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10
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-284/97 ordered pg-1 to 2

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Disposed Date-04/11/97

✓ O.A/T.A No. 198/95

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

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

..... Bimsarup Chatterjee .. APPLICANT (S)

... -vs- ... U. O. I. T. O. M. ... RESPONDENT(S)

For the Applicant(s) ... Mr. B.K. Shanone
Mr. P.K. Tewani ~~in person~~
Mr. S. Sarma
Mr.
Mr. ~~Y. Shanone, Addl. Cstl.~~

For the Respondent(s)

(cont'd. to Page No. 2)

QA/TA/CP/RA/MP No. 198 of 19

OFFICE NOTE

DATE

ORDER

21-9-95

The applicant ~~applies~~ by way of interim relief that promotion of any of his juniors that is respondent Nos. 8 to 17 if made during the pendency of this ~~vacancy~~ ^{the OA} 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 be granted~~ that the promotion of candidates ~~at S1.~~ ^{from} ~~No. 129 onwards~~ ^{onwards} ~~in~~ ^{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 S1. Nos 129 onwards up to 231 in ~~the~~ ^{except} view of panel dated 10-7-95. ~~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 above mentioned person in such manner in which consideration is effective. ~~notable~~

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~~ 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. EX-198 OF 1995

Biswarup Chatterjee

APPLICANT

- VERSUS -

U.O.I & Ors.

RESPONDENT

FOR APPLICANT : Mr. B.K. Sharma

ADVOCATES.

Mr. P.K. Tiwari *in person*

Mr. S. Sharma

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.
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21-9-95

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.

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. 8 onwards in the panel dated 10-7-95 shall be subject to the result of

Entered by Office or Advocate	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.
Requisite fee of Rs. 60/- deposited for 12 Nos. Respondant side IPO/BDP			Adjourned to 27-11-95.
Receipt No. 4221 Dated 10/10/95			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.
Received and dated 21-9-95			<i>60</i> Member
Notice served on R. no. 4, 5 & 6.		1m	<i>60</i> Vice-Chairman
Received copy of order dt 21-9-95.		<i>8-229</i>	
<i>Sharma</i> 26-9-95 (Applicant)			
Notice served from R. no. 8, 11, 12, 13, 14, 15, 16 & 17.			

OFFICE NOTE	DATE	ORDER
A is received from the applicant that he will not be able to appear on the fixed date i.e. 27.11.95 due to his sickness.	27.11.95 pg	Adjourned to 5.1.96. 60 Member
Submitted to the Addl. C.G.S.C	27.11.95 21.12.95	60 Vice-Chairman
Order d. 27.11.95 (order no. 5164 d. 4.12.95)	12.3.96 pg	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 (order no. 5164 d. 4.12.95) by order Bom	26.3.96 5.1.96 for orders on 5.2.96. by order Bom	60 Member 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. Respondents may submit written statement in the meantime.
Order d. 26.3.96 sent to applicant.	pg	60 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.

60
Member

nkm

Arvind

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.

60
Member

nkm

19-8-96.

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

60
Member

1m

*m
19/8*

18.9.96

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

List for hearing on 16.10.1996.

60
Member

trd

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

pg
17/10

14.3.97

Mr G. Sarma, learned Addl.C.G.S.C
is present for the respondents.
List for hearing on 25.4.1997.


Vice-Chairman

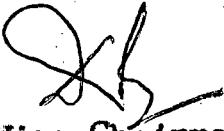
Member

pg

pg
17/10

25.4.97

There is no representation. Case
is adjourned till 3.6.97.


Vice-Chairman

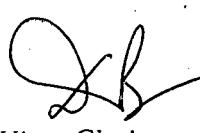
Member

pg

pg
28/1A

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.


Vice-Chairman

Member

nkm

pg
28/1B

(7)
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.

Please convey
order dtd 9.6.97 to
the applicant.

23/6

nkm

60
Member

Vice-Chairman

24.6.97

23/6

8. order dtd.
9.6.97 issued to
the applicant
Legal/Post. 24.6.97.21.7.97 There is no representation
list for 8.8.97.

My order.

Bew.

W/S. has been b/wd.

W/S

W/S has been b/wd.

16/9

23.8.97

Copy of the order
has been sent to the
Office for issuing the
same to the applicant
Addl. G.S.C.Issued with D.A.R.
3078 & 3079 on
23.8.97

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.

nkm

f/99

60
Member

Vice-Chairman

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.

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Member

Vice-Chairman

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.

Member

Vice-Chairman

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.

lm

8
1/2

w/s has been filed

25.2.98There is no representation.
Advised to 19.3.98.

By order.

26.226.2.98

Copy of order dated 25.2.98 issued to the applicant.

Fromw/s has been filed19.3.98 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

MS
2120.4.98

Copy of the order has been sent to the D/Sec. concerned in case to the applicant through Regd. with A.O. and also to the Addl. C.G.S.C. by hand.

A record will be N.D.

12 SEP 1995

498

Guwahati Bench
Central Adminis-
trative Tribunal

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

Date 12/9/95

1. Second
2. Shown on
3. Drawn on
4. Copy
5. Shown on
6. Drawn on
7. Blank.

Red Copy
Copy
W.S. (b/o)
CAT
L.H.Y
12/9/95

12
Filed in the office
through
Shri B. N. Sarmah
11/9/95

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 Engineer~~^{in-chief, Army} HQ
~~Eastern Command~~,
~~Engineer Branch, Fort William, Calcutta-700021~~,
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.

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.

Some 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, Kashmair 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 ^{is} 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 14.4.69.

4.2 That the channel of promotion from the post of Sub Overseer is ~~of~~ ^{4.} 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

frem 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 the said post of Supervisor B/S Gr.II and was appointed to the said post 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

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.

17

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 ^{Navengi} 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 II A

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.II

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 G.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.II. 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, Namangi 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 consider 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 ~~forrthcom~~ 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 ~~benafide~~ 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 ~~failure~~ ^{failure} 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 ^{in mystery} and ~~misery~~ 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 ~~was~~ ^{is} vitiating 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.

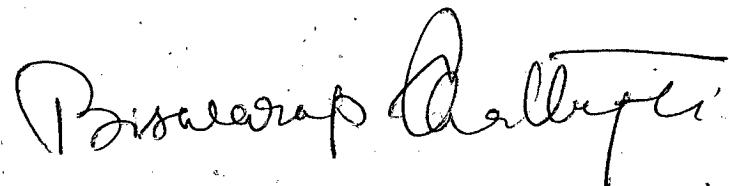
13. List of enclosures :-

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 12th day of September, 1995.



(Signature of the applicant)

12/9/95

15 - Annexure I

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

ORDER

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 Bengdhobi 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.

*Alka
B.Mallick
11.2.94*



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 presnt 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

*Arshad
B.M.E.
A.S.
11-1-91*

(4)

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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/L

(M. S. MUKHERJEE)
MEMBER(A)
18.1.94

Sd/L

(M. R. MALLICK)
VICE CHAIRMAN
18.1.94

(a) Sl. No. of the Application	95
(b) Name of the party	S.K. Ghosh
(c) Date of application	20/10/94
(d) No. of copies	18.1.94
(e) Copying charge	Free
(f) Date of preparation	20/10/94
(g) Date of delivery of copy to the applicant	21/11/94



CERTIFIED TO BE TRUE COPY

COURT OF 17 SR 21/11/94
General Administrative Tribunal
Calcutta Bench, Calcutta

(4) 30

HART 2 ORDER

BY

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Unit 1: Go Learning

SIXTY 136

Section 3: Summary of the main findings

25 1994

INTERNAL POSTING/TRANSFER : SUBORDINATE

1. File No. 216485 Shri S.N. Chatterjee, has been re-instated on
Supx B/s Rm 11 A.E.F. 24 Apr 88 vide CL 585 Sub Park FIC NO 42 at
07 Oct 94 is hereby posted to BSC Naxangti. The individual on joining
from leave will be directed to report to BSC Naxangti Sub Division.

(L.M. Saxon) IDSE
L.M.
Cartison engineer

Distribution

1. Part I Order Fomer
2. Shri B.R. Chatterjee, ✓ (Through Act B/R(P)Narangji)
Sub/Overseas
3. BMO Narangji
4. BMO B/R(F) Narangji
5. BMO B/R. Narangji
6. BMO sec
7. BMO sec
8. BMO sec

attested
J. B. McHarg
Advocate
11-980

X - Annexum: IIA

(6)

Tolo 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
Gds I Examination held on 04 & 05 Dec '89 as intimated by HQ CWE Bengaluru
vide their letter No. 1150/1077/E1C(2) dated 14 Mar '90.


(A K Sharma)
Major
Garrison Engineer

Qwested
B. Mukherjee
Aover
11985

32

Tele : FW 282321/918

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

131302/ 89 /Engrs/EIC(I)

17 Nov 89

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 Gazette of India dated 11/11/89.

Forwarded
 (V. Watal)
 Lt Col
 (P.M.)

For General Information

All CWB

hali

All major units of Army are forwarded
 Recruitment rules.

Internal

EIC(2)

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

*Attested
 B. Mukherjee
 Advocate
 11/9/89*

33
AO TO BE PUBLISHED IN PART II SECTION IV OF THE GAZETTE OF INDIA

SECTION

GHBS 92

E13 23/11

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,

(1) 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".

605/RR/SAI & II/CSCR

R R Koshal
Under Secretary

Sd/ x x x
(D Sankarji)

EE

SO2/CSC

E-in-C's Branch

Tele: 3019018

Sd/ x x x

Under Secretary to the Govt of India

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. 305. In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession 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 supersession, 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 posts.

Schedule

Attested.

Advocate.

Name of the post	Number of the post	Classification	Scales of pay	Whether selection pay or non pay	Whether benefit of selection or not	Age limit for selection	Educational qualifications	Whether age and other qualifications prescribed for direct recruitment	Whether direct recruits required for direct recruitment will apply in case of promotees
1.	2	3	4	5	6	7	8	9	
Super visor (1989)	351*	General	Rs1400-40-50	Selection post	Not applicable	Not applicable	Not applicable	Not applicable	
Barrack /Stores		Central Services, Group 'G'	1600-50-2300-EB-60-2600						
Grade I		Non-Gazetted, Industrial, Ministerial							

*Subject to variation dependent upon the workload.

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

10 11 12 13 14

1. Not By
applicable Promotion

Supervisor Barrack Group 'C' Departmental Not
 /Stores Grade II Promotion Committee applicable.

who have passed consisting of :-

Supervisor Barrack 1. Chief Engineer/Other
 /Stores Grade I Officer of equivalent
 examination and rank, Engineer-in-
 have five years Chief's Branch
 regular service Chairman

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

22 Annexure IV
✓ GE Narang
1851

⑥

131834/6/1741/Engres/EID

131834/6/1741/Engres/EID

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

Purn Kumar Mukherjee
HQ Eastern Command
Engineer Shakha
Engineers Branch
Fort William, Calcutta

25 Jul 87

ALL INDIA SENIORITY LIST OF SUPVR b/S GDE IT

1. Reference our letter No. 131834/6/1741/Engres/EID dated 05 Jan 87 and your replies thereto.
2. Only 2 copies of all India seniority list of Supvr. B/S Gde IT 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. 87268/ER(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 IT, borne on the roll of this Command, have been extracted duly amended where b 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.

Attest'd.
Advocate

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

39

Muk

(M A Ghosh)

Prashan Adhikari II/AO II

Mukhya Engineer/Chief Engineer

Copy to :-

All CSE

- 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.

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

Appendix 'A' to CC
CC Calcutta letter No.
131834/S/1845/Encls/EID
dated 25 JUL 87

Ser No.	All India MES No & Name	Whether SC/ST if no say	Date of Birth	Date of regular appt in cadre	Date of appt in cadre	Edn/Tech Qualification
S/L Ser No.						
(1)	(2)	(3)	(4)	(5)	(6)	(7)

322 265240 Sukumal S/T Boro 02-7-50 S/O 19.8.72 19.8.75 S/O Opt 15.7.83 BA 73, SK I 85
B/S II 15.7.83

2 324 NYA Prabal Jyoti Deb Neither 21.10.60 Supvr B/S II 04.7.83 - 04.7.83 SF-76, B Com 81
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 BA 09 (BA 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 II Pt 8.11.83 PU-66, SK I 69
SK I-15.7.70 1.1.74
B/S II-2.4.84

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

Attes
359
Advocate.

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 25xx 9.0.70 B/S II 25.6.84	SK II Qpt 1.7.67	8.11.83	SF-58, SK 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	8.11.83	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	8.11.83	Matric-60 Hindi Proveen-71 SK I-69, B/S I 85
11	362	232250 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	8.11.83	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	8.11.83	SFE-50, IA-61 SK I 70
13	364	210006 Jadupati Prachan	-do-	18 Feb 39	SK II 20.9.63 SK I 31.0.71 B/S II 2.4.84	SK II Pt 1.4.77	8.11.83	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	8.11.83	Matric 60, SK I 69 B/S I 85
15	366	206262 Rendhir Chakraborty	-do-	1xMaxx 9 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	8.11.83	IA-62, SK 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 1.11.87	8.11.83	HSE-62, SK I 70

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 05	
18	369	220083 Samir Chandra Neither Lahiri		13 Feb 37	SK II 13.9.64 SK II SK I 11.9.71 Opt B/S II 29.12.83	1.11.67	8.11.83 IA-56, SK I 70	
19	442	242143 Bhuvan Chandra Ramay Pandey	-do-	5.6.45	SK II 4.9.64 SK II Opt SK I 1.12.71 Opt B/S II 10.12.84	9.11.67	8.11.83 HSE-64, SK I 70 9.6.84 B/S I 06	
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 05	
21	444	206263 Ajit Kumar Das	S/C	1.7.43	SK II 21.11.63 SK II Pt SK I 6.4.76 3.3.70 B/S II 31.1.05	9.6.84 SFE 59 SKI 74		
22	445	232208 B Devasahayan	S/C	23.11.43	SK II 17.2.64 SK II SK I 31.1.76 Opt B/S II 14.12.84	9.6.84 SLC-61 SK I 75		
23	446	216434 Benjamin Toppa		10.10.36	SK II 1.3.66 SK II Pt SK I 25.2.76 1.4.66 B/S II 14.3.05	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 II Pt SK I 1.9.76 1.10.70 B/S II 16.9.85	9.6.84 SFE 61 SK I 75		

42
Devogen
Devogen

(M A Ghosh)
Parshasan Adhikari II/AO XI
Mukhya Engineer/Chief Engin

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

ALL INDIA SENIORITY LIST SUPVR B/S 3de-11

1. Two copies of following seniority list are forwarded herewith:-
 - (a) All India seniority list of Supvr B/S 3de-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 3de-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 same rests 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 serial No (mention numbers in the seniority list) are borne on the strength of their Command and that the M/o 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 effected 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 AGCs upto and including the year ending 31 Mar 93. Those are required to be forwarded to this Headquarters at short notice on receipt of further 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/42 02/DPC/CC/.../D dt 28 Oct 92 are complied with according to which the following categories of persons will be considered as involved in disciplinary/other case :-

Attest.
Advocate.

Contd....2/r

(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 Ct 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 Ct dossier being sent is complete in all respect with part ACI/ICl 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 excrise 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 NC 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 8x8x8x8x 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

AttoS.Cd.
Advocate.

Appx 'A' to E-in-C's Br letter No
41268/Ein(Sub) dt 29 Jul '94

SENIORITY LIST OF JUNIOR B/S AND E/S

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	Loc. Opt	31 Mar 96 01 Nov 67	BA-67, SK	Exam-70
2.	MES/223269 Ranjit Sanyal	-oo-	13 Feb 44	09 Jul 69	SK - Opt	09 Jul 69 01 Apr 67	BA-54, SK	Exam-71
4.	MES/ NYA Ranjit Kumar Das	S/C	11 May 45	29 Aug 70	-	29 Aug 70	BA-66	
5.	MES/ NYA Rama Shankar Awasthi	Neither	25 Jul 51	29 Apr 72	-	29 Apr 72	M. Sc-71	
6.	MES/436332 Ram Narein	—oo— Blank	15 Jun 43	01 Dec 72	-	01 Dec 72	BA-66	Amended vide E-in-C's letter 41268/EIR(Sub) dt. 29.6.95
10.	MES/419054 Eligious Lakara	S/I	03 Jul 43	07 Dec 72	B/S-II Opt	07 Dec 72 01 Jul 77	SK-II Exam 75 BA-71, E/S -I Exam	(P 101) PE-XXXXVII
13.	MES/246941 Aloke Kundu	Neither	27 Jul 54	10 Jun 75	B/S-II Opt	12 Jun 76 13 Jun 79	EC	B.Com - 74 B.I. Exam - 77 BSI Exam

Ex-155, Sec.
Advocate.

1	2	3	4	5	6	7	8	9
231.	MES/216343 V P	Neither	27 May 45	04 Dec 82	SK-I PT 03 Jun 68	04 Dec 82	EC	SSLC -63, SK - 67 Supvr B/S I Exam- 83
262.	MES/265240 Sukumal	S/T	27 Jul 50	S/U 19 Aug 72	SK PT Supvr B/S II 19 Aug 75	15 Jul 83	EC	BA-73, SK Exam-85
224.	MES/ NMA Probal Jyoti							
	Dec	Neither	21 Oct 69	Supvr B/S II 04 Jul 83		24 Jul 83	EC	76, B.C.Com-31, SK-I 34
211.	MES/263328 Harbhajan	-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	-do-	10 Mar 51	B/S - II 17 Feb 84		17 Feb 84	EC	BA-30, (S/ PT), SK-I 36
221.	MES/NM Partha	-do-	20 Nov 53	B/U - 22 Oct 84	SK-II PT 15 Oct 83	22 Oct 84	EC	B. Sc-73, SK-I Exam-83
✓ 223.	MES/NM Pradyot	-do-	22 Dec 55	B/S-II 20 Oct 84		26 Oct 84	EC	Br-73, SK-35
230.	MES/245246 Natneshwar	-do-	03 Sep 30	SK-II 31 Dec 60 SK-I 15 Jul 70 SKxxSKx95xxSKxxSK B/S-II 22 Apr 84	SK-II 03 Nov 83 xxx Pt 01 Jan 74		EC	PU-65, SK Exam - 69
239.	MES/201034 Mrinal	-do-	19 Jan 40	SK-II 03 Jan 64 SK-I 09 Aug 70 B/S II 25 Jun 84	SK -II PT 03 Nov 83 01 Jul 67		EC	SP-56, SK-I-67, S/U - I Exam-83
240.	MES/232215 Niranjan Dey	-do-	01 Dec 44	EDC/07 Feb 63 SK-II/20 Sep 65 SK-I/05 Jul 70 B/S-II/20 Jun 84	SK-II PT 15 Mar 69 15 Mar 69 S/Man PT	08 Nov 83	EC	Matric-51, SK -I-68
241.	MES/220031 Shishandu	-do-	01 Jul 42	SK-II/15 Mar 66 SK-I/06 Jul 70 B/S-II/20 Jun 84	SK-II PT 15 Mar 69 S/Man PT	08 Nov 83 08 Nov 83	EC	Matric-60, SK-I- 69, Hindi Parveen-71, B/S- I Exam-85
242.	MES/232258 Sasanka	Sekhar	-do-	01 Apr 40	S/Man;01Mar 62 KS-II/13 Oct 66 SK-I/01 Jul 70 B/S-II 03 Nov 83	SK-I PT 1-8-81 01 Jul 65	EC	SKSKSKSKSK Matric- 59 SK- 65 B/S Exam- 85

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Contd....6/-

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243.	MES/201462 Kumar Mahata	Bananta Bosesta	Neither	17 Mar 40	SK-II 13 Aug 63 SK-I 10 Sep 71 B/S-II 03 Aug 84	SK-II apt 01 Apr 74	03 Nov 83	EC SFS-58, IA-61, SK-I-35
244.	MES/210035	Jadupati Trachen	-do-	18 Feb 39	SK-II/21 Aug 63 SK-I/17 Aug 71 B/S-II/22 Apr 84	SK-II Pt 01 Jul 77	03 Nov 83	EC IA-57, SK-70, B/S-1 Exam-35
245.	MES/242047	Mohendra Nath Changni	-do-	01 May 39	SK-II 02 Nov 63 SK-II/17 Nov 71 B/S-II/21 Nov 83	SK-II Pt 01 Jul 82	03 Nov 83	EC Matric-60, SK-I-59 B/S-1 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 apt 01 Nov 67	03 Nov 83	EC IA-62, SK-I-70, B/S-1 Exam-35
247.	MES/210578	Jogendra Singh	-do-07 Mar 45	SK-II/30 Jul 64 SK-II/22 Nov 71 B/S-II/21 Apr 84	SK-II apt 01 Nov 67	03 Nov 83	EC BSE-62, SK-I-70	
248.	MES/242235	Biney Bhushan Das	-do-01 Mar 46	SK-II/03 Sep 64 SK-II/15 Oct 71 B/S-II/11 Jun 84	-	03 Nov 83	EC PU-64, SK-I-70, B/S-1 Exam-35	
249.	MES/220033	Samir Chandra Lahirir	Neither 13 Feb 37	SK-II/13 Sep 64 SK-II/11 Sep 71 B/S-II/29 Dec 83	SK-II apt 01 Nov 67	03 Nov 83	EC IA-56, SK-I-70	
343.	MES/242143	Chandra Panday	-do- 06 Jul 45	SK-II/09 Nov 64 SK-II/01 Dec 71 B/S-II/10 Dec 84	SK-II apt 09 Nov 67	09 Jun 84	EC HSC-64, SK-I-70, B/S-1 Exam-36	
344.	MES/242058	Gopendra Nath Sharma	do-12 Jul 45	SK-II/23 Nov 64 SK-II/12 Nov 71 B/S-II/01 Jul 85	-	09 Jun 84	EC Matric-52, SK-I-70, B/S-1 Exam-35	

1	2	3	4	5	6	7	8	9
345.	MES/205263	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	Sre-59, SK-I-74
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-87
347.	MES/216434	Benjamin Tappo S/T	10 Oct 35	SK-II 01 Mar 56 SK-I 25 Feb 76 B/S-II 14 Mar 85	SK-II Pt 01 Apr 66	09 Jun 84	EC	Matric-54, SK-I-72
348.	MES/210667	Prahlad 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/205531	Prahlad Singh Neither	21-4-39	16-6-36	SK-I Pt 01-4-31	17-7-35	EC	I Com-53, SK Exam-87
✓368.	MES/255-14	Bianji Panday	-do-	22-5-44	20-3-36	SK-I Pt 01-12-31	17-7-35	EC
								SK-64, SK Exam-87 B/S I Exam-87
369.	MES/237524	Tulash Nath hukan	-do-	01-3-45	25-2-36	SK-I Pt 01-4-32	17-7-35	EC
								PU-60, SK Exam-87 B/S-I Exam-83
✓371.	MES/237602	Arun Prakash Ghosh	-do-	15-12-42	03-1-35	SK-I Pt 01-4-35	17-7-35	EC
								PU-63, SK Exam-70, SK B/S-I 83
✓372.	MES/255975	Bikash Kumar Roy	-do-	10-12-44	15-12-35	SK-II Pt 31-4-38 3-3-70	17-7-35	EC
								Matric-65, SK Exam-70 B/S-I Exam-87
✓373.	MES/22098	Dulal Chandra Roy	-do-	18-5-44	07-4-35	-	17-7-35	EC
								HS-51, SK Exam-70 B/S-I Exam-87
✓375.	MES/435792	Soumen Kumar Chakraborty	-do-	25-12-42	27-3-35	SK-II Pt 31-1-74	17-7-35	EC
								Matric-57, SK Exam-87 B/S I Exam-83
✓376.	MES/246044	Prasanta Kumar Roy	-do-	11-3-38	07-2-35	SK-II Pt 01-5-74	17-7-35	EC
								PU-65, SK-I Exam-71 B/S I Exam-87

Bited

Devocate

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	5-5-38	SK-II Pt 01-6-74	17-7-85	EC SF-59, SK Exam-71, B/S-I Exam-37
427.	MES/154070	KB Patader	-do-	30-	20 Jul 86	SK-II Pt 01 Aor 88	30 Apr 86	SSC-60, SK I-74
497.	MES/237633	Dipak Kumar Ghosh	-do-	03-1-43	26-3-37	SK-II opt 13-3-70	08-3-87	EC SK 59, SK Exam-70
498.	MES/216154	Bandopadhyay	-do-	9-10-44	15-10-37	SK-II Pt 01-4-74	08-3-87	EC HSE-63, SK Exam-71 B/S I Exam-33
499.	MES/201291	Viresh Kumar Pant	-do-	10-10-41	08-9-37	SK-II Pt 01-11-76	08-3-87	EC HO-63, SK Exam-71 HSE-57 SK Exam-71 B/S Exam-92
505.	MES/134409	Suresh Ghosh Sen. (C.L.)	-do-	22-Nov-55	29 Nov 88			
572.	MES/245768	Satya Narayan Pandey	-do-	03-7-42	08-9-30	SK II Pt 01-4-84	15-9-89	EC BA-66, SK Exam-72 B/S I Exam

Atto. Ed.
Advocate.

Tele - 3019107

FM 110000 10 JUL 95

/EIR (Sub)

Coord Pers Directorate/EIR (Sub)
Engineer-in-Chief's Branch
Army Headquarters
DHA 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 Bombe, DGNP Visakhapatnam, CME Pune-31

Internal

E Corrd 1, EIR(0)

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.

Attoe Cd.
Advocate.

PANEL FOR PROMOTION : SUPVR B/S Gde II TO
SUPVR B/S GDE I

Ser No	MES No	Name	Remarks
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Attest'd.
Advocata.

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Alles. cd.
Advocate.

MES No	Name	Remarks
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128.		157. S. 7/-
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130.	205074 Partha Sengupta	20.10.84
131.		
132.	203682 Pradyot Roy	26.10.84
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Attest. ed.
Advocate.

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Attas. ed.
Advocate.

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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.			
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211.	255914	Lalanji Pandey	-do-
212.			17-7-85
213.	237602	Arunprakash Ghosh	-do-
214.	255973	Bikash Kumar Roy	-do-
215.	220098	Dulal Ch Dey	-do-
216.			17-7-85
217.	435792	Souman Kumar Chakravarty	-do-
218.	246044	Prashanta Kumar Roy	-do-
219.	246079	Nihir Kumar Sen	-do-
220.			17-7-85
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(Total two hundred thirty one persons only)

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

Attest'd.
Advocate.

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24/5/96
Sarita
Add Ch. 5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

139
24 MAY

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:-

- 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 outcome 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 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.e.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 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 8.3, 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 P.O. 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 Engineers