed, nothing prevent^g him to approach the competent authority for said purpose, and the competent authority shall consider the same & pass appropriate order. Observations made hereinabove will not stand against him as well as for competent authority to consider such request.



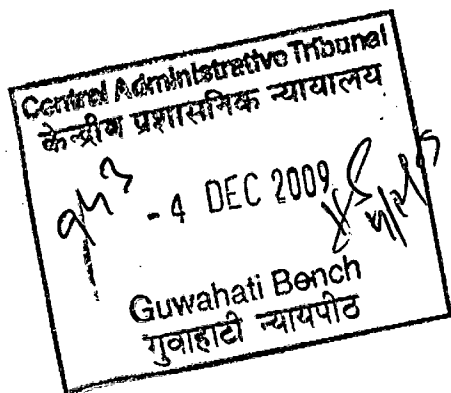
(MADAN KUMAR CHATURVEDI)
Member (A)



(MUKESH KUMAR GUPTA)
Member (J)

/PB/

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



OA No. 253 of 2009

Sri Guru Dayal Singh

...APPLICANT

- Vs -

Union of India & Ors.

...RESPONDENTS

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Received on
behalf of
Mrs. H. Das,
Sr. (GSC),
CS Hazarika
4.11.09
Advocate

Filed by

H. Das
4.12.09
Advocate

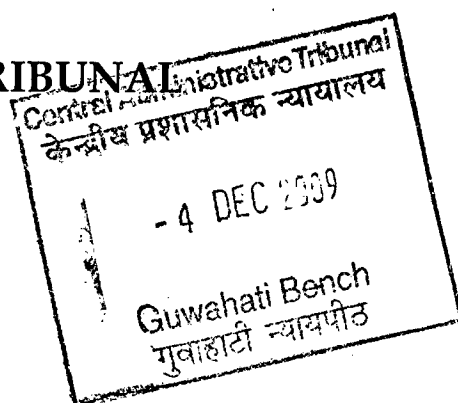
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

OA No. 253 of 2009

Sri Guru Dayal Singh

- Vs -

Union of India & Ors.



...**APPLICANT**

...**RESPONDENTS**

S Y N O P S I S

That the applicant is presently working as Peon in the Vocational Rehabilitation Center (in short VRC) for Handicapped, Braille Press, Basistha, Guwahati- 29 under Ministry of Labour & Employment (DGE & T). The applicant belongs to the Schedule Caste community and all along in his service life he has been considered as an SC candidate. The applicant is H.S.L.C. pass and has served the VRC for last 14 years as Peon.

That in the year 2009 a post of Workshop Attendant which is reserved for SC falls vacant. It is stated that the post of Workshop Attendant is a promotional post which is to be filled up from the grade of Peon/Messenger failing which by direct recruitment. As per the recruitment rules Peon/Messenger having 5 (five) years of qualifying service are eligible for promotion to the post of Workshop Attendant.

Therefore, the applicant having put in more than 14 years of service in the grade of Peon and being a matriculate is eligible and within the zone of consideration for promotion to the post of Workshop Attendant. While the applicant was aspiring consideration of his case for promotion to the post of Workshop Attendant the 2nd respondent issued an advertisement dated 18.05.09 in the daily news paper dated 23.05.09 notifying the vacancy for direct recruitment. The applicant submitted representation dated 28.08.09 for consideration of his case for promotion to the post of Workshop Attendant; however the respondents sat over the matter. Thereafter, the applicant submitted representation

II

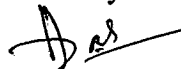
before the Chairman, National Commission of Schedule Caste Community praying for justice and redressal of his grievances.

The 2nd respondent in response to the representation submitted by the applicant before the Commission issued the impugned order dated 29.10.09 by which he has been denied with his legitimate claim of getting considered for promotion to the post of Workshop Attendant in clear violation of Article 14 and 16 of the Constitution of India.

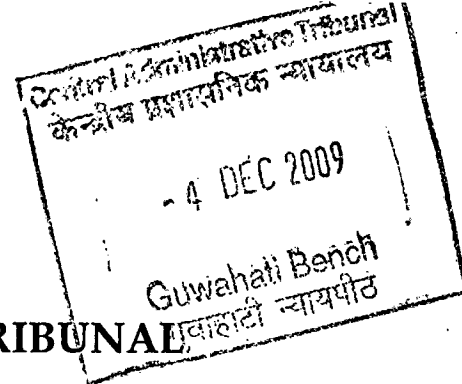
That the recruitment rules very clearly state that the post of Workshop Attendant is a promotional post to be filled up by promotion failing which by direct recruitment. Therefore, in the event of the existence of the applicant in the grade of Peon who is eligible and within the zone of consideration for promotion to the said post, the action of the respondents in notifying the vacancy for direct recruitment is grossly illegal and manifest the malafide action on the part of the 2nd respondent. Therefore, the impugned advertisement dated 18.05.09 is in clear violation of the Article 14 and 16 of the Constitution of India and liable to be quashed and set aside. The respondents have now made a move to conduct the interview on 08.12.09 pursuant to the advertisement dated 15.08.09 without considering the case of the applicant which is contrary to the recruitment rule as well as the Constitutional mandate and passed the impugned order dated 29.10.09 rejecting his case. Therefore, having no other alternative the applicant has approached this Hon'ble Court praying for justice by way of the present original application.

Hence the present original application.

Filed by



Advocate



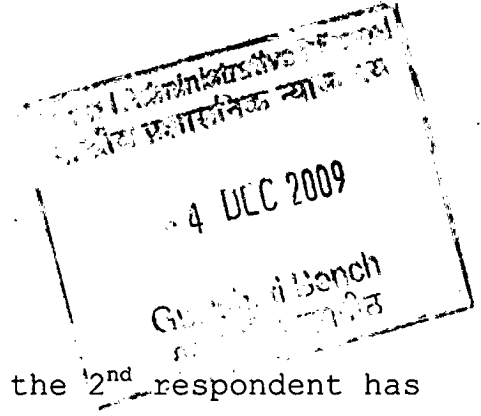
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

OA No. 253 of 2009

LIST OF DATES

- 25.10.78** Caste certificate issued by the Assam Schedule Caste Development Council certifying the applicant to be a Schedule Caste. [ANNEXURE- 1] [Page-15]
- 07.04.83** The applicant was initially appointed as Safaiwala.
- 30.10.95** The applicant was promoted to the post of Peon.
- 1986** The applicant cleared the HSLC Examination.
- 07.08.86** Certificate issued by the Headmaster of the school certifying that the applicant has passed the HSLC examination. [ANNEXURE- 2] [Page-16]
- 23.05.09** Daily news paper in which the 2nd respondent issued an advertisement under No. F-VR CG.A-11025/1/2009 dated 18.05.09 calling for candidates from the open market for filling up of 1 (one) post of Workshop Attendant which is reserved for SC. [ANNEXURE- 3] [Page-19]
- 28.08.09** Corrigendum making some change in the criterion of educational qualification for the direct recruit candidates. [Annexure- 4] [Page-20]
- 20.08.09** Representation submitted by the applicant before the 2nd respondent praying for consideration of his case and allow him to appear in the interview dated 24.08.09. However, the respondents sat over the matter. [Annexure- 5] [Page- 21]
- 31.08.09** Representation submitted by the applicant Chairman, National Commission for Schedule Caste Community praying for justice and redressal of his grievances. [Annexure- 6] [Page- 22]

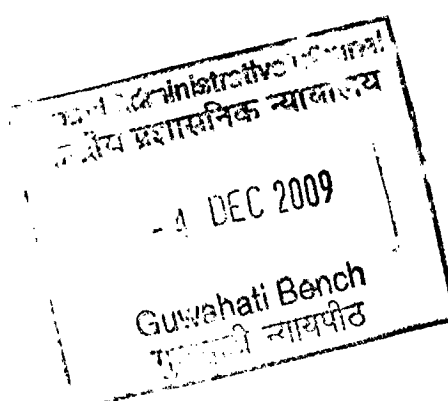


29.10.09 Impugned order issued by which the 2nd respondent has denied to consider the case of the applicant for the promotional post of Workshop Attendant, which is a promotional post reserved for SC. [Annexure- 7]
[Page- 23]

08.12.09 Scheduled date for conducting the interview pursuant to the advertisement dated 18.05.09.

Filed by

Advocate



1

Filed by:
The Applicant
through
Hdship Mr. Das.
Advocate
4.12.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

OA No. 253 of 2009

BETWEEN

Guru Dayal Singh,
Son of Ajit Singh, Peon,
Vocational Rehabilitation Centre
for Handicapped, Basistha,
Guwahati- 29, Assam. **APPLICANT**

-Versus-

1. The Union of India,
Represented by its Secretary,
Ministry of Labour & Employment,
Shram Shakti Bhawan, Rafi Marg,
New Delhi- 1.

2. The Director General of
Employment and Training, Ministry
of Labour & Employment, Shram
Shakti Bhawan, Rafi Marg, New
Delhi- 1.

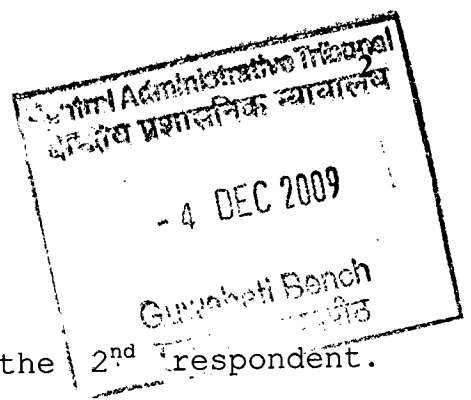
3. The Assistant Director
(Rehab), Vocational Rehabilitation
Centre for Handicapped, Basistha,
Guwahati- 781029. **RESPONDENTS**

DETAILS OF APPLICATION

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

The present application is directed against the impugned advertisement No. F-VRCG.A-11025/1/2009 dated 18.05.09 notified in the daily news paper dated 23.05.09 and impugned order under No. F-VRCG.A-11025/1/2009/3679-

Guru Dayal Singh.



80/3769-70 dated 29.10.09 issued by the 2nd Respondent.
[ANNEXURE- 3 and 7]

2. JURISDICTION OF THE TRIBUNAL:

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

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE:

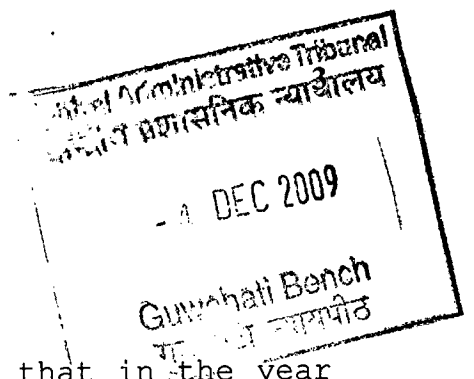
4.1 That the applicant is presently working as Peon in the Vocational Rehabilitation Center for Handicapped, Braille Press, Basistha, Guwahati- 29 under Ministry of Labour & Employment (DGE & T).

4.2 That the applicant was initially appointed on 07.04.1983 as Safaiwala and thereafter he was promoted to the post of Peon on 30.10.1995 in the Center. It is stated that till date he is discharging his duties as peon to the satisfaction of all concern and at no point of time there was any complain towards his performance and service.

4.3 That the applicant belongs to the Schedule Caste community and to that effect the Assam Schedule Caste Development Council issued a certificate dated 25.10.1978 to the applicant certifying him to be a Schedule Caste. It is stated that in his entire service life he has been considered as a Schedule Caste candidate.

A copy of the caste certificate dated 25.10.1978 is annexed herewith and marked as **ANNEXURE- 1.**

Gurudayal Singh



4.4 That the applicant begs to state that in the year 1986 he passed the H.S.L.C. examination from the Board of Secondary Examination, Assam. The Headmaster of the Lalchand Onkarmal Goenka Hindi High School to that effect issued a certificate dated 07.08.1986 certifying that the applicant has passed the H.S.L.C. Examination as a compartmental candidate.

Copies of admit card, mark sheet and certificate dated 07.08.1986 is annexed herewith and marked as **ANNEXURE- 2**.

4.5 That the applicant begs to state that the 2nd respondent on 23.05.09 published a paper notification under No. F-VRCG, A-1105/1/2009 dated 18.05.09 in the daily news paper calling for candidates from the open market for filling up of 1 (one) post of Workshop Attendant which is reserved for SC candidate only, in the revised pay band, PB-1 of Rs. 5,200-20,200 and the Grade pay of Rs. 1,900 in the Vocational Rehabilitation Center for Handicapped, Guwahati. Thereafter, the 2nd respondent issued a corrigendum in the daily news paper dated 28.08.09 making some change in the criterion of educational qualification for the candidates from the open market.

A copy of the news paper notification dated 23.05.09 and corrigendum dated 28.08.09 is annexed herewith and marked as **ANNEXURE- 3 and 4**.

4.6 That the applicant begs to state that as per the recruitment rule the post of Workshop Attendant is purely a promotional post which is to be filled up from the Peons and Messengers of the Vocational Rehabilitation Center (in short VRC) having 5 years regular service in the respective grade. As per the said recruitment rule the post of Workshop Attendant is to be filled up by promotion failing which by direct recruitment. The essential qualification and experience prescribed for the candidates from the open

Curryday Singh,

- 4 DEC
Gurukul

market is Class- VIII standard pass and 1 (one) year Industrial experience. It is stated that the applicant being matriculate and after completion of more than 14 years of service as Peon is well within the zone of consideration for promotion to the post of Workshop Attendant reserved for SC.

The applicant despite his best efforts could not collect the copy of the recruitment rule pertaining to the Workshop Attendant and craves leave of the Hon'ble Court to direct the respondents to produce the same at the time of hearing of the case.

4.7 That the applicant begs to state the post of Workshop Attendant mentioned in the news paper notification dated 23.05.09 is a promotional post reserved for SC candidate from amongst the Peon/Messenger in the VRC. The applicant having completed 14 years of service as Peon is well within the zone of consideration for promotion to the post of Workshop Attendant whereas the qualifying service required is only 5 (five) years as per the recruitment rule. It is stated that the experience prescribed in the advertisement dated 18.05.09 is immaterial towards the eligibility of the applicant and the applicant being a departmental candidate his residency period has to be taken into consideration for determining his eligibility.

4.8 That the applicant making a grievance against the illegal and arbitrary action on the part of the respondents submitted representation dated 20.08.09 before the 2nd respondent. By the aforesaid representation the applicant made a prayer to allow him to appear in the interview scheduled to be held on 24.08.09 for the post of Workshop Attendant. It is noteworthy to mention here that although the interview was scheduled on 24.08.09 but later on it was cancelled. However, the respondents are denying the applicant with the opportunity to appear in the interview.

Gurukuloyal S.M.

5

- 4 DEC 2009
General Division
RECEIVED

A copy of the representation dated 20.08.09 is annexed herewith and marked as **ANNEXURE- 5**.

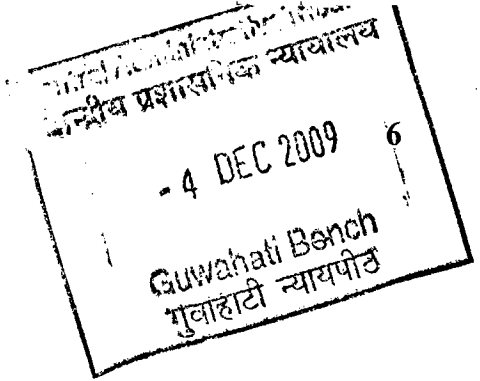
4.9 That the applicant begs to state that as per the recruitment rule the post of workshop Attendant is to be filled up by promotion failing which by direct recruitment. Therefore, in the event of availability of the applicant, who is well within the zone of consideration for promotion to the post of Workshop Attendant, the action of the respondents in making attempt to fill up the said post by direct recruitment without considering the case of the applicant is totally illegal and mala fide is apparent on the part of the respondents.

4.10 That the applicant thereafter preferred a representation dated 31.08.09 before the Chairman, National Commission for Schedule Caste Community, New Delhi intimating the Commission about the injustice meted out to him and also praying for redressal of his grievance.

A copy of the representation dated 31.08.09 is annexed herewith and marked as **ANNEXURE- 6**.

4.11 That the 2nd respondent in response to the representation submitted by the applicant issued a communication under No. F-VRCG.A-1125/1/2009/3679-80/3769-70 dated 29.10.09 to the Director, National Commission of Schedule Castes denying considering the case of the applicant for promotion to the post of Workshop Attendant. The 2nd respondent in the aforesaid communication categorically admitted the fact that the post of Workshop Attendant is purely a promotional post for the Peon/Messengers in the channel of promotion having 5 years of qualifying service and in the event of not having of Peons /Messengers in the zone of consideration it can be filled up by direct recruitment. The 2nd respondent in the

Guru Dyal Singh

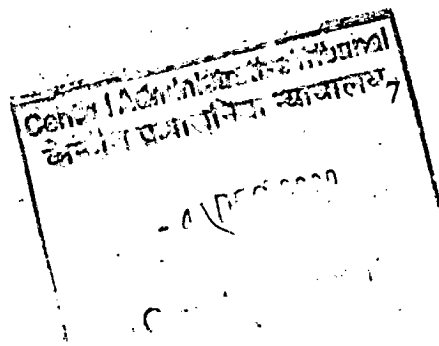


aforesaid communication has stated that there is no peon or messenger in the zone of consideration for promotion to the post of Workshop Attendant and therefore move has been made to fill up the post by direct recruitment. However, from the material available on record and the particulars given by the 2nd respondent in his communication dated 29.10.09 pertaining to the applicant it can easily be construed that the applicant is well within the zone for consideration for promotion to the post of Workshop Attendant. The 2nd respondent while analyzing the service particulars of the applicant have virtually admitted that the applicant is well within the zone of consideration for promotion to the post of Workshop Attendant. Moreover, the experience prescribed in the advertisement dated 18.05.09 is immaterial towards the eligibility of the applicant and the applicant being a departmental candidate his residency period has to be taken into consideration for determining his eligibility. However, only with the sole purpose to cater his blue eyed boy the 2nd respondent is negating to consider the applicant for promotion to the post of Workshop Attendant.

A copy of the impugned order dated 29.10.09 is annexed herewith and marked as **ANNEXURE- 7.**

4.12 That the applicant begs to state that the 2nd respondent in the communication dated 29.10.09 while justifying his illegalities has resorted to some extraneous factors which are not within the realm of the 2nd respondent to analyze and deny the applicant his legitimate claim of getting considered for promotion. It is crystal clear that the applicant is eligible and well in the zone of consideration for promotion to the post of Workshop Attendant and he is required to be considered for the said post which is reserved for SC. However, it is the prerogative of the Departmental Promotion Committee to promote the applicant upon consideration of his ACR.

Anurdayal Singh.



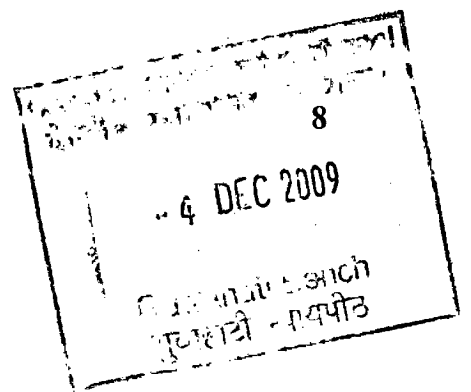
Therefore, the 2nd respondents exceeded in its jurisdiction in malafide exercise of power and he only with the sole purpose to accommodate his blue eyed boy has made a move to fill up the post of Workshop Attendant from open market denying the presence of the eligible Peon in the channel of promotion in gross violation of the recruitment rules holding the field. So far as the period of dies-non is concerned as has been mentioned by the 2nd respondent, the applicant begs to state that the said period has been later on regularized as on duty by the respondents and the aforesaid facts will be clear on production of his service records by the respondents.

Therefore, the applicant craves leave of the Hon'ble Court to direct the respondents to produce all the relevance records pertaining to the impugned selection at the time of hearing of the case.

4.13 That the applicant begs to state that the respondents acted de hors the recruitment rules holding the filed and made an attempt to frustrate the claim of the applicant denying him promotion to the post of Workshop Attendant without there being any valid reason. The respondents illegally and arbitrarily in gross violation of Article 14, 16 and 21 of the Constitution of India have made move to fill up the post of Workshop Attendant without considering the case of the applicant.

4.14 That the applicant begs to state that the respondents failed in totality to maintain administrative fairness in the matter of public employment. The law is well settled that if there arises a set of statutory rules regulating the recruitment, appointment has to be in accordance with such rules and any appointment made in violation of the rules is illegal. It is stated that the post of Workshop Attendant is a promotional post to be filled up, from amongst the Peon/Messenger having 5 (five) years of experience working in the respective grade, by

Gurpreet Singh

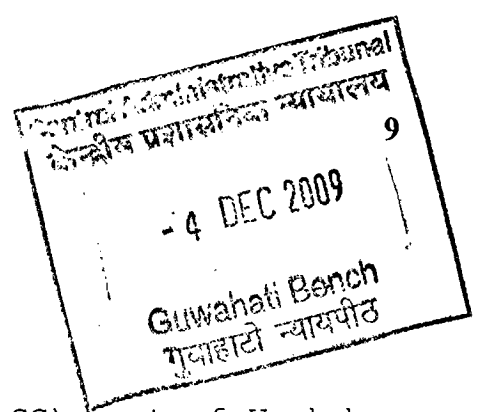


promotion failing which by direct recruitment. Therefore, the respondents should have first to considered the cases of the Peon/Messenger having 5 (five) years of service in the respective grade and if no such Peon/Messenger is found to be in the zone of consideration then only the respondents can issue advertisement calling upon candidates from the open market to fill up the post. However, in the instant case the respondents causing serious illegality without considering the case of the applicant who is aspiring promotion and within the zone of consideration, issued the impugned advertisement dated 23.05.09 which in clear violation of the Article 16 of the Constitution of India.

4.15 That the applicant begs to state that although the interview was initially scheduled to be held on 24.08.09, later on it was cancelled for an indefinite period. Now, it has been reliably learnt that the respondents have scheduled the interview on 08.12.09 for filling up of the post of Workshop Attendant without considering the case of the applicant. Therefore, the respondents persisting with the illegalities and malafide exercise of power are making a move to fill up the post by direct recruitment in clear violation of the recruitment rules and de hors the Constitutional provisions. Hence the action of the respondents incurs interference of this Hon'ble Tribunal.

4.16 That from the facts and circumstances of the case it is clear that the respondents resorting to gross illegalities and in clear violation of the Constitutional provisions have issued the impugned advertisement dated 18.05.09 without considering the case of the applicant who is well within the zone of consideration for the promotion. The 2nd respondent in malafide exercise of power to frustrate the claim of the applicant and accommodate his blue eyed boy has denied to consider the case of the

Currydayal Singh.



applicant for the vacant (reserved for SC) post of Workshop Attendant which is a promotional post from the post of Peon/Messenger. Now the respondents are making a move to hold the interview for the said post on 08.12.09 depriving the applicant from his legitimate claim of getting considered for promotion which requires interference of this Hon'ble Court to avoid multiplicity of proceedings and for securing ends of justice. Hence the present case is a fit case wherein the Hon'ble Tribunal may be pleased to pass an interim order staying the effect and operation of the impugned advertisement dated 18.05.09 notified in the daily news paper dated 23.05.09 with a further direction to restrain the respondents from conducting the interview on 08.12.09 or in any further date pursuant to the said advertisement pending disposal of the present original application. The applicant has made out a prima facie case of illegality and arbitrariness on the part of the respondents. The balance of convenience is in favour of the applicant for such an interim order. He would also suffer irreparable loss and injury if the interim order sought for is not passed by the Hon'ble Tribunal.

4.17 That the applicant demanded justice from the respondents which has been denied to him.

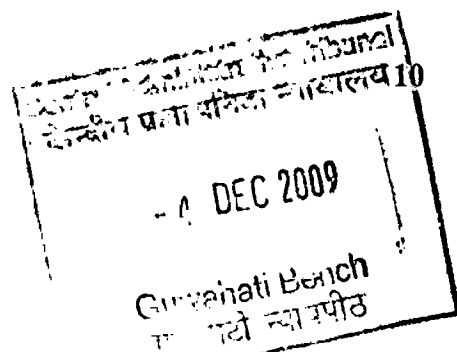
4.18 That the applicant has no other alternative or any other efficacious remedy and the remedy sought for, if granted, shall be adequate, just and proper.

4.19 That the applicant has filed this application bonafide for securing the ends of justice.

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

5.1. Because the respondents have issued the impugned advertisement dated 18.05.09 committing serious illegality and in gross violation of Article 14, 16 and 21 of the Constitution of India. Hence the impugned advertisement

Curudayal Singh.



dated 18.05.09 and order dated 29.10.09 are illegal, arbitrary and is liable to be set aside and quashed.

5.2. Because as per the recruitment rule the post of Workshop Assistant which is reserved for SC is to be filled up by promotion from amongst the Peon/Messenger having 5 (five) years of qualifying service in the grade and failing which by direct recruitment. The applicant having completed 14 years of service in the post of Peon and aspiring promotion to the post of Workshop Attendant is well within the zone of consideration for the aforesaid post. Therefore, there is no occasion on the part of the respondents to notify the vacancy for direct recruitment without considering the case of the applicant. However, the 2nd respondent without considering the case of the applicant in malafide exercise of the discretion conferred upon him and committing serious illegality have issued the impugned advertisement dated 18.05.09 which is not at all sustainable in the eye of law and liable to be set aside and quashed.

5.3 Because the respondents by the impugned order dated 29.10.09 denied considering the applicant for promotion to the post of Workshop attendant and much prior to such denial issued the impugned advertisement dated 18.05.09 making attempt to fill up the post by direct recruitment which is in clear violation of the recruitment rules holding the filed. Hence on this score alone the impugned advertisement dated 18.05.09 and order dated 29.10.09 are liable to be set aside and quashed.

Hence, the impugned order is illegal and contrary to the Constitutional mandate and liable to be set aside and quashed.

5.4 Because the respondents failed to maintain the principle of administrative fair play in the matter of public employment. The law is well settled that if there

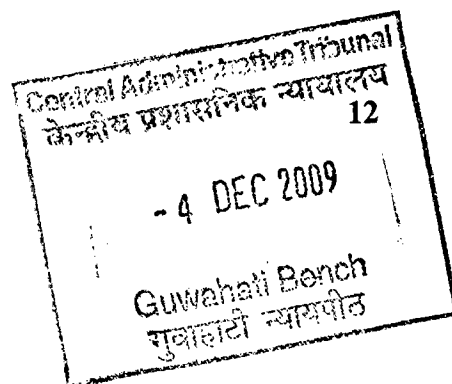
Curryd Sift.

arises a set of statutory rules regulating the recruitment, appointment has to be in accordance with such rules and any appointment made in violation of the rules is illegal. Hence, the impugned order is illegal and contrary to the Constitutional mandate and liable to be set aside and quashed.

5.5 Because the law is also well settled that non consideration of promotion is a violation of article 16 of the Constitution of India and any appointment made without such consideration is illegal. The respondents resorting to serious illegality and arbitrariness have denied to consider the case of the applicant for promotion to the post of Workshop Attendant to accommodate the blue eyed boy and issued the impugned advertisement dated 18.05.09 calling upon the candidates from open market depriving the applicant from his legitimate claim of consideration for promotion. Hence on this score alone the impugned advertisement dated 18.04.09 and impugned order dated 29.10.09 is liable to be quashed and set aside.

5.5 Because from the sequence of events it is clear that the respondents have issued the impugned advertisement dated 18.05.09 in clear violation of the recruitment rules as well as the mandate of the Constitution by not considering the case of the applicant for promotion to the post of Workshop Attendant. Therefore, the action on the part of the respondents is per se illegal, arbitrary and contrary to the Article 14 and 16 of the Constitution of India and has been done with the sole purpose to frustrate the claim of the promotional prospect of the applicant. Hence on this ground alone the Hon'ble Court can quash and set aside the impugned advertisement dated 18.05.09 and order dated 29.10.09.

Gurudayal Singh.



The applicant craves leave of the Hon'ble Court to advance more grounds both legal and factual at the time of hearing of this case.

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

That the applicant declares that he has exhausted all the remedies available to him and there is no alternative remedy available to him.

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

The applicant further declares that he has not filed any application, writ petition or suit regarding the grievances in respect of which this application is made, before any other court or any other bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

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

8.1 To set aside and quash the impugned advertisement No. F-VR CG.A-11025/1/2009 dated 18.05.09 notified in the daily news paper dated 23.05.09 issued by the 2nd respondent [ANNEXURE-3] and grant all consequential benefits.

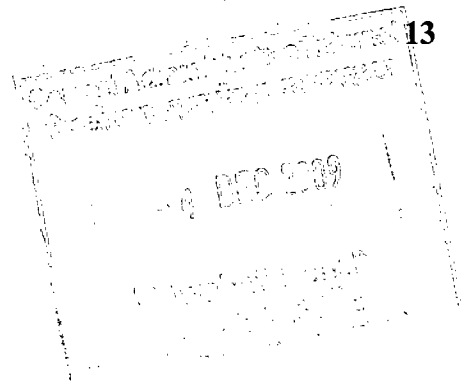
8.2 To set aside and quash impugned order under No. F-VR CG.A-11025/1/2009/3679-80/3769-70 dated 29.10.09 issued by the 2nd respondent [ANNEXURE-7].

8.3 To direct the respondents to consider the case of the applicant for promotion to the post of Workshop Attendant (reserved for SC) and on being found suitable promote him to the said post with all consequential benefits.

8.4 Cost of the application.

8.5 pass any such order/orders as Your Lordships may deem fit and proper.

Curudayal S.M.



9. **INTERIM ORDER PAYED FOR:**

Pending disposal of the present original application the applicant prays for an interim order of stay of the effect and operation of the impugned advertisement dated 18.05.09 notified in the daily news paper dated 23.05.09 with a further direction to restrain the respondents from conducting the interview on 08.12.09 or in any further date pursuant to the said advertisement.

10. The application is filed through Advocates.

11. **PARTICULARS OF THE IPO:**

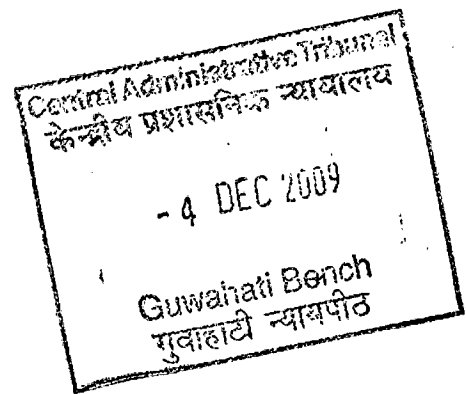
(I)	IPO No.	:	286 925488
(II)	Date of Issue	:	9.11.09
(III)	Issued from	:	G.P.O.
(IV)	Payable at	:	Guwahati

12. **LIST OF ENCLOSURES:**

As stated in the Index.

...Verification

Amru Dayal S/A.



VERIFICATION

I, Sri Guru Dayal Singh, son of Ajit Singh, aged about 44 years, Peon, Vocational Rehabilitation Centre for Handicapped, Basistha, Guwahati- 29, Assam, do hereby solemnly affirm and verify that the statements made in the accompanying application in paragraphs 4.1, 4.2, 4.6, 4.7, 4.9, 4.12, 4.13, 4.14, 4.15 and 4.16 are true to my knowledge, those made in paragraphs 4.3, 4.4, 4.5, 4.8, 4.10 and 4.11 being matters of records are true to my information derived there from and the grounds urged are as per legal advice. I have not suppressed any material fact.

And I sign this verification on this the 4th day of December, 2009 at Guwahati.

Gurudayal S.M.

APPLICANT

Assam Scheduled Castes Development Council

(Regd. No. 217 of 1976-76.)

President :- Shri K. K. Bishaya.
Working President :- Shri N. Banin.
General Secretary :- Shri K. K. Das.
Treasurer :- Shri U. C. Das. Minister, Assam.

Bhuban Chandra Road,
Uzanbazar, Gauhati - 781001

Ref. No. _____

Date _____

This is to certify that
Rumalajit Singh s/o Shri L. H. Singh
of Majom Colony, Gauran, Tezpur
to be eligible to be a member of Scheduled
Caste (Sub-Caste Mazbar)

25/10/78

[Signature]
General Secretary

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
- 4 DEC 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

Attested

[Signature]
Advocate

Office No 26642



Photograph

Board of Secondary Education : Assam, Guwahati

ADMITCompartmental
First Chance

Son/daughter of

Roll

A-23

No. 292

To the High School Leaving Certificate (Compartmental)
Examination, 1986 to commence on Friday, the 24th
January, 1986. His/Her date of birth is 31-12-65

Subjects for Examination :—

Ge M.	Eng.	
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Note :—Hours of Examination—

Morning —From 9 a.m. to 12 noon.
Afternoon—From 1-30 p.m. to 4-30 p.m.

N.B.—Any alteration made in the entries on this Admit Card without the authority of the Board, renders the candidate liable to disqualification for sitting at this or any subsequent Examinations.

Countersigned

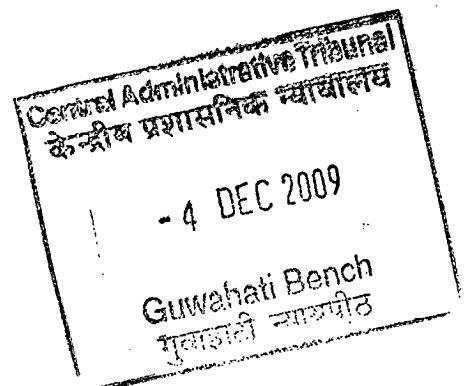
Officer-in-Charge
Asstt Officer-in-charge
(Office seal)

Sd/-K. C. Deka
Controller of Examinations
Board of Secondary Education, Assam
GUWAHATI-21

Attested

H. as.

Advocate.



Form No. 37

Board of Secondary



Education, Assam

GUWAHATI

No. 7992

MARK SHEET

Date 10/10/1986

1ST CHANCE

This is to certify that

Gurudayal Singh

Roll: A23 No: 292

A Compartmental Candidate has secured marks as detailed below, in the High School Leaving Certificate (Compartmental) Examination, 1986.

CORE SUBJECTS															Elective			Results	To appear again in	
First Language				Language in lieu of first Language		Second Language ENGLISH			GENERAL SCIENCE		GENERAL MATHEMATICS		SOCIAL STUDIES		Without Practical		With Practical			
FIRST PAPER Full marks 100	SECOND PAPER Group A Full marks 60	SECOND PAPER Group B/C Full marks 60	SECOND PAPER (TOTAL) Full marks 100	TOTAL Full marks 200 Pass marks 60	Full marks 100 Pass marks 30	Full marks 100 Pass marks 30	FIRST PAPER Full marks 75 Pass marks 25	SECOND PAPER Full marks 75 Pass marks 25	TOTAL Full marks 150 Pass marks 45	Full marks 100 Pass marks 30	Full marks 100 Pass marks 30	Full marks 100 Pass marks 30	Full marks 100 Pass marks 30	Full marks 100 Pass marks 30	Theoretical	Practical	Total marks Full marks 100 Pass marks 30			
					28	43	71		47									P		

Maris entered

Marks compared

Pass marks

Pass marks

Date _____

Date _____

HOME SCIENCE :

Theoretical—

70 21

Practical

30 9

CRAFTS & Art
Theatrical

50 15

Theoretical—
Practical—

50	10
60	15

AGRICULTURE:

Theoretical—

60	18
50	12

Practical—40 12
DANCE MUSIC & FINE ARTS:

DANCE, MUSIC
Theoretical

30 000 9

Practical

70 21

Controller of Examinations

194
Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
DEC 2009

4 DEC 2009

- 4 DE
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

LALCHAND ONKARMALL GOENKA HINDI HIGH SCHOOL

(PROVINCIALISED)
GUWAHATI-781001

Shri H. K. Mishra, B.A.B.T.
Headmaster & Secretary



No.....

Date..7.2.86.....

Certified that Gurudayal Singh
S/O Shree Ajit Singh of Guwahati had passed the High school
Leaving Certificate Examination as a compartmental candidate
of the Board of Secondary Education, Assam, from this school
vide Roll.A-23 No. 292 of 1986 and was placed in the B division

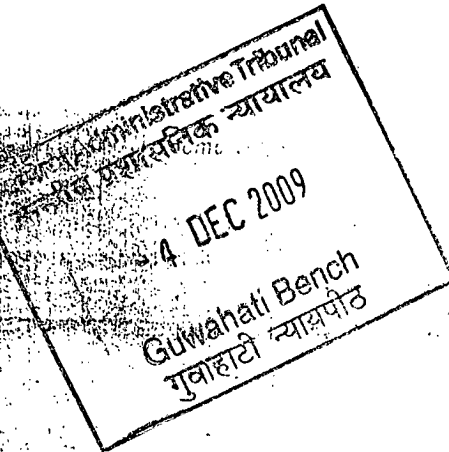
His date of birth according to school Admission
Register is 31.12.1965.

His character and conduct were good.



H. K. Mishra
Headmaster,
L.O.G. Hindi High school,
Guwahati.

Headmaster,
L.O.G. HINDI HIGH SCHOOL
GUWAHATI



**Special Recruitment Drive
for SCs/STs candidates
Advt. (No. F-VRCG.A-11025/
1/2009/ Date: 18.05.2009)**

Applications in standard format are invited from the Indian citizens for filling up of one post of Workshop Attendant (reserved for SC candidates only) in the Revised Pay Band, PB-1 of Rs. 5,200-20,200 and Grade Pay of Rs. 1,900 in the Vocational Rehabilitation Centre for Handicapped, Guwahati. Interested candidates who are possessing Matriculation or its equivalent qualifications having one year Industrial experience and who are in the age group of 18-25 (the age limit is relaxable upto 35 years in case of Govt.) may apply with their valid Empl. Exchange Rgn. Card No. to the Assistant Director (Rehab.), VRC for Handicapped, Basistha, Guwahati-781029 on or before 05.06.2009 (17.00 hrs.). No applications will be entertained after this date.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय
- 4 DEC 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

CD/SV/691/1

Attested

H. W.

Advocate

28/8/09

-26-

DA

AT

ANNEXURE - 4

Part time home based offline / online jobs available. Call - 9613134492. SV/P/4103/1

*** Walk-in *** Call Center jobs - Guwahati / Siliguri *** Today from 9 to 11 am *** Prime Apartment, 503, Christian Basti. Behind Church # + 919706568278; *** SV/P/4194/1

Required Receptionist (D.T.P. Assamese), M.R. (experience), Showroom. Salary - 6000/- 98595-70801. SV/P/20503/1

Urgently require Administrative Officer. (F) Edu M.B.A. / LL.B. Graduate. Pay 9000-14,000/- Personal Assistance (F) Edu Graduate Pay 6000/- 9000/- Receptionist (F) Pay 5500 - 8000/- Public Relation Executive (F) Pay 5000-8000/- Tele callers (F) Pay 5000-8000/- Accountant (F) Edu B.Com + Tele 7.2, 9.2 Pay 6000-9000/- Advertising Manager (F) Edu Graduate 9,000 - 14,000/- Operation Manager (F) Edu Graduate Pay 8000 - 12,000/- Advertising Executive (M/F) Edu. H.S. Pay 5000/- - 7500/- District Operation Manager (M/F) Pay 8000-12,000/- Contact - 98591-07193. E-Mail bhupennath@gmail.com. Jorhat 96783-82309, Goalpara - 94355-60482. SV/P/20504/1

Required CCD Executive (English and Aviation preferred) S-5000. Data Entry. (Exp. 1yr) S-5000. Receptionist cum Accountant (Ex - 1yr) S-6000. Cont. - 98541-25391, 94013-12950. SV/P/20505/1

Urgently required Field Executive in Guwahati & Nagaon on Banking Sector. Salary + Incentive. Cont: Bastab Alaka Bhaban, 2nd floor, Upasana Palace, near Ganeshguri Ganesh Mandir, Guwahati - 6. Phone No. - 9854026837, 9854053196. SV/P/4187/3

No Registration Charge!!! Job opportunity in a leading Call Centre having good communication skill. # 97070-23110. SV/P/4182/2

Wanted Sales Executives - smart, fluent in English with 2 wheelers - Sales Girl - Class X, pass onwards. Ph. - 0361-131662.

Required a State. Maths Teacher for Coaching Center. Contact - 9854622100. SV/P/4177/1

Immediately required CCEs for a domestic 4th largest BPO in India. (Assamese / Hindi / English) (S - 5000 - 6000 + Incentives). Walk in Interview, please contact - Royal Placers, Sixmile. (Ananda Nagar). H. No. - 41. - 97072-95072, 99542-60987. (Spot offer letter - Today). SV/P/4181/1

Urgently required M/F for sales & sitting jobs. Contact - Placement4india, Simon House, 447, 3rd Floor, Nepali Mandir, Guwahati - 8. Call - 9954709264, 9707102648, 9706091092. E-mail - placement4india@gmail.com. SV/P/4174/1

CORRIGENDUM

With reference to the Press Advertisement No. F-VRCCG, A-11025/1/2009/dated 18-05-2009 which appeared in Assam Tribune in its issue dated 23-05-2009 may be read as under-

For- (1) "Possessing Matriculation or its equivalent qualifications having one year Industrial experience"

By- (2) "Possessing a pass in the 8th standard having one year Industrial experience."

The candidates possessing the above prescribed qualification may also submit their application to the undersigned by name within 20 days from the date of this Corrigendum.

Sd/-

(L.K. Varte)

Assistant Director (Rehab.)

CD/SV(Corrig)/1943/1

EDUCATIONAL

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City Campus: CEC-Silpukhuri, (Near Maharishi Vidya Mandir), Goswami Service, Guwahati-781003. 2661759, 2665199, 98640 11811.

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ECG *Physiother
(ANM) * MBBS
(AM) * Dental *
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5 #9454326201.
Edu/P/3852/8

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Assam Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

- 4 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

Attorney
Has
advocate

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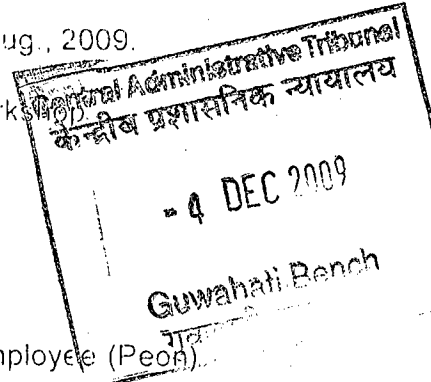
~~Sumu
Feza~~

To,

The Assistant Director (R),
VRC for Handicapped, Basistha,
Guwahati-29.

Dated Guwahati the 20th Aug., 2009.

Subject : Request to allow me to appear in the Interview of Workshop
Attendant on dtd. 24-08-09.



Sir,

With due honour, I am to state you that I am a SC employee (Peon) of your Centre. I have joined on my duty at VRCH, Guwahati on 07-04-1983. Since joining, I have not got any promotion during my service period. I passed HSLC exam and I have also experience of working at Industry. Experience certificate is attached herewith for your kind information and necessary action.

Therefore, I am to request you to kindly allow me to appear in the Interview of workshop Attendant of VRCH, Guwahati which will be held on 24-08-2009.

Thank you.

Encl: As stated above.

Yours faithfully,

(Gurudayal Singh)

Peon

VRC for Handicapped,
Basistha, Guwahati-29.

Attested

[Signature]
Advocate.

Speed Post

Date: 31.08.09

The Chairman, National Commission
for SC, Loknayak Bhowan, 5th Floor,
Khan Market, New Delhi - 110003 for kind information.

Sub: Deprive of promotion in the Post of workshop Attendant reg

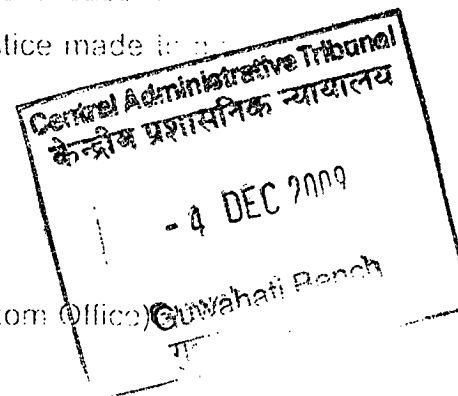
Sir,

With due respect I beg to state that being a SC community I have been deprive of any promotion till date as one post of workshop Attendant is to be filled by interview in our office. That Sir, I am working in this office as peon since 1985 and have also experience of working at Industry (Copy enclosed) That Sir, VRCH authority is not willing to give me opportunity to appear in the interview conductd by the VRCH authority for the post of workshop attendant instead my application is rejected for the same.

Therefore, I may kindly be give proper justice is the above case of the SC Community employee at an early date so that the injustice made by me by the VRCH authority my be redressed.

Copy to

The Director National Commission for SCs,
Nilamoni Phukan Path, House No. 24, Christian Basti (Near Custom Office) Guwahati- 781005



Yours Faithfully,
Gurudayal Singh

31.8.09

(Gurudayal Singh) (Peon)
Vocational Rehabilitation
Centre for Handicapped
Lata Kata (Panbazar)
Ghy - 29

Attested

[Signature]

Advocate



Government of India
Ministry of Labour & Employment (DGE&T)
Vocational Rehabilitation Centre for Handicapped
Braille Press, Basistha, Guwahati - 781029.
Phone & Fax - (0361)2306136.



No. F-VRCG.A-11025/1/2009/ 3679-80
To, 3769-70

Date: 29-10-2009.

The Director,
Government of India,
National Commission for Scheduled Castes,
State Office, 24, Nilamoni Phukan Path, Christian Basti,
Guwahati - 781 005.

Subject: Representation of Shri Gurudayal Singh, Peon - Clarification thereof.

Sir,

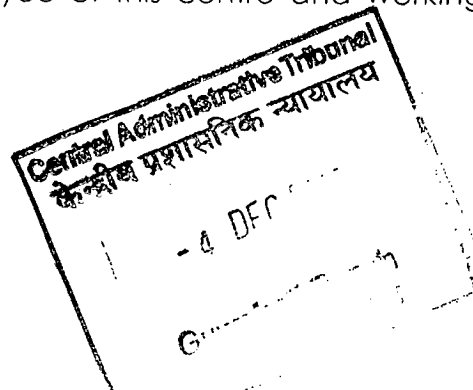
Kindly refer to your letter No.6/Rep./S/2009-RU dated 18.09.2009 received on 28.10.2009 on the above subject and to say that due to death of the incumbent, one post of Workshop Attendant was fallen vacant in this Centre. As per roster maintained by the Centre the vacancy is reserved for Scheduled Caste candidates.

As per Recruitment Rules, the post of Workshop Attendant is to be filled up by promotion failing which by direct recruitment. By **Promotion** the post is to be filled up from Peons or Messengers of the VRC for Handicapped concerned with 5(five) years service in the respective grades rendered after appointment thereto on a regular basis. **Essential qualification and experience** is Class VII Standard pass and one year Industrial experience. As, no Peons or Messengers of this Centre have fulfilled the essential Industrial experience. The process for filling up of the post by direct recruitment has been initiated by notifying the vacancy to the Local Employment Exchange, Guwahati and by Press Advertisement through leading Newspaper(s). The list of eligible candidates from the Local Employment Exchange and applications received through Press advertisement are kept ready for selection of suitable candidates through Written Test and Interview by the DPC/DSC of the Centre.

As regard Shri G.Singh's claim of having Industrial experience from 09.05.1996 to 27.11.1999 as a Helper in the Ashok Leyland, Eastern Power Engineering, Guwahati-6. But during this period, Shri G. Singh has been a regular employee of this centre and working regularly in this Centre.

Attested

Advocate.



-contd....2/-

Moreover, this centre have no records of such experience earned by him, his claim seems baseless.

Shri Gurudayal Singh joined this Centre on 07.04.1983 as Safaiwala with educational qualification of Class VII and promoted to the post of Peon on 30/10/1995 and is working at this Centre as Peon till date. However in his service career, he's having dies-non in service for 155+142 i.e. 297 days during the year 2003-2007, which blocked him of his grant of second ACP till date. Shri Singh, being a regular and permanent government servant of this Centre, so his claim of earning such experience is undoubtedly without permission from the Head of Office, rather, no Head Office can allow such illegal double service and no such experience is earned by him as per this Centre's records. Thus, essential Industrial experience stated above for the post of WSA is not acquired by Shri Singh and therefore, he can not be considered for the post. As such, Shri Singh bluffed and cheated the Commission as well as the Government, consequently an explanation is being sought to him, why suitable action should not be taken against him of cheating/bluffing the Government.

Thanking you

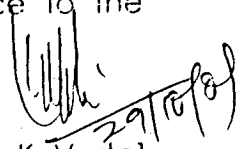
Yours faithfully,



[L.K. Varte]

Assistant Director(Rehab.)
VRC for Handicapped, Basistha,
Guwahati-781 029.

Copy to Shri Gurudayal Singh, Peon, VRC for Handicapped, Basistha, Guwahati-781 029. He is asked to explain why he cheated the government by producing a fake and baseless experience to the Commission.



[L.K. Varte]

Assistant Director(Rehab.)
VRC for Handicapped, Basistha,
Guwahati-781 029.

