

100

10

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

M.P-284/97 order sheet pg-1 to 2

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Disposed Date-04/11/97

O.A/T.A No. 198/95

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E.P/M.A No. 284/97

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 198 OF 1995  
 TRANSFER APPLN.NO. OF 1995  
 CONTEMPT APPLN.NO. OF 1995 (IN NO.)  
 REVIEW APPLN.NO. OF 1995 (IN NO.)  
 MISC.PETITION NO. OF 1995 (IN NO.)

..... B. Sarup Chatterjee ..... APPLICANT(S)

..... <sup>-vs-</sup> U. O. I. Lom ..... RESPONDENT(S)

For the Applicant(s) ... Mr. B.K. Sharma  
 Mr. P.K. Tewari In person  
 Mr. S. Sarma  
 Mr. ....  
 For the Respondent(s) Mr. G. Sarma, Addl. Cstl.

OFFICE NOTE

DATE

ORDER

This application is in form and within time.

C. F. of Rs. 50/-

deposited with

IPO/BI No 3267/9

Dated 7.8.95

15-9-95

Advocates for the applicant is not present. Adjourned to 9-10-95 for Admission.

1m

W. C.  
Vice-Chairman

G. S.  
Member

21-9-95

(Fair copy annexed - also signed)  
 Applicant in person. Prima facie the applicant appears to be fully qualified in terms of the recruitment rules and also appears to be senior to respondents 8 to 17 vide seniority list of 1987 and July 1994 of Grade II. The applicant believes that inspite of the order of the Calcutta Bench the circumstance of reversion which was set aside may have still been taken into account while preparing the panel and he seems to have been excluded. He claims that in the panel published on 10-7-95 his place should be Sl.No.129. Thus prima facie case disclosed. Application is admitted. Issue notice to the...

Listed on 21.9.95 as per order of the Stable VC.

1875.

(contd.to Page No.2)

✓  
QA/TA/CP/RA/MP No. 198 of 195

OFFICE NOTE

DATE

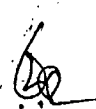
ORDER

21-9-95

The applicant <sup>prays</sup> appears by way of interim relief. That promotion of <sup>any</sup> of his juniors, <sup>ie</sup> that is respondent Nos. 8 to 17 if made during the pendency of <sup>the</sup> ~~this~~ vacancy on the basis of the panel dated 10-7-95 that should be made subject to the result of the instant application. The relief is ~~to~~ <sup>to be</sup> granted. Hence it is directed that the promotion of candidates <sup>from</sup> at Sl. No. 8 <sup>No. 129 onwards</sup> junior in pursuance of the panel dated 10-7-95 shall be subject to the result of this application. In view of this order it will be necessary for the applicant to give individual notice of this application and this interim order to the respondents at Sl. Nos. 129 onwards up to 231 in <sup>the</sup> ~~view~~ of panel dated 10-7-95, <sup>except</sup> ~~excluding~~ those who are respondents 8 to 17 who have to be served the notice as party respondents. Any of the said persons will be at liberty to apply for ~~&~~ variation of this order after giving advance notice to the applicant. The applicant is given ~~to~~ liberty to serve the <sup>notice</sup> on the above mentioned person in such manner in which consideration is effective. <sup>manner as he</sup> ~~in which~~ <sup>suitable</sup> ~~is~~.

Adjourned to 27-11-95.

Mr. G. Sharma seeks to appear at this stage for respondents 1 to 4. However, Mr. G. Sharma shall file memo of appearance on behalf of the said respondents. He says <sup>are</sup> that as there is no instructions today from the said respondents, ~~and~~ Notices be issued directly to the said respondents.

  
Member

  
Vice-Chairman

lm

2  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Appln. ~~GUWAHATI CASE~~ NO 198 OF 1995

Biswarup Chatterjee

APPLICANT

- VERSUS -

U.O.I & Ors.

RESPONDENT

FOR APPLICANT : Mr. B. K. Sharma  
- - Mr. P. K. Tiwari  
Mr. S. Sharma

ADVOCATES.

FOR RESPONDENT: Mr. G. Sharma Addl.  
C.G.S.C.

ADVOCATES.

Noting by Office or Advocate	Sl. No.	Date	Order of the Tribunal with Signatures.
		21-9-95	<p>Applicant in person. Prima facie the applicant appears to be fully qualified in terms of the recruitment rules and also appears to be senior to respondents 8 to 17 vide seniority lists of 1987 and July 1994 of Grade II. The applicant believes that inspite of the order of the Calcutta Bench the circumstance of reversion which was set aside may have still been taken into account while preparing the panel and he seems to have been excluded. He claims that in the panel published on 10-7-95 his place should be Sl.No.129. Thus prima facie case disclosed. Application is admitted. Issue notice to the respondents. 8 weeks for written statement.</p> <p>The applicant prays by way of interim relief that promotion of any of his juniors i.e. respondent Nos. 8 to 17 if made during the pendency of the O.A.on the basis of the panel dated 10-7-95 that should be made subject to the result of the instant application. The relief is fit to be granted. Hence it is directed that the promotion of candidates from Sl. No. 129 onwards the panel dated 10-7-95 shall be subject to the result of</p>

(3)

Filing by Office or Cate	Sl. No.	Date	Order of the Tribunal with Signatures.
		21-9-95	of this application. In view of this order it will be necessary for the applicant to give individual notice of this application and this interim order to the respondents at Sl.Nos. 129 onwards up to 231 in the panel dated 10-7-95 except respondents 8 to 17 who have to be served the notice as party respondents. Any of the said persons will be at liberty to apply for variation of this order after giving advance notice to the applicant. The applicant is given liberty to serve the notice on the above mentioned persons in such manner as he considers suitable.

Adjourned to 27-11-95.

Mr.G.Sharma seeks to appear at this stage for respondents 1 to 4. However, Mr.G.Sharma shall file memo of appearance on behalf of the said respondents. He says that as there are no instructions to-day from the said respondents. Notices be issued directly to the said respondents.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

Requisite fee of Rs. 60/-  
deposited for 12 Nos.  
Respondant vide IPO/BD  
Cash Receipt No. 422  
Dated 10/10/95

*[Signature]*  
for Registrar (A)

Requisite fee  
deposited & (contd)  
5-6/12/95

*[Signature]*  
5/12

Notice served on  
R. no. 4, 5 & 6.

Received copy  
of order dt 21.9.95

*[Signature]*  
26.9.95

(Applicant)

Notice served on  
from R-no. 8, 9, 10, 11, 12, 13,  
14, 15, 16 & 17.

QA/TA/CP/RA/MP No.

of 19

OA 198/95

OFFICE NOTE

DATE

ORDER

A is received from 27.11.95  
 the applicant. that  
 he will not be able to appear  
 on the fixed date i.e.  
 7-11-95 due to his  
 sickness.

Submitted to HB  
 order.

on  
 21/11/95.

12.3.96

List for counter and further orders  
 on 26.3.96 as requested by learned Addl.  
 C.G.S.C MB G.Sarma.

order d. 27.11.95

(sent v. no. 5164  
 d. 4.12.95)

pg

4/12

5.1.96

26.3.96

Mr B.Chatterjee applicant present  
 in person. Mr G.Sarma, Addl.C.G.S.C for  
 the respondents.

Written statement has not been  
 submitted.

List for hearing on 24.5.96. Res-  
 pondents may submit written statement  
 in the meantime.

for orders on  
 5.2.96. /

By order.  
 BOM

5.2.96

pg

for orders on  
 11.3.96

By order.

order d. 26.3.96

(sent to applicant.

Adjourned to 5.1.96.

Member

Vice-Chairman

Member

Member

24.5.96

Mr G. Sarma, learned Addl. C.G.S.C., submits written statement. None is present for the applicant. Let copy of the written statement be served on the applicant.

The case is ready for hearing. List for hearing on 26.6.96.

*62*  
Member

nkm

*26/5*  
26.6.96.

The applicant, B. Chatterjee, present in person. Mr G. Sarma, learned Addl. C.G.S.C., for the respondents.

Mr Chatterjee submits that he is going on transfer and requests for a longer time for hearing.

Hearing adjourned to 19.8.96.

*62*  
Member

nkm

19-8-96

None present. List for hearing on 13-9-96.

*62*  
Member

lm

*19/8*  
18.9.96

Mr. G.Sarma, Addl. C.G.S.C. for the respondents.

List for hearing on 16.10.1996.

*62*  
Member

trd

*Inform to the Counsel in both side.*

*19/8/96.*

*Notice duly served on Respondents no 4, 5, 6. Notice returned back on Respondents no 8-17.*

*27/8/96. No service.*

*17/9*

16.10.96

Learned Addl. C.G.S.C. Mr G. Sarma  
for the respondents. List for hearing on 4.12.96.

Member

nkm

14.3.97

Mr G.Sarma, learned Addl.C.G.S.C  
is present for the respondents.

List for hearing on 25.4.1997.

Member

Vice-Chairman

25.4.97

There is no representation. Case  
is adjourned till 3.6.97.

Member

Vice-Chairman

pg

3.6.97

Mr G. Sarma, learned Addl. C.G.S.C. submits  
that this matter relates to Nagaland and it will be  
convenient if it is taken up at Kohima. Let the case  
be heard at Kohima. The date of hearing will be notified  
later.

Member

Vice-Chairman

nkm

5.6.97.

W/S has been  
filed.

Member

Vice-Chairman

nkm

Mr. G. Sarma, Addl. CGSC is present.

9.6.97  
(Kohima)

The applicant has since been posted back at Guwahati. Therefore, a letter has been submitted before the Registry of the Tribunal for fixing the case for hearing at Guwahati.

Let this case be listed for hearing at Guwahati on 21.7.97.

Office to intimate the next date of hearing to the applicant, appearing in person as a special case.

Member

Vice-Chairman

Please comply order dtd 9.6.97 to the applicant.

23/6

nkm

23/6

24.6.97

Order dtd 9.6.97 issued to the applicant by Regd/Post. 24.6.97.

21.7.97

There is no representation list on 8.8.97.

My order

w/s. has been b'd.

8.8.97. There is no sitting of Division Bench. list on 17-9-97.

By order

17.9.97

There is no representation on behalf of the applicant who appears in person. Mr G. Sarma, learned Addl. C.G.S.C., is present on behalf of the respondents.

The application is dismissed for default on the part of the applicant.

Member

Vice-Chairman

nkm

19/9

4-11-97

In view of the order passed in Misc.Petition No.284/97 this Original Application is restored to file.

List it on 31-12-97 for hearing.

Member

Vice-Chairman

Copy of the order has been sent to the D/Sec. for issuing the same to the applicant in Addl. G.S.C.

Issued with 3078 on 3079 on 23.9.97

w/s. has been b'd.

31.12.97

Division Bench is not sitting.  
List for hearing on 28.1.98.

BY ORDER

2-2-98

Case is otherwise ready for  
hearing. List for hearing on 25-2-98.

28.1.98

Due to non-availability of  
vacation list, it was fixed  
on 28.1.98. Now it is placed  
before the Hon'ble Court for  
fixing a date of hearing. 1m  
no 8  
A/2

  
Member

  
Vice-Chairman

25-2-98

There is no representation.  
Admitted to 19-3-98.  
By order.

W/S has been filed

26.2.98

Copy of order dtd.  
25.2.98 issued to  
the applicant.

19-3-98

Leftover. List on 6-4-98.  
By order.

6.4.98

The applicant is not present on  
call. His counsel is also not present.  
It appears that the applicant is not  
interested to proceed with the case.  
Accordingly the case is dismissed for  
default.

  
Member

  
Vice-Chairman

nkm

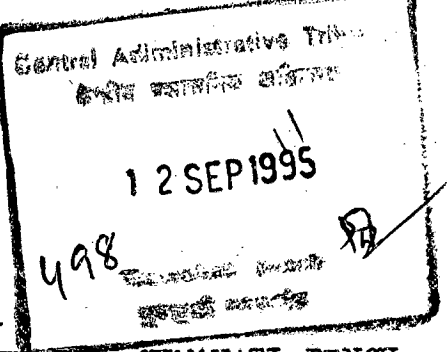
VB  
219

W/S has been filed

The case is ready  
for hearing as  
regard service &  
W/S.

20.4.98

Copy of the order  
has been sent to the D/Sec.  
for getting the same to the  
applicant through Regd.  
with AFO. and also to  
the Addl. C.G.S.C. by mail.  
to record vide JND.



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

TITLE OF THE CASE : O.A. NO. 198 /1995.

Shri Biswarup Chatterjee ... Applicant.

-Vs.-

Union of India & Others ... Respondents.

I N D E X.

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For use in Tribunals Office.

Registration No. 198/95  
Date of filing 12/9/95  
Signature [Signature]  
Date 12/9/95

1. Copy on  
G. Sharma  
from Govt. Secy  
Blot.

Red Copy  
Copy sent to  
M/S (HSC)  
CAT  
GUY  
12/9/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH.

GUWAHATI.

O. A. NO. 198 OF 1995.

Between

Shri Biswarup Chatterjee,  
Son of Shri Usha Rj. Chatterjee,  
presently working as Supervisor B/S Gr.II  
in the Office of Garrison Engineer,  
Narangi, P.O. Sathgaon, Guwahati-27.

... APPLICANT.

- And -

1. Union of India through the  
Secretary, Ministry of Defence,  
New Delhi.
2. The Engineer-in-Chief, Army HQ,  
Kashmir House, DHQ, New Delhi.
3. Chief Engineer, HQ. Eastern Command,  
Engineer Branch, Fort William,  
Calcutta- 700021.
4. The Departmental Promotion Committee  
(for formation of panel for SUVR B/S Gr.II  
promotion, held some in May/June, 1995)  
through the ~~Chief~~ <sup>in-charge</sup> Engineer, ~~HQ Eastern Command,~~  
~~Engineer Branch, Fort William, Calcutta-21,~~  
Kashmir House, DHQ, New Delhi.
5. The Chief Engineer, Shillong Zone, SE Falls,  
Shillong.
6. The Commander, Works Engineer, SE Falls,  
Shillong.
7. Garrison Engineer, Narangi,  
P.O. Sathgaon, Guwahati-27.

Ctd.....2

12  
Filed by the applicant  
through  
Kishore Bhattacharya  
11/9/95

8. Shri Pantha Sengupta.
9. Shri Prodyot Kr. Roy;
10. Shri Gajendra Nath Sarma.
11. Shri Lalanji Pande.
12. Shri Arun Prakash Ghosh.
13. Shri Bikash Kr. Rly.
14. Shri Dulal Ch. Dey.
15. Shri Sumen Kr. Chakraborty.
16. Shri Prasanta Kr. Roy.
17. Shri Mihir Kr. Sen.

Serial Nos. 8 to 17 are working as  
Supervisor B/S Gr.II, C/o. Chief Engineer,  
Eastern Command, Fort William,  
Calcutta-21.

.... RESPONDENTS.

DETAILS OF APPLICATION :-

1. Particulars of the order against which the  
application is made :-

The application under Section 19 of the  
Administrative Act, 1985 is directed against -  
the formation of panel for promotion of Supvr. B/s  
Gr.II to Supvr. B/S Gr.I in M.E.S. - panel released  
vide memo dtd 10th July '95 issued on behalf of Engineer,  
in Chief, Army HQ, Kashmir House, DHQ, New Delhi.

Pursuant to the release of aforesaid panel  
the respondent no. 8 to respondent no. 17 who are all  
junior to the applicant were approved for officiating  
promotion to the grade of Supervisor Gr.I superseding  
the applicant. As the applicant, <sup>is</sup> highly aggrieved by  
his supersession and the non-consideration of his case  
by the D.P.C. for promotion to the Grade of Supervisor

B/S Gr.I, therefore, he has come before this Hon'ble Tribunal in the instant application challenging the legality of his supersession and non-consideration of his promotion to the B/S Gr.I.

2. Jurisdiction of the Tribunal :

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

3. Limitation :

The applicant does not have any alternative remedy under the relevant service rules. It is stated that the instant application fulfills the legal requirement of limitation as laid down under Section 22 read with Section 20 of the Administrative Tribunals Act, 1985.

4. Facts of the case :

4.1 That the applicant is a citizen of India. He joined the Military Engineering Service as Sub-Overseer under Garrison Engineer, Hasimara on <sup>2.5.69</sup> 14.4.69.

4.2 That the channel of promotion from the post of Sub Overseer is <sup>to</sup> ~~of~~ the post of Supervisor B/S Gr.II and thereafter to the post of Supervisor ~~ex~~ B/S Gr.I. The post of Supervisor B/S Gr.II. (Barrack & Stores II) is a direct recruited post and the departmental candidate may also apply for the said post after obtaining permission from the

from the department itself. While on the other hand, the post of B/S Gr.I is a selection post and under the recruitment rules, the recruitment of the said post of B/S Gr.I is through the method of promotion. The rules further provides that Supervisor B/S Gr.II employees who have passed B/S Gr.I examination and have 5 years of regular service in the Grade of B/S Gr.II are eligible to be considered for promotion to the post of B/S Gr.I.

4.3 That since the applicant fulfilled all the requirements of eligibility for the post of Supervisor B/S Gr.II, therefore, the applicant applied for the said post through the proper channel. The applicant qualified for ~~in~~ the said post of Supervisor B/S Gr.II and was appointed to the said post, <sup>a</sup>Supervisor B/S Gr.II vide letter dt 3.2.84.

4.4 That since in the instant case, the applicant has come before this Hon'ble Tribunal challenging the legality of his supersession and non consideration of his case of promotion from B/S Gr.II to B/S Gr.I, therefore, it would be appropriate to apprise Hon'ble Tribunal about certain events that had transpired when the applicant was serving as B/S Gr.II. The statements of facts in regard to the said events is necessary because it has bearing on the present case.

4.5 That the applicant's appointment to the post of B/S Gr.II by the order dtd 3.2.84 was made on certain conditions, i.e. he would be on probation for a period of

16  
2 years from the date of appointment which may be extended at the discretion of the appointing authority; he will have to pass the Stores Keepers Examination within the probationary period failing which his service would be terminated with one month's notice; if he fail to qualify the Stores Keepers examination in the initial period of 2 years, his probationary period may be extended but he will not be eligible for any increment if his probationary period was extended on this account.

(a) After his appointment to the post of B/S Gr.II vide Order dtd 3.2.84, the applicant could not qualify in the SKS examination within the initial period of 2 years of probation and his probationary period was subsequently extended by one year by an order dated 20.2.86. However, during this extended period the applicant passed the SKS examination and on his passing the aforesaid examination during the extended period of probation, the applicant became eligible for confirmation in the post of Supervisor B/S Gr.II which was not done. The applicant made representation to the concerned authority for lifting the probationary period and for his confirmation to the said post - the same did not bear any fruit. Subsequently, by the order dtd 6.11.89, the applicant was reverted to the post of Sub-overseer with retrospective effect from 25.4.88.

(b) That it was the aforesaid order of reversion dtd 6.11.89 which was the subject matter of challenge before the Hon'ble Calcutta Bench of the CAT in O.A. No.

1067/89.. During the pendency of the application before the Calcutta Bench of the Tribunal, the Chief Engineer passed the order dtd 30.10.90 appointing the applicant to the permanent establishment of Supervisor B/S Gr.II with effect from 1.4.88. It was also ordered that the permanent appointment would be published in Pt.II Order by the formation concerned where the individuals are employed/last served.

(c) That when the aforesaid original application came up for hearing before the Calcutta Bench of the Tribunal, the order dtd 30.10.90 was produced before the Hon'ble Tribunal and on perusal of the said order, the Hon'ble Tribunal was pleased to direct the respondents to pass appropriate Pt.II Order within a period of 2 months from the date of communication of the order of the Hon'ble Tribunal in respect of the applicant pursuant to the Chief Engineer's order dtd 30.10.90. The Hon'ble Tribunal was also pleased to set aside the impugned order of applicant's reversion dtd 6.11.89.

The copy of the Hon'ble Tribunal's order dtd 18.1.94 in OA 1067/89 is annexed as ANNEXURE I.

(d) That pursuant to the aforesaid order of the Calcutta Bench of the Hon'ble Tribunal, the competent authority passed the Pt.II Order vide GE 585 Subpark PTO No. 42 dtd 7th Oct 94 which was intimated to the applicant vide Pt.I Order issued by GE<sup>Nareng</sup> vide Sl. No. 136 dtd 25th Nov 94. Pursuant to the aforesaid order the applicant's permanent appointment to the post of Supervisor B/S Gr.II was confirmed from 1.4.88.

Copy of the communication dtd 25th Nov 94 intimating the applicant about the publishing of Pt.II Order in regard to his permanent appointment to the post of B/S Gr.II w.e.f. 1.4.88 is annexed herewith and marked as ANNEXURE II.

4.6 That even before the confirmation of the applicant to the post of B/S Gr.II which was done retrospectively w.e.f. April '88 after the order of the Hon'ble Tribunal dtd 18.1.94, the applicant cleared the Supervisor B/S Gr.I examination held on 4th and 5th Dec 89. The intimation of applicant having qualified the said examination was given to him vide G.E. 585 Engineer Part 99 APO dt 28th April 90. It is thus stated that when pursuant to the order of Calcutta Bench of the Hon'ble Tribunal, the applicant was made permanent to the post of B/S Gr.II, by that time he had also cleared the Supervisor B/S Gr.I examination which is one of the essential qualifications for being considered for promotion from the post of B/S Gr.II to the B/S Gr.I.

*Copy of the letter of intimation dated 28.4.90 is annexed as Annexure IIA*

4.7 That as stated earlier that in the recruitment rules governing the promotion of MES employees from Supervisor B/S Gr.II to Supervisor B/S Gr.I, it has been specifically provided that the post of Supervisor Gr.I is a selection post wherein the method of recruitment is through the channel of promotion. The recruitment rules also provide that for being promoted from the post of B/S Gr.II to the B/S Gr.I, 2 qualifications are necessary, viz. passing of the examination of Supervisor B/S Gr.I

and regular service for the period of 5 years in the Grade 7 of B/S Gr.II. Since the applicant was appointed to the post of B/S Gr.II way back in Feby'84 and he passed the examination of Supervisor B/S Gr.I in 1989, therefore, the applicant came within the zone of consideration for being promoted to the post of Supervisor B/S Gr.I.

Copy of the recruitment rules governing the promotion of M.E.S. from Supervisor B/S Gr.II to Supervisor B/S Gr.I is annexed herewith and marked as ANNEXURE III.

4.8 That the All India Seniority list of Supervisor B/S Gr.II dtd 25th July of 1987 showed the name of the applicant as Sl. No. 4 where the names of the respondent no. 8, 9 and 10 were shown at Sl. No. 5, 6 and 20 respectively. The aforesaid seniority list makes it apparent that the applicant is senior to the respondent nos. 8, 9 and 10 in the post of Supervisor B/S Gr.II. The subsequent All India Seniority List of Supvr. B/S Gr.II dtd 29th July'94 contained the names of remaining respondents, i.e. respondent nos. 11 to 17. If the All India Seniority List of Supvr. B/S Gr.II dtd 25th July'87 and 29th July'94 are read in conjunction, it would be apparent that the respondent no. 8 to 17 are all junior to the applicant in the post of Supvr. B/S Gr.II.

All India Seniority List of Supvr. B/S Gr.II dtd 25th July'87 is annexed herewith and marked as ANNEXURE IV.

All India Seniority list of Supvr. B/S Gr.II dtd 29th July'94 is annexed herewith and marked as ANNEXURE V.

4.9 That pursuant to the meeting of the DPC and its formation of panel for promotion to the post of Supvr. B/S Gr.I, the competent authority acting on behalf of the Engineer-in-Chief, Army HQ, DHQ, New Delhi, released the panel vide memo dtd 10th July'95 wherein the names of those Supvr. B/S Gr.II were given who were approved for officiating promotion to the Grade of Supvr. B/S Gr.IV. To the dismay of the applicant in the aforesaid memo, the applicant's name did not appear while the names of his juniors, i.e. respondent nos. 8 to 17 were found mentioned.

Copy of the memo dtd 10th July'95 is annexed herewith and marked as ANNEXURE VI.

4.10 That the applicant is presently working as Supvr. B/S Gr.II in the Office of the Garrison Engineer, Narangi at Guwahati. The applicant is highly aggrieved by the formation of panel by the DPC for promotion of Supvr. B/S Gr.II to Supvr. B/S Gr.I. As the applicant has the requisite qualification in terms of the recruitment rules, therefore, there is ostensibly no reason as to why his name has not found mentioned in the panel prepared by the DPC. Applicant has reasons to believe that for certain strange reasons, DPC has not even considered his case for promotion from B/S Gr.II to B/S Gr.I. It is not known as to what factors weighs in the minds of the members of DPC due to which they did not even considered the name of applicant for promotion to the B/S Gr.I. The non consideration of the applicant's case for promotion to the B/S Gr.I is thus

ex-facie illegal and arbitrary.

The Hon'ble Tribunal may be pleased to call for the ~~for the~~ minutes of the proceedings of the DPC so as to find out as to whether the applicant's name was considered for promotion to the post of B/S Gr.I.

4.11 That the recruitment rules governing the promotion of B/S Gr.II to B/S Gr.I in M.E.S. employees only lay down 2 qualifications, viz. clearance of the examination of B/S Gr.I and 5 years of regular service in the Grade. Since the applicant has got both the qualifications it is ~~within-the-instant~~ difficult to understand as to what were the factors due to which his case was not considered at all. The recruitment rules are absolutely silent about any other para-metre or criteria which might be considered by the members of the DPC for considering the names of eligible B/S Gr.II employees for promotion to the B/S Gr.I.

4.12 That the applicant being thus highly aggrieved by the impugned Annexure 'VI' panel of names has come before this Hon'ble Tribunal challenging inter-alia the non-consideration of his case for promotion by the DPC and the consequent supersession of his juniors to the post of B/S Gr.I. The applicant, therefore, files this application bonafide and to secure the ends of justice.

5. Grounds for relief with legal provisions :

5.1 That since the applicant fulfilled the qualifications prescribed by the recruitment rules for being promoted to the post of B/S Gr.I, therefore, his non-promotion to the said post is in violation of the recruitment rules itself.

5.2 That the DPC was bound to consider the applicant's case for promotion from the post of B/S Gr.II to B/S Gr.I and its failure to do so not only has resulted in the wanton infraction of recruitment rules but also in violation of the principles of service jurisprudence.

5.3 That the panel of names prepared by the DPC for promotion to the Post of B/S Gr.I are violative of Article 14 and 16 of the Constitution of India.

5.4 That the DPC acted irregularly and arbitrarily in selecting the names for formation of panel for the purpose of making promotion.

5.5 That there has been total non-application of minds by the members of the DPC in the preparation of the panel and its <sup>failure</sup> ~~violation~~ to consider the case of the applicant has resulted in vitiating the very method of selection.

5.6 That the very methodology of selection which was adopted by the DPC while forming the panel

its shrouded <sup>in mystery</sup> ~~and mystery~~ because it is not known as to what exactly the para-metre and criteria that were adopted by the DPC while selecting the names for the purpose of forming the panel for promotion to the post of B/S Gr.I.

5.7 That Annexure 'VI' is per-se bad in law and is violative of the equality clause of the Constitution.

5.8 That the proceedings of the DPC <sup>is</sup> ~~are~~ vitiated and the findings arrived and the recommendations made therein are illegal and void.

6. Details of remedies exhausted :

The applicant declares that no appropriate alternative remedy is available to him in the instant case.

7. Matter not pending with any other Court etc. :

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

8. Reliefs sought :

On the facts and circumstances and premises aforesaid, the applicant prays for the following reliefs :-

8.1 Direct the respondent nos. 1 to 7 to produce the records of the minutes of the proceedings of the DPC pertaining to the formation of panel for the post of Supvr. B/S Gr.I for the year 1995.

8.2 Direct the respondents to assess the merit of the applicant for the purpose of promotion to the post of B/S Gr.I, if need be by review DPC.

8.3 Pass appropriate orders suitably modifying/altering the panel of names contained in memo dtd 10th July '95 (Annexure 'VI').

8.4 Direct the respondents to show the name of the applicant in the appropriate serial number in the aforesaid panel.

8.5 To pass any other order/orders or to give direction/directions as may be deemed fit and proper in the facts and circumstances of the case.

9. Interim order prayed for :

In the interim, the applicant prays that the promotion of his juniors that have been made to the post of B/S Gr.I should be made subject to the result of the instant application.

10. ;;;;;;

11. Particulars of Postal Order :

i. Postal Order No. : 8, 09. 326719

ii. Date 7/8/95

iii. Payable at : Guwahati.

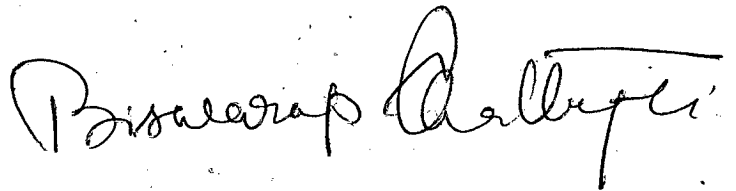
13. List of enclosures :-

As indicated in the Index.

VERIFICATION.

I, Shri Biswarup Chatterjee, son of Shri Usha Ranjan Chatterjee, working as Supervisor B/S Gr.II in the Office of Garrison Engineer, Narangi, Guwahati-27, do hereby verify that the contents of paras 1 to 4, 6, 7, 10, 11 and 12 are true to my personal knowledge and paras 5, 8 and 9 are as per my legal advice and that I have not suppressed any material fact.

And I sign this Verification on this 'the 12<sup>th</sup> day of September, 1995.



(Signature of the applicant)

12/9/95

15 - 1-Annexure: 1

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

O.A. 1067 of 1989

Present : Hon'ble Mr. Justice M.R.Mallick, Vice-Chairman  
Hon'ble Mr. M.S.Mukherjee, Administrative Member

BISWARUP CHATTERJEE

VS

UNION OF INDIA & ORS

For the applicant : Mr. Samir Ghose, counsel

For the respondents : Mr. D.N.Das, Sr. Counsel  
Mr. C.R.Bag, Counsel

Heard on : 18.1.94 : Order on : 18.1.94

O R D E R

M.R.Mallick, V.C.:

The applicant, while working as Supervisor B/S.Gr.II in the office of the Garrison Engineer, 585, Engineer Park, C/O 99, APO and posted at Bengdhubi within the district of Darjeeling, has filed this application being aggrieved by the order dated 6.11.89 (Annexure-F) by which he has been reverted to the post of Sub-Overseer with effect from 25.4.88.

2. The case of the applicant is that while he was working as Sub-Overseer, he applied for the post of Supervisor B/S-II (Barrack & Stores-II) as a departmental candidate. The said post is, however, to be filled up by direct recruitment. He was selected and was appointed to the said post by the order dated 3.2.84 (Annexure-B) on certain conditions i.e. he would be on probation for a period of two years from the date of appointment which may be extended at the discretion of the appointing authority, he will have to pass the Storekeepers examination within the probationary period failing which his service would be terminated with one month's notice. If he failed to qualify the SKS examination in the initial period of two years, his probationary period may be extended but he will not be eligible for any increment if his probationary period was extended on this account.

*Admitted  
Bengdhubi  
11-8-85*



15A

(2)

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3. The applicant has stated that he could not qualify in the SKS examination within the initial period of two years of probation and his probationary period was subsequently extended by one year by an order dated 20.2.86 (Annexure-C). It is the admitted position that during this extended period he passed the required examination. According to the applicant, on his passing the examination during the extended period of probation, he became eligible for confirmation in the post of Supervisor B/S Gr.II which was not done. He made a representation to the concerned authority for lifting the probationary period and for his confirmation to the said post. It is the grievance of the applicant that instead of confirming him in the said post as he had fulfilled all the conditions of his appointment in the meantime, he was surprised to receive the impugned order dated 6.11.89 by which he has been reverted to the post of Sub-Overseer with retrospective effect from 25.4.88. Being aggrieved, he has filed this application challenging such order of reversion as illegal and arbitrary. It is also contended that such a reversion order cannot be passed with retrospective effect.

4. When this application was admitted, an interim order was passed by this Tribunal on 23.11.89 to the effect that the impugned order dated 6.11.89 would abide by the result of this case but no recovery shall be made from the applicant for the period of his service in the higher post of Supervisor, Gr.II (B/S). It was also directed that the applicant be allowed to appear at the examination for promotion to the post of Supervisor, B/S.Gr.I.

4. At the time of hearing, it is submitted on behalf of the applicant that in terms of the said interim order, he appeared in the examination for promotion to Supervisor, B/S Gr.I and duly passed the examination.

5. In the reply filed by the respondents, it is contended that even though the applicant has passed the required examination during the extended period of probation, his probationary period was not lifted as his performance was not satisfactory. It is stated that

(3)

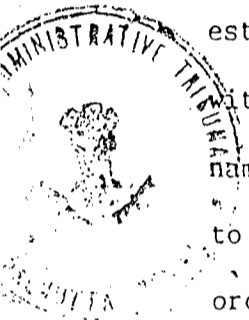
he took leave for about 332 days against 411 working days between the period from 10.5.86 and 24.9.87. Such being the position, his fitness in service could not be assessed to the full satisfaction of the competent authority. Accordingly, a special assessment report was called for and the same was put up before the DPC along with his previous assessment report and the DPC considered him not fit for continuation and/or lifting of probationary period which was approved by the competent authority.

6. At the time of hearing, Mr. Samir Ghose for the applicant has produced before us a copy of the order dated 30.10.90 issued by the Chief Engineer from which it appears that the approval of the Chief Engineer has been obtained for appointment to the permanent establishment of Supervisor B/S Gr.II in respect of 16 individuals with effect from the dates noted against each. It is seen that the name of the applicant appears at serial No. 13 and he has been brought to the permanent establishment with effect from 1.4.88. It has been ordered that the permanent appointment would be published in Part-II orders by the formations concerned where the individuals are employed/last served. It is submitted that as the present application is pending before this Tribunal, the respondents have not published the name of the present applicant in Part-II orders.

7. Mr. D.N.Das appearing for the respondents submits that he has no instruction in this respect. He, however, submits that if during the pendency of the application, any order has been passed by the competent authority giving him permanent appointment to the post of Supervisor, B/S Gr.II with effect from 1.4.88, then the respondents may be directed to publish appropriate orders in Part-II giving effect to such permanent appointment.

8. On hearing the learned counsel for both sides and on going through the records produced before us, we are of the opinion that whatever might have been the reasons for not lifting the probationary period of the applicant earlier or reverting him to his former post of Sub-Overseer with effect from 25.8.88, it is now clear that subsequently, the authorities have reviewed their earlier decision and

issued orders regarding permanent appointment of the applicant in the post of Supervisor, B/S Gr.II with effect from 1.4.88 i.e. prior



*Acted  
B. N. Das  
11-11-91*

to the date when he was sought to be reverted by the impugned order dated 6.11.89.

9. In that view of the matter, we dispose of this application by directing the respondents to pass appropriate Part II order within a period of two months from the date of communication of this order in respect of the applicant pursuant to the Chief Engineer's order dated 30.10.90. The impugned order dated 6.11.89 is hereby set aside as it has become infructuous by the issue of the order dated 30.10.90.

10. Let a copy of the order dated 30.10.90 be kept with the record. There shall be no order as to costs.

*Sd/-*  
(M. S. MIKHERJEE)  
MEMBER(A)  
18.1.94

*Sd/-*  
(M. R. MALLICK)  
VICE CHAIRMAN  
18.1.94

(a) Sl. No. of the App.	315
(b) Name of the App.	S.K. Ghosh
(c) No. of the App.	18.1.94
(d) No. of the App.	Free
(e) Copying cost	Free
(f) No. of preparat	20/1/94
(g) Dt. of delivery	21/1/94
to the applicant	



**CERTIFIED TO BE TRUE COPY**

*[Signature]*  
COURT OFF SR 21/1/94  
Central Administrative Tribunal  
Calcutta Bench, Calcutta

723

MES 000148 STATION 7, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640,

Srl. No. 136

25

1. MES-216485 Shri S.R. Chatterjee, has been re-instated on Supvr B/s Bde II A.E.F. 24 Apr 65 vide CE 585 Sub Park FIC No 42 at 07 Oct 94 is hereby posted to BSC Naranyi. The individual on joining from leave will be directed to report to BSC Naranyi sub division.

### Distribution

1. Part I Order Folio
2. Shri S.R. Chatterjee, ✓ (Through AGC B/R(P) Narongi)  
Sub Overseer
3. BSO Narongi
4. AGC B/R(P) Narongi
5. AGC B/R Narongi
6. EA D Sec
7. DI C Sec
8. EI P Sec

Amended  
B. Muller  
Admitted  
11-985

- 18 -

X - Annexure: II A

(6)

Telo Mil : 2/561

Garrison Engineer  
585 Engineer Park  
C/O 99 APO

1192/143/E1A

28 Apr 90

MES/216485  
Shri B R Chatterjee, Sub Overseer

MES SUPERVISOR B/S GRADE ONE EXAMINATION HELD ON  
04 AND 05 DEC 89 : RESULT FORWARDING OF

It is for your information that you have qualified i.o. Supvr B/S  
Gde I Examination held on 04 & 05 Dec '89 as intimated by HQ CWE Benghubi  
vide their letter No. 1150/1887/EIC(2) dated 14 Mar '90.

Attested  
B. M. S. S.  
11885

( A K Sharma )  
Major  
Garrison Engineer

32

Tele : FW 282321/918

Purv Kaman Mukhyalaya  
HQ Eastern Command  
Abhiyanta Shakha  
Engineers Branch  
Fort William, Calcutta-21

17 Nov 89

131302/ 89 /Engrs/EIC(I)

Chief Engineer

Calcutta Zone, Calcutta-19

Shillong Zone, Shillong

Siliguri Zone, Bengdubi

OFB Calcutta

Commandant ESD Kankinara

RECRUITMENT RULES : FORWARDING OF

Recruitment Rules in respect of following categories are forwarded herewith :-

(a) Surveyor Assistant Gde I & II SRO 304 dated 27th Oct 1989 published in the Gazette of India dated 11/11/89.

(b) Supervisor Barrack/Stores Grade I, Supervisor Barrack/Stores Grade II, Storekeeper Grade I, Storekeeper Grade II SRO 305 dated 27 Oct 89 published in Gazetter of India dated 11/11/89.

*[Signature]*  
( V Watal )

Lt Col

For Chief Engineer

Copy to :-

All CWS

Chait

Internal

EIC(2)

Alongwith a copy of above mentioned recruitment rules.

- Recruitment rule in respect of Meter Reader SRO 290 dated 11/10/89 published in the Gazetter of India dated 21/10/89 is forwarded herewith in original for further action.

*[Signature]*  
B. B. Advocate  
11-8-89

TO BE PUBLISHED IN PART II SECTION IV OF THE GAZETTE OF INDIA )  
 SECTION 11B 23

GOVERNMENT OF INDIA  
 MINISTRY OF DEFENCE

New Delhi, the 27th Oct 1989

CORRIGENDUM

S.R.O 304 . In the Military Engineer Services (Surveyor Assistant) Recruitment Rules, 1983, published with the notification of the Government of India, Ministry of Defence, SRO No. 145, dated the 6th May 1988, in the Gazette of India, Part II, Section 4, dated the 18th June 1988,

- (I) at page 477, in column 2,
  - (a) in line five, for "Quantity" read "Quantity Surveying"
  - (b) in line forth nine, for "Building and" read "Building and Roads".
- (2) at page 478, in column I, in line 2, for "Manager" read "Member".

505/RR/SAI & II/CSCR

R R Koshal  
 Under Secretary

Sd/ x x x  
 ( D Sankarji )  
 EE  
 SO2/CSCC  
 E-in-C's Branch  
 Tele : 3019018

Sd/ x x x  
 Under Secretary to the Govt of India

lish

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

5. Power to relax - Where the Central Government is of opinion that it is necessary or expedient so to do, it may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons, Saving - Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

( The Schedule )

5605/7/B/S/RR/CSCC

R R Koshal  
Under Secretary

Sd/ x-x-x  
( D K Gupta )

SP2/CSCC  
E-in-C's Br

Sd/ x x  
Under Secretary to the Government of India

Publish

*Amish*  
*B. K. Gupta*  
*11-8-58*

TO BE PUBLISHED IN PART II, SECTION 4 TO THE GAZETTE OF INDIA )

MINISTRY OF DEFENCE

GOVERNMENT OF INDIA

New Delhi, the 27/10/1989

NOTIFICATION

S.R.O. 306. In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supercession of the Military Engineer Services (Non-Industrial Group 'C' and Group 'D' posts) Recruitment Rules, 1971, in so far as they relate to posts of Supervisor Barrack/Stores Grade I, Supervisor Barrack/Stores Grade II, Storekeeper Grade I and Storekeeper Grade II, except in respects things done or omitted to be done before such supercession, the President hereby makes the following rules regulating the method of recruitment to the post of Supervisor Barrack/Stores Grade I, Supervisor Barrack/Stores Grade II, Storekeeper Grade I, Storekeeper Grade II in the Military Engineer Services, Ministry of Defence, namely :-

1. Short title and commencement :- (1) These rules may be called the Military Engineer Services (Barrack/Stores Group 'C' Non-Industrial posts) Recruitment Rules, 1989.

(2) They shall come into force on the date of their publication in the Official Gazette.

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

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

Disqualification :- No person, -  
(a) who has entered into or contracted a marriage with a person having a spouse living, or  
(b) who having a spouse living, has entered into or contracted a marriage with any person,  
shall be eligible for appointment to any of the said ~~post~~ posts

# Schedule

Attested.

Advocate.

Name of the post	Number of the post	Classification	Scale of pay	Whether selection or non selection post	Whether benefit of added years of service admissible under Rule 30 of the Central & Civil Services (Pension) Rules, 1972.	Age limit for direct recruitment	Educational and other qualifications required for direct recruits	Whether age and qualifications prescribed for direct recruits will apply in case promotees
1	2	3	4	5	6	7	8	9
1. Super visor (1989) Barrack /Stores Grade I	351*	General Services Group 'G' Non-Gazetted, Non-Industrial, Non-Ministerial	Rs1400-40-1600-50-2300-EB-60-2600	Selection post	No	Not applicable	Not applicable	Not applicable.

\*Subject to variation dependent upon the workload.

Period of	Method of recruitment	In case of	If a Departmental Promotion Committee exists, its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
probation	whether by direct recruitment or by promotion or transfer	recruitment by direct recruitment or by promotion or transfer		
if any	and percentage of vacancies to be filled by various methods	from which promotion to be made		

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1. Not applicable

By Promotion

Supervisor Barrack Group 'C' Departmental /Stores Grade II who have passed examination and have five years regular service in the grade

1. Chief Engineer/Other Officer of equivalent rank, Engineer-in-Chief's Branch Chairman
2. Principal Barrack Stores Officer, Engineer-in-Chief's Branch Member
3. Group 'A' civilian/Commissioned Officer not connected with the department Member

Not applicable.

22 Annexure IV  
G E Narang  
1751

(8)

131834/6/1741/Engrs/EID

Purv Kaman Mukhyalaya  
HQ Eastern Command  
Engineer Shakha  
Engineers Branch  
Fort William, Calcutta - 21  
25 Jul 87

Chief Engineer  
Shillong Zone, Shillong  
Calcutta Zone, Calcutta  
Siliguri Zone, Bengdubi  
CO ES D Kankinara

ALL INDIA SENIORITY LIST OF SUPVR B/S GDE II

1. Reference our letter No. 131834/6/1741/Engrs/EID dated 05 Jan 87 and your replies re thereto.
2. Only 2 copies of all India seniority list of Supvr. B/S Gde II reckoning seniority between 1.1.83 to 31.12.84 starting with serial numbers 322 to 465, have been received from E-in-C's Br under their letter No. AT268/ETR(Sub) dated 02 Jul 87.
3. With a view to minimise work load and avoid delay, the seniority particulars in respect of Supvrs B/S Gde II, borne on the roll of this Command, have been extracted duly amended where necessary based on your earlier reports and are forwarded herewith as Appendix 'A' to this letter. One copy of the said Appendix is also forwarded direct to all units/formations for verification and submission of the reports to their respective area/zone to avoid delay.
4. The above list may please be checked again and amendments/additions, if any, are forwarded to this HQ. This list may also be shown to all concerned individuals and their signature obtained and kept as office record to avoid subsequent representation.
5. A certificate is to be given by the Zonal CEs to the effect that the particulars against the individuals shown in the list (state serial Nos) have been verified and none is omitted. The certificate will be signed by an officer.

Attes.ed.  
Advocate.

6. It may please be ensured that your consolidated report is submitted to this office by 22 Aug 87.

39

*Mur*  
( M A Ghosh )  
Prashan Adhikari II/AO II  
Mukhya Engineer/Chief Engineer

Copy to :-

All C&WE - Together with a copy of Appendix 'A' for submission of your area report to your Zonal CE by 08 Aug 87. No copies will be forwarded to this office.

All GEs/AGE(I)s - Together with a copy of Appendix 'A' for submission of your area report to CsWE by 08 Aug 87. No copies will be forwarded to this HQ.

Internal

E 2 - Together with Appendix 'A' for similar action.

- 23 -  
40

EXTRACT II OF ALL INDIA SENIORITY LIST OF  
SUPVR B/S GDE II

Appendix 'A' to CC  
EC Calcutta letter No.  
131834/5/1845/Engrs/EID  
dated 25 Jul 87

Ser No	All India Ser No	MES No & Name	Whether SC/ST if no say 'Neither'	Date of Birth	Date of regular apptt in the cadre	Pt/Quasi Pt appt in cadre	Date of seniority in the Gde	Edn/Tech Quali- fication
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

1 322 265240 Sukumal S/T 02-7-50 S/O 19.8.72 S/O Qpt 15.7.83 BA 73, SK I 85  
Boro B/S II 15.7.83

2 324 NYA Prabal Neither 21.10.60 Supvr B/S II 04.7.83 - 04.7.83 SF-76, B Com 81  
Jyoti Deb SK I 84

3 333 263328 Harbhajan Singh -do- 5.10.55 Supvr B/S II 11.2.84 - 11.2.84 BSc-75, SK I 84  
B/S I Exam 86

4 336 216485 Biswarup Chatterjee -do- 10.3.51 B/S II 17.2.84 - 17.2.84 SA 89/DA Part II) SK I 86

5 342 NYA Partha Sengupta -do- 20.11.58 B/S II 20.10.84 - 20.10.84 BSc-78, SK I 85

6 345 NYA Pradyot Kumar Roy -do- 22.12.58 B/S II 26.10.84 - 26.10.84 BA 73, SK I 85

7 350 246046 Ratneswar Kar -do- 8 Sep 30 SK II 31.12.60 SK I Pt 8.11.83 PU-66, SK I 69  
SK I-15.7.70 1.1.74  
B/S II-2.4.84

359 201084 Mrinal Mazumdar -do- 19 Jan 40 SK II-8.1.64 Contd... P/2

Attest  
Advocate.

41-24-

- 2 -

1	2	3	4	5	6	7	8	9
8	359	201084 Mrinal Mazumdar	Neither	19 Jan 40	SK II 8.1.64 SK I 15.5.70 B/S II 25.6.84	SK II Qpt 1.7.67	8.11.03	SF-58, S K I 67 B/S I 85
9	360	232215 Niranjan Dey	-do-	1 Dec 44	LDC- 7-2-63 SK II- 20.9.65 SK I -6-7-70 B/S II-20.6.84	S K II Q/pt 20.9.68	8.11.03	Matric 61 SK I 60
10	361	220081 Shibendu Dutta Chowdhury	-do-	1 Jul 42	SK II-15.3.66 SK I -6.7.70 B/S II 23.11.83	SK II Qpt 15.3.69	8.11.03	Matric-60 Hindi Proveen-71 SK I-69, B/S I 85
11	362	232258 S asanka Sokhar Kar	-do-	1 Apr 40	S/Man 1-3-62 SK II 13.10.66 SK I 1.7.70 B/S II 9.3.84	S/Man Qpt 1.7.65	8.11.03	Matric 59 SK I 65, B/S I 85
12	363	201462 Basanta Kumar Mahata	-do-	17 Mar 40	SK II 13.8.63 SK I 10.9.71 B/S II 3.8.84	SK II Pt 1.4.74	8.11.03	SFE-50, IA-61 SK I 70
13	364	210006 Jadupati Prachan	-do-	18 Feb 39	SK II 20.9.63 SK I 31.8.71 B/S II 2.4.84	SK I Pt 1.4.77	8.11.03	IA-57, SK 70 B/S I Exam 86
14	365	246047 Mohendra Nath Changmai	-do-	1 May 39	SK II 2-11-63 SK I 17.11.71 B/S II 21.11.83	SK II Pt 1.7.82	8.11.03	Matric 60, SK I 69 B/S I 85
15	366	206262 Randhir Chakraborty	-do-	1xMayx39 2 Jun 44	SK II 20.7.64 SK I 22.11.71 B/S I 21.11.83	SK II Qpt 1.11.87	8.11.03	IA-62, S K I 70 B/S I 85
16	367	210578 Yogendra Singh	-do-	7 Mar 45	SK II-30.7.64 SK I- 22.11.71 B/S I 12.4.84	SK II Qpt 1.11.67	8.11.03	HSE-62, SK I 70

Attended

1	2	3	4	5	6	7	8	9
17	368	242236 Binoy Bhusan Das	S/C	1 Mar 46	SK II 3.9.64 SK I 15.10.71 B/S II 11.5.84	-	8.11.83	PU-64, SK 66 B/S I 85
18	369	220083 Samir Chandra Neither Lahiri		13 Feb 37	SK II 13.9.64 SK I 11.9.71 B/S II 29.12.83	SK II Qpt 1.11.67	8.11.03	IA-56, SK I 70
19	442	242143 Bhuwan Chandra Ramay Pandey	-do-	6.6.45	SK II -9.11.64 SK I -1.12.71 B/S II -10.12.84	SK II Qpt 9.11.67	9.6.84	HSE-64, SK I 70 B/S I 86
20	443	242050 Gojendra Nath Sharma	-do-	12.7.45	SK II 23.11.64 SK I 12.11.71 B/S II 1.7.85	, -	9.6.84	Matric 62 SK I 70 B/SI 85
21	444	206263 Ajit Kumar Das	S/C	1.7.43	SK II 21.11.63 SK I 6.4.76 B/S II 31.1.05	SK II Pt 3.3.70	9.6.84	SFE 59 SKI 74
22	445	232208 B Devasahayan	S/C	23.11.43	SK II 17.2.64 SK I 31.1.76 B/S II 14.12.84	SK II Qpt 1.7.67	9.6.84	SSLC-61 SK I 75
23	446	215434 Benjamin Toppa	S/C	10.10.36	SK II 1.3.66 SK I 25.2.76 B/S II 14.3.85	SK II Pt 1.4.66	9.6.84	Matric 54 SK I 72
24	447	210567 Prahalad Chandra Roy	S/C	20.7.43	SK II 1.6.64 SK I 1.9.76 B/S II 16.9.85	SK II Pt 1.10.70	9.6.84	SFE 61 SK I 75

Attd. Sd.  
Advocate.

(M A Ghosh)  
Prashasan Adhikari II/AO II  
Mukhya Engineer/Chief Engir

Copy of AHQ B-in-C's Branch letter No 41268/ELR(Sub) dated 29 Jul 94.

ALL INDIA SENIORITY LIST SUPVR B/S GDE 11 M

1. Two copies of following seniority list are forwarded herewith:-
  - (a) All India Seniority list of Supvr B/S Gde-11 counting seniority up to 31 Mar 90 (Appendix 'A'). This includes candidates belonging both to 'General' and 'Reserved communities'.
  - (b) A separate seniority list of Supvr B/S Gde 11 belonging to SC/ST community counting seniority up to 31 Mar 90 (Appendix 'B'). Please also forward further seniority list of SC/ST counting seniority from 31 Mar 90 to 31 Dec 92.
2. The seniority list will be circulated to all concerned for meticulous scrutiny and correctness of the particulars mentioned against their names and one copy returned to this HQ, the discrepancies if any observed duly attested by an officer who authenticates its correctness by 01 Oct 94 alongwith further seniority list of SC/ST counting seniority from 31 Mar 90 to 31 Dec 92. Any discrepancy on the seniority list if found at a later date the ones first with the concerned Command. The serial numbers of seniority list up to which your Command is covered may also be indicated.
3. Each Command shall endorse the following certificates in the seniority list :-
  - (a) Certified that the individuals at Srl No (Mention numbers in the seniority list are borne on the strength of this Command and that the Mac No and the date of birth in respect of them as entered in the seniority list are correct.
  - (b) Certified that the date of seniority assigned to the individuals borne on the strength of this Command are correct.
  - (c) Certified that the individuals borne on the strength of this Command have been correctly interpolated in the seniority list and
  - (d) Certified that the seniority list has been shown to all affected individuals and their signature in confirmation to this have been obtained and that the seniority list has been scrutinised at the official level and all discrepancies noticed have been reconciled.
4. Command Chief Engineers are also requested to forward consolidated integrity certificate in respect of all the eligible candidates i.e., all those having 3 years service. All dossiers of all eligible candidates may be kept ready with ACs upto and including the year ending 31 Mar 93. Those are required to be forwarded to this Headquarters at short notice on receipt of another instructions from this office.
5. While forwarding the integrity certificate please ensure that the instructions as contained in DOP & T OM No 22011/4/91 Estt (A) dt 14 Sep 92 copy of which has been forwarded to you vide this HQ letter No A/47 02/DPC/SC/LIA(D) dt 28 Oct 92 are complied with according to which the following categories of persons will be considered as involved in disciplinary/case :-

Attes.ed.

Advocate.

Contd....2/-

- 24
- (a) Government servants under suspension.
  - (b) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending, and
  - (c) Government servants in respect of whom prosecution for criminal charge is pending.

6. In view of the above, please ensure that only types of cases are reported as involved in disciplinary/SPE etc.,. Merely being asked as a witness for court of inquiry, Board of Officers or being blamed by a court of inquiry of registration of a case by the SPE or receipt of complaint against an individual should not be interpreted as having involved in disciplinary case/SPE/Vigilance case.

7. It is seen that CI dossiers of the individuals affected being sent to this HQ are incomplete without proper check/scrutiny which is not only resulting in to infructuous correspondence but also delay in conducting DPCs- Therefore CEs Command will ensure that an Officer endorse a certificate in each CI dossier being sent is complete in all respect with part ACI/ICI including the ACI for period ending Mar 94.

8. A list of individuals who have earlier refused promotion when selected in the earlier panel indicating the date of acceptance of such refusals alongwith their up to date ACI dossiers and integrity certificate also be forwarded.

9. To minimise time process, you are requested to ask Zonal CEs to make out Xerox copies of the seniority list and circulate to their respective CswE simultaneously who in turn can also exercise the same drill circulating copies to their respective CEs. This will help Zonal CEs to return their amended copy of seniority list atleast by 2nd week of Sep 94 to your HQ and accordingly you can also return it to this HQ by the stipulated date ie., 01 Oct 94 duly complying with the instruction as per para 2 above.

10. CE WC Only. Your HQ have been asked to send your Command seniority list of B/S Gde II up to 31 Mar 90 whereas you have only sent particulars of B/S Gde II counting seniority up to 31-12-87. Please therefore send particulars of Supvr B/S Gde-II counting ~~81\*82\*83~~ from 1988 to 31-12-92 alongwith the amended copy of AISL. This is to be accorded Top priority.

Sd/-x x x x x x x x

(M H Buch)

Col

Dir 'C'

Engineer in Chief

Attesd.

Advocate.

Appx 'A' to E-in-C's Br letter No  
41253/ELN(Sub) dt 29 Jul'94

SENIORITY LIST OF JAWA B/S 1972

Sl No	MES No & Name	Whether SC/ST If no say 'Neither'	Date of Birth	Date of regular appointment in the post	Post held substantively	Date of seniority in the grade	Command	Educational/Technical Qualification
1	2	3	4	5	6	7	8	9
1.	MES/228160 Chandra Prasad Upadhyay	Neither	01 Sep 44	01 Mar 69	LC Spt 01 Nov 67	01 Mar 96		BA-67, SK Exam-70
2.	MES/223269 Manjit Sanyal	-oo-	13 Feb 44	00 Jul 69	SK - Spt 01 Apr 67	09 Jul 69		BA-54, SK Exam-71
4.	MES/ NYA Manjit Kumar Das	S/C	11 May 45	29 Aug 70	-	29 Aug 70		BA-66
5.	MES/ NYA Nama Shankar Awasthi	Neither	25 Jul 51	29 Apr 72	-	29 Apr 72		M. Sc-71
9.	MES/436332 Nam Narain Plank	-oo-	10 Jun 43	01 Dec 72	-	01 Dec 72		BA-65
10.	MES/419054 Eligious Lakara	S/D	03 Jul 43	07 Dec 72	B/S-II Spt 01 Jul 77	07 Dec 72		SK-II Exam 75 BA-71, B/S -I Exam-36
13.	MES/246941 Aloke Kundu Choudhary	Neither	27 Jul 54	10 Jun 76	B/S-II Spt 13 Jun 79	12 Jun 76	EC	B.Com - 74 B.I Exam - 74 BSI Exam

Sum

Amended list  
E-in-C's letter  
41253/ELN(Sub)  
dt 29.6.95  
(P 101)  
PE-XXXXXX

Attested.  
Advocate.

1	2	3	4	5	6	7	8	9
201.	MES/216343 V P Sukumaran	Neither	27 May 45	04 Dec 82	SK-I 1 PT 03 Jun 69	04 Dec 82	EC	SbLC -63, SK - 57 Supvr B/s I Exam- 83
202.	MES/265240 Sukumal Boro	S/T	07 Jul 50	S/O 19 Aug 72 Supvr B/s II 15 Jul 83	50 PT 19 Aug 75	15 Jul 83	EC	BA-73, SK Exam-85
204.	MES/ NYA Probal Jyoti Dec	Neither	21 Oct 60	Supvr B/s II 04 Jul 83		04 Jul 83	EC	76, Bc.Com-31, SK-I 34
211.	MES/263328 Harbhajan Singh	-do-	05 Oct 55	Supvr B/s II 11 Feb 84	-	11 Feb 84	EC	B. Sc 75, SK-I 34, B/s I Exam-85
214.	MES/216485 Biswarup Chatterjee	-do-	10 Mar 51	B/S - II 17 Feb 84	-	17 Feb 84	EC	BA-30, (B PT), SK-I 36
221.	MES/NYA Partha Sangupta	-do-	20 Nov 53	B/S - II 22 Oct 84	SK-II 1 PT 15 Nov 83	22 Oct 84	EC	B. Sc-75, SK-I Exam-85
223.	MES/NYA Pradyot Kumar Roy	-do-	22 Dec 55	B/S - II 25 Oct 84	-	26 Oct 84	EC	BA-73, SK-35
235.	MES/246046 Ratneshwar kar	-do-	03 Sep 33	SK-II 31 Dec 60 SK-I 15 Jul 70 XXXXXX96XXXXXX B/S-II 22 Apr 84	SK-II 03 Nov 83 xxx PT 01 Jan 74	03 Nov 83	EC	PU-65, SK Exam - 89
239.	MES/271084 Mrinal Mazumdar	-do-	19 Jan 40	SK-II 03 Jan 64 SK-I 09 Aug 70 B/S II 25 Jun 84	SK -II 1 PT 01 Jul 67	03 Nov 83	EC	SF-53, SK-I-57, L/S - I Exam-8
240.	MES/232215 Niranjan Dey	-do-	01 Dec 44	LDC/07 Feb 63 SK-II/20 Sep 65 SK-I/05 Jul 70 B/S-II/20 Jun 84	SK-II 1 PT 15 Mar 69	08 Nov 83	EC	Matric-51, SK -I-53
241.	MES/220031 Shihandu Datta Chowdhury	-do-	01 Jul 42	SK-II/15 Mar 66 SK-I/06 Jul 70 B/S-II/20 Jun 84	SK-II 1 PT 15 Mar 69 S/Man 1 PT 01 Jul 65	08 Nov 83	EC	Matric-50, SK-I- 69, Hindi Parveen-71, B/S - I Exam-85
242.	MES/232258 Sasanka Kar	-do-	01 Apr 40	S/Man; 01 Mar 62 SK-II/13 Oct 66 SK-I/01 Jul 70 B/S - II 03 Nov 83	SK-I Pt 1-8-31		EC	SKS-52xxxix Matric- 59 SK-. 65 B/S Exam- 85

1	2	3	4	5	6	7	8	9
243. MES/201462 Kumar Mahata	Baramulla Neither	17 Mar 40	SK-II 13 Aug 63 SK-I 10 Sep 71 B/S-II 03 Aug 84	SK-II QPT 01 Apr 74	03 Nov 81	EC	SFS-58, IA-61, SK-I -70	
244. MES/210035 Jadupati Prachan	-do-	18 Feb-39	SK-II/21 Sep 63 SK-I/17 Aug 71 B/S-II/02 Apr 84	SK-II Pt 01 Apr 77	03 Nov 83	EC	IA-57, SK-70, B/S-I exam-35	
245. MES/242047 Mohandra Nath Changni	-do-	01 May 39	SK-II 02 Nov 63 SK-I/17 Nov 71 B/S-II/21 Nov 83	SK-II Pt 01 Jul 82	03 Nov 83	EC	Matric- 60, SK-I- 69 B/S- I Exam-35	
246. MES/206262 Randhir Chakraborty	-do-	02 Jun 44	SK-II/20 Jul 64 SK-I/03 Sep 71 B/S-II 21 Nov 83	SK-II qpt 01 Nov 67	03 Nov 83	EC	IA-62, SK-I -70 B/S-I exam-35	
247. MES/210378 Jogendra Singh	-do-	07 Mar 45	SK-II/30 Jul 64 SK-I/22 Nov 71 B/S-II/21 Apr 84	SK-II qpt 01 Nov 67	03 Nov 83	EC	HSE- 62, SK-I-70	
248. MES/242235 Biney Bhushan Das	S/C -do-	01 Mar 46	SK-II/03 Sep 64 <del>SK-I/15 Oct 71</del> SK-I/15 Oct 71 B/S-II/11 Jun 84	-	03 Nov 83	EC	FJ-64, SK-I-70, B/S I exam-35	
249. MES/220033 Samir Chandra Lahirir	Neither	13 Feb 37	SK-II/13 Sep 64 SK-I/11 Sep 71 B/S-II/29 Dec 83	SK-II qpt 01 Nov 67	03 Nov 83	EC	IA-56, SK-I-70	
243. MES/242143 Chandra Panday	-do-	06 Jul 45	SK-II/09 Nov 64 SK-I/01 Dec 71 B/S-II/10 Dec 84	SK-II qpt 09 Nov 67	09 Jun 84	EC	HSC-64, SK-I-70, B/S-I Exam-36	
244. MES/242058 Gajendra Nath Sharma	-do-	12 Jul 45	SK-II/23 Nov 64 SK-I/12 Nov 71 B/S-II/01 Jul 85	-	09 Jun 84	EC	Matric-52, SK-I-70, B/S-I Exam-35	

Advocate

1	2	3	4	5	6	7	8	9
345.	MES/206263 Ajit Kumar Das S/C	01 Jul 45	SK-II 21 Nov 63 SK-I 06 Apr 76 B/S-II 31 Jan 85	SK-II Pt 03 Mar 70	09 Jun 84	EC	Sra-59, SK-I-74	95
346.	MES/232203 B Devasahayam S/C	23 Nov 43	SK-II 17 Feb 64 SK-I 31 Jan 76 B/S-II 14 Dec 84	SK-II Pt 01 Jul 87	09 Jun 84	EC	SSLC-51, SK-I-75, B/S I Exam-37	
347.	MES/216434 Benjamin Tappo S/T	10 Oct 35	SK-II 01 Mar 66 SK-I 25 Feb 76 /S-II 14 Mar 85	SK-II Pt 01 Apr 66	09 Jun 84	EC	<del>SK-I-74</del> Matric-54, SK-I-72	
348.	MES/210667 Prahalad Chandra Roy	20 Jul 40	SK-II 01 Jun 64 SK-I 01 Sep 76 B/S- II 15 Sep 85	SK-II Pt 01 Oct 73	09 Jun 84	EC	SK-I-54, SK-I-75	
367.	MES/206531 Prahlad Singh Neither	21-4-39	15-6-36	SK-I Pt 01-4-31	17-7-35	EC	I Com-53, SK exam-67	
✓ 368.	MES/255914 Dianji Pandey	-do- 22-5-44	20-3-36	SK-I Pt 01-12-31	17-7-35	EC	BA-64, SK exam-70 B/S I Exam-37	
369.	MES/237524 Tulashi Nath hukan	-do- 01-3-45	25-2-36	SK-I Pt 01-4-32	17-7-35	EC	PJ- 60, SK Exam- B/S-I exam-33	
✓ 371.	MES/237602 Arun Prakash Ghosh	-do- 15-12-42	03-1-36	SK-I Pt 01-4-35	17-7-35	EC	PJ-63, SK exam-70, SK- B/S -I 33	
✓ 372.	MES/255975 Bikash Kumar Roy	-do- 10-12-44	13-12-35	SK-I Pt 31-12-38 3-3-70	17-7-35	EC	<del>SK-I-74</del> B.Com-65, SK exam-70 B/S-I Exam-37	
✓ 373.	MES/220198 Dulal Chandra Roy	-do- 18-5-44	07-4-35	-	17-7-35	EC	SSL-51, SK exam-70 B/S- I Exam-37	
✓ 375.	MES/435792 Soumen Kumar Chakraborty	-do- 25-12-42	27-3-36	SK-II Pt 01-1-74	17-7-35	EC	Matric-57, SK exam-67 B/S I- Exam-33	
✓ 376.	MES/246044 Prasanta Kumar Roy	-do- 11-3-38	07-2-35	SK-II Pt 01-6-74	17-7-35	EC	PJ-65, SK-I Exam-71 B/S I Exam-37	

*Advocate*

1	2	3	4	5	6	7	8	9
✓ 377. MES/246079 Mihir Kr Sen	Neither	24-11-37	2-5-35	SK-II Pt 01-5-74	17-7-85	EC	SF-64, SK Exam-71, B/S-I Exam-37	
379. MES/245179 Gouranga Chandra Mazumdar	-do-	13-11-39	5-5-36	SK-II Pt 01-5-74	17-7-85	EC	SF-59, SK Exam-71, B/S I Exam-37	
427. MES/154070 KB Potadar	-do-	30-	30 Jul 86	SK-II Pt 01 Apr 88	30 Apr 86		SSC-60, SK- I-74	
497. MES/237633 Dipak Kumar Ghosh	-do-	03-1-43	26-3-37	SK-II Apt 13-3-70	03-3-37	EC	SF-59, SK Exam-70	
498. MES/216154 Bandopadhyay	-do-	9-10-44	13-10-37	SK-II Pt 01-4-74	03-8-37	EC	HSE-53, SK Exam-71 B/S I Exam-38	
499. MES/201291 Viresh Kumar Pant	-do-	10-10-41	03-9-37	SK-II Pt 01-11-76	03-3-37	EC	<del>HSE-53, B/S I Exam-38</del> HSE-57 SK Exam-71 B/S Exam-92	
500. MES/134409 Suresh Chandra Sen (D.L.)	-do-	22 Jun 55	25 Nov 88					
502. MES/245763 Satya Narayan Pandey	-do-	03-7-42	03-9-90	SK II Pt 01-4-84	15-9-89	EC	BA-66, SK Exam-72 B/S I Exam	

Attested.  
Advocate.

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Tele - 3019107

FOR PERS

/EIR (Sub)

-33 - Annex: VI  
Coord Pers Directorate/EIR (Sub)  
Engineer-in-Chief's Branch  
Army Headquarters  
DHQ PO, New Delhi-110011  
10 Jul 95.

List 'A'

PANEL FOR PROMOTION OF SUPVR B/S II TO  
SUPVR B/S I IN MES

1. Supvr B/S II as per Appendix 'A' to this letter have been approved for officiating promotion to the grade of Supvr B/S Gde I.
2. The above panel will be operative upto and including 12 Jun 96 unless reviewed earlier by the DPC or specially extended beyond this upto by the competent authority.
3. Actual appointment of the officers included in the panel will be made in the order shown therein subject to the availability of vacancies and issue of orders for appointment/release by EIC (1) Section of this Branch.
4. The Officers at Ser No 165 to 198, 201, 204, to 209, 211 to 219 of this panel are selected against vacancies reserved for scheduled Caste and Scheduled Tribe candidates and will be promoted alongwith others selected in the panel as de-reservation sanction has already been accorded in terms of Min of Pers Public Grievances and Pension DOP&T OM No 39011/7/90-Estt(R) dt 08 Feb 94.

Sd/ x x x x x x

(MH Buch)

Col

Dir(Pers) 'C'

for Engineer-in-Chief

Encl :

Copy to :-

List 'B' , DGNP Bombay, DGNP Visakhapatnam, CME Pune-31

Internal

E Corrd 1, EIR (O)

EAC (1)

- You are requested to release the vacancies in respect of the individuals shown in panel Ser No 1 and issue instructions to CE's Commands to promote all the individuals.

Atteged.

Advocate.

5

PANEL FOR PROMOTION : SUPVR B/S Gde IITO  
SUPVR B/S GDE I

Ser No	MES No	Name	Remarks
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Attes.ed.  
Advocate

Ser No	MES No	Name	Remarks
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Attes.cd.  
Advocate.

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132.	203682	Pradyot Roy
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Attested.  
Advocate.

Ser No	MES No	Name	Remarks
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Attested.  
Advocate.

No	MES No	Name	Remarks
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201.	242058	Gajendra Nath Sharma	Selected against S/T vacancy (Seniority 9-6-84 )
202.			
203.			
204.			Selected against S/T Vacancy
205.			
206.			
207.			
208.			
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210.			
211.	255914	Lalanji Pandey	-do- 17-7-85
212.			
213.	237602	Arunprakash Ghosh	-do- 17-7-85
214.	255973	Bikash Kumar Roy	-do- 17-7-85
215.	220098	Dulal Ch Dey	-do- 17-7-85
216.			
217.	435792	Souman Kumar Chakravarty	-do- 17-7-85
218.	246044	Prashanta Kumar Roy	-do- 17-7-85
219.	246079	Mihir Kumar Sen	-do- 17-7-85
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(Total two hundred thirty one persons only )

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(MH Buch)  
Col  
Dir (Pers) 'C'  
for Engineer-in-Chief

Attested.  
Advocate.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

24/5/96

GUWAHATI BENCH

In the matter of :

O.A.No.198/1995  
Shri Biswarup Chatterjee  
-Vs-  
Union of India & Ors.

-AND-

In the matter of :

Written Statement on behalf  
of Respondents.

I, Major Sunil Yadav, Garrison Engineer,  
Narangi, PO-Satgaon, Dist.Kamrup, Guwahati, Respondent  
No. do hereby solemnly affirm and declare as follows:-

1. That a copy of application alongwith an  
order passed by this Hon'ble Tribunal have been served  
upon me and myself being Respondent No. and being  
authorised I file this Written Statement on behalf  
of the official respondents and assert categorically that

save .....

save and except what is admitted in this Written Statement, rest may be treated as total denial by the respondents.

Back ground note of the case

The name of the applicant was placed before the DPC held during 1995. Since there were certain discrepancies in the ACR, the case was not considered by the DPC. However, a review DPC is being convened and out come of the DPC awaited as soon as the desk is clear action will be taken as per Rule.

2. That with regard to the contents made in paragraphs 2,3 and 4.1. of the application, I beg to state that I have nothing to comment.

3. That with regard to the contents made in paragraph 4.2 of the application, I beg to state that the post of Supervisor B/S Grade-I is a selection post. Mere passing departmental examination, if he is not otherwise fit and does not fulfil the other criteria for promotion, is not adequate for selection to the post.

4. That with regard to the contents made in paragraph 4.3 of the application, I beg to state that the applicant was directly recruited as Supervisor B/S Grade-II being a departmental candidate and assumed the appointment w.e.f. 17th February, 1984.

5. That with regard to the contents made in paragraph 4.4 of the application, I beg to state that there is no illegality or supersession done in the DPC for promotion to the Grade of Supervisor B/S Grade-I in so far as this applicant is concerned.

6. That with regard to the contents made in paragraph 4.5 of the application, I beg to state that I have nothing to comment being matter of records.

Contd.....

7. That with regard to the contents made in paragraph-4.5(a) of the application, I beg to state that although the applicant passed retention examination of SK Grade-II during probationary period of three years his performance during the period was not satisfactory as was assessed by OC of his unit and so probationary period was not lifted by the competent authority and he was reverted to his substantive post of Sub-Overseer w.e.f. 25th April, 1988.

8. That with regard to the contents made in paragraph 4.5(b) of the application, I beg to state that the permanency in the category of Supervisor B/S Grade-II was inadvertently published alongwith others vide CE Eastern Command SRO No.08/5/90 dated 30th October, 1990.

9. That with regard to the contents made in paragraph-4.5(c) of the application, I beg to state that as soon as it was discovered that the applicant had been reverted to the post of Sub Overseer, the above SRO was cancelled vide SRO No.12/5/90 dated 06th November, 1990(Exhibit).

A copy of the same is annexed herewith and the same is marked as Annexure R.1.

At the time of hearing of of O.A.No.1067/89, the counsel of the petitioner produced SRO No.08/5/90 dated 30th October, 1990. But the amendment could not be produced and Govt. Counsel failed to seek adjournment for

production.....

production of the amendment. Due to above judgement was delivered against the Respondents.

10. That with regard to the contents made in paragraph 4.5(d) of the application, I beg to state that the judgement on O.A.No.1067/89 has been implemented and the applicant has been reinstated as Supervisor B/S Grade-II w.e.f. 24th April,1988.

11. That with regard to the contents made in paragraph 4.6 of the application, I beg to state that I have nothing to comment except that, although the applicant passed retention examination of SK Grade-II during probationary period of three years his performance during the period was not satisfactory as was assessed by OC of his unit and so probationary period was not lifted by the competent authority and he was reverted to his substantive post of Sub-Overseer w.e.f. 25th April,1988.

12. That with regard to the contents made in paragraph 4.7. of the application, I beg to state that there are many other factors except what has been provided in the recruitment rules. Merely passing departmental examination one cannot claim the promotion if his performance in the post is not satisfactory for consideration for the higher post. Besides above, although the applicant was appointed, as Supervisor B/S Grade-II on 17th February,1984, he was reverted to Sub overseer w. .f. 25th April,1988 vide order dated 06.11.89.

The.....

The applicant filed O.A. No.1067/89 in the Hon'ble Calcutta Bench of the Central Administrative Tribunal, which did not give any stay order on reversion.

13. That with regard to the contents made in paragraph 4.12 of the applicant, I beg to state that I have nothing to comment.

14. That with regard to the contents made in paragraph-5.1, I beg to state that there has been no violation of recruitment rules. The DPC is to consider many other factors while selecting an individual for promotion to the selection Grade Post.

15. That with regard to the contents made in paragraph 5.2 of the application, I beg to state that I have nothing to comment except what I re-iterate that there has been no violation of recruitment rules. The DPC is to consider many other factors while selecting an individual for promotion to the Selection Grade Post.

16. That with regard to the contents made in paragraph 5.3 of the application, I beg to state that there has been no violation of article 14 and 16 of the Constitution of India as alleged by the applicant.

17. That with regard to the contents made in paragraphs 5.4. and 5.5 of the of the application, I beg to state that these are not correct and not agreed to.

Contd.....

18. That with regard to the contents made in paragraph 5.6 of the application, I beg to state that there are many other factors except what has been provided in the recruitment rules. Merely passing departmental examination one cannot claim the promotion if his performance in the post is not satisfactory for consideration for the higher post. Besides above, although the applicant was appointed as Supervisor B/S Grade-II on 17th February, 1984, he was reverted to Sub Overseer w.e.f. 25th April, 1988 vide order No.06th November, 1989. The applicant filed O.A.No.1067/89 in the Hon'ble Calcutta Bench of the Central Administrative Tribunal, which did not give any stay order on reversion.

19. That with regard to the contents made in paragraph 5.7 of the application, I beg to state that the panel has been drawn based on the recommendations of the DPC.

20. That with regard to the contents made in paragraph 5.8 of the application, I beg to state that these are not agreed to as alleged by the applicant.

21. That with regard to the contents made in paragraphs 6 & 7 of the application, I beg to state that I have nothing to comment.

22. That with regard to the contents made in paragraphs 8 & 8.1, I beg to state that the DPC Proceedings will be .....

will be produced before this Hon'ble Tribunal as and when called for.

23. That with regard to the contents made in paragraphs 8.2, 8.4 & 8.5 of the application, I beg to state that I have nothing to comment.

24. That with regard to the contents made in paragraph-9 of the application, I beg to state that the promotion of the respondents No. 8 to 17 has already been ordered on 14th October, 1994. The OA No. 198/1995/4447 dated 17th October, 1995 has been received only on 28th October, 1995.

25. That the present application is ill-conceived of law and mis-conceived of facts.

26. That there being no any cause of action, the present application is liable to be dismissed.

27. That this present application is not at all maintainable in view of the fact that the applicant has not exhausted all the remedies available to him.

28. That the respondents crave leave of filing addl. written statement as and when required.

29. That this Written Statement is filed bonafide and in the interest of justice.

30. That if this application is allowed, a settled issue will be made un-settled.

Verification.....

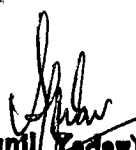
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VERIFICATION

I, Major Sunil Yadav, Garrison Engineer, Narangi PO. Satgaon, Dist. Kamrup, Guwahati do hereby solemnly affirm and declare that the statements made in paragraph 1 of this Written Statement are true to my knowledge and those made from paragraph 2 to 24 including back ground note of the case are derived from records which I believe to be true and rest are humble submission before this Hon'ble Tribunal.

And nothing suppressed I sign this  
VERIFICATION on this                      day of March, 1996 at Guwahati.

Deponent.

  
(Sunil Yadav)  
Major  
Garrison Engineer