

50/600  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No 111/95.....  
R.A/C.P No.....  
E.P/M.A No.....

1. Orders Sheet..... Pg. 1..... to 3.....
2. Judgment/Order dtd. 2.8.95..... Pg. 1..... to 4.90.....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... Pg. 1..... to 26.....
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg..... to.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Salita  
5.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN. NO.	111	OF 1995
TRANSFER APPLN. NO.		OF 1995
CONT EMPT APPLN. NO.		OF 1995 (IN OA NO. )
REVIEW APPLN. NO.		OF 1995 (IN OA NO. )
MISC. PETN. NO.		OF 1995 (IN OA NO. )

All Assam Police Association & Ors. APPLICANT(S)

U. O. J. & Ors. RESPONDENT(S)

FOR THE APPLICANT(S)

MR. G.K. Bhattacharjee  
MR. G. Das  
MR. B. Chakraborty  
MR. A.K. Choudhury  
Addl. CG.S.C.

FOR THE RESPONDENTS

OFFICE NOTE

DATE

ORDER

This application is in  
form and within time.  
C. F. of Rs. 50/-  
deposited vide  
IPO/BD No. 884670  
Dated 19.6.95

23-6-95

Mr. G.K. Bhattacharjee for the  
applicant. Mr. A.K. Choudhury, Addl. CG.S.C.  
for the respondents.

Issue notice before admission to  
the respondents to show cause as to why  
application be not admitted. Returnable  
on 10-7-95. In this case Mr. A.K. Choudhury  
Addl. CG.S.C. seeks to appear for respon-  
dent No. 1. However, notices be directly  
issued to the <sup>rajd</sup> respondents. Learned Addl.  
C.G.S.C. request to file memo of appear-  
ence in due course.

*luc*  
Vice-Chairman

1m

*60*  
Member

Replies are due  
& issued v/n. 2744 of 8  
Jy. 30.6.95

*TKJ*

Service reports are still  
awaited

Notice due on  
R. No. 2, 3 & 5, K.C.P.

*17/7*

18-7-95

Mr. G. N. Das for the applicant.

Mr. A. K. Choudhury, Addl. C. G. S. S. C for respondent No. 1. Mrs. M. Das for respondents 2 & 3. Respondent No. 5 State of Meghalaya served. Respondent No. 4 not served. Mrs. M. Das respondent No. 2 & 3 and the State of Meghalaya through Mr. A. K. Choudhury Addl. C. G. S. C. who is instructed to mention <sup>on</sup> ~~prayer~~ for some more time to file show cause reply.

Adjourned to 2-8-95. It does not appear that notice on respondent No. 4 has been issued by the office. The office is directed to issue fresh notice immediately to the said respondents to be served and delivered together with the ~~copy of the notice above order of order dated 23-6-95~~ also be should be sent the copy of the O.A. and order dated 23-6-95 shall also be sent alongwith the notice.

Notice was issued to  
R. No. 4 & duly served  
Ad at 'c' file.

lm

Vice-Chairman

Member

~~On file~~

## O.A. No. 111/95

OFFICE NOTE	DATE	COURT'S ORDER
<p><u>25.8.95</u> Copy of Judg's Order dtd. 2.8.95 issued to all concerned by hand. Copy of Respt. No. 105 by Regd. Post. side Also issued to the counsel of both sides side of No. 3828-34 dtd. 28.8.95.</p>	2.8.95	<p>Mr G.K. Bhattacharyya with Mr G.N. Das for the applicant.</p> <p>Mr A.K. Choudhury, Addl. C.G.S.C. for respondent No.1.</p> <p>None present for respondents No.2, 3, 4 and 5 although served.</p> <p>The O.A. is disposed of.</p> <p>Detailed order contained in separate sheets. Copy of order to be supplied to Mr. G.K. Bhattacharyya and Mr. A.K. Choudhury. Issue order to the respondent No. 2, 3 &amp; 4 by hand delivery and to other people in usual manner. b</p> <p style="text-align: right;">Vice-Chairman <u>hell</u> Member <u>DR</u></p>

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI-5

O.A.No.111/95

Date of decision 2.8.1995

(Admission Stage)

1. All Assam Police Association

PETITIONER(S)

2. Shri Prabhat Singh Lahkar

Shri G.K. Bhattacharyya with  
Shri G.N. Das

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Shri A.K. Choudhury, Addl. C.G.S.C. for  
respondent No.1.

ADVOCATE FOR THE  
RESPONDENT(S)

Respondent Nos. 2, 3, 4 and 5 served.

THE HON'BLE JUSTICE SHRI M.G. CHAUDHARI, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L. SANGLYINE, MEMBER (A)..

1. Whether Reporters of local papers may be allowed to see the Judgement? yes
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman.

*M.G.Chaudhury*

X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.111 of 1995

Date of decision: This the 2nd day of August 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

The Hon'ble Shri G.U. Sanglyine, Member (Administrative)

1. All Assam Police Association  
Ulubari, Guwahati.

2. Shri Prabhat Singha Lahkar  
Deputy Superintendent of Police,  
General Secretary,  
All Assam Police Association,  
Ulubari, Guwahati.

.... Applicants

By Advocate Shri G.K. Bhattacharyya with  
Shri G.N. Das

-versus-

1. Union of India, represented by  
the Secretary to the Government of India,  
Ministry of Home Affairs,  
New Delhi.

2. State of Assam, represented by  
the Chief Secretary to the Government of Assam,  
Dispur, Guwahati.

3. Commissioner and Secretary to the  
Government of Assam,  
Home Department,  
Dispur, Guwahati.

4. Director General of Police,  
Assam,  
Ulubari, Guwahati.

5. State of Meghalaya, represented by  
the Chief Secretary to the Government of Meghalaya,  
Shillong. .... Respondents

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.  
for respondent No.1

Respondent Nos.2, 3, 4 and 5 served.

.....  
*hcr*

6

ORDER

CHAUDHARI.J. (V.C.)

Mr G.K. Bhattacharyya with Mr G.N. Das for the applicant.

Mr A.K. Choudhury, learned Addl. G.G.S.C., for respondent No.1.

None present for respondent Nos.2, 3, 4 and 5 although served.

Heard Mr G.K. Bhattacharyya. We had hoped that the respondent Nos. 2 and 3 will enlighten us on the action proposed to be taken by the respondents for triennial cadre review. Although Mrs M. Das had appeared for the said respondents on 18.7.1995 and was aware of the adjourned date still no show cause reply has been filed nor the counsel is present.

2. The short grievance of the All Assam Police Association is that the respondent Nos.2, 3 and 5 have not been performing their statutory duty to hold a triennial review of the cadre strength as required under Rule 4 (2) of the IPS (Fixation of Cadre Strength) Regulations and that has and is affecting adversely the members of the Association who are eligible to be considered for promotion to the IPS. The said officers thus are being denied a fair opportunity for advancement of their career and entry into the IPS. It is stated in the application which has not been controverted by the respondents by filing any show cause reply that it was pursuant to the earlier decision of this Tribunal, (1988) 6 ATC 801, that the review was held on 1.5.1986. The next review was held on 27.9.1991. The subsequent review was due in May 1989

*hsl*

and thereafter in May 1992. These reviews have not been held. The last review was due to be held in February 1995, but it has not been so far held. It is the grievance of the applicants that without holding a regular triennial review a review was purported to be made in January 1992, but the proposals that were made after the 1989 review were taken into consideration. According to the applicants there should have been an independent review made in February 1995 and the proposals could not be based on 1989 review which has caused serious prejudice to the applicants in the Assam - Meghalaya Joint Cadre.

3. Two things, therefore, become apparent, namely, that the respondent Nos. 2, 3 and 5 have not been following the provisions of Rule 4(2) of the Cadre Rules and the action taken by them since 1989 without holding further periodic triennial cadre reviews appears to have adversely affected the legitimate chances of the members of the applicant association and that would not be fair treatment to them. The respondent Nos. 2, 3 and 5, therefore, are required to look into the grievance of the <sup>applicants</sup> assessment seriously and take steps as are necessary to comply with the requirement of Rule 4(2) of the IPS Cadre Rules. The respondents also <sup>are</sup> required to seriously look into the grievance of the applicant that the basis so far adopted relying upon the proposals made at the 1989 review has caused prejudice to them affecting their promotional prospects adversely.

4. Thus what the applicants seek is that the respondents should act consistently with Rule 4(2) of the IPS Cadre Rules and performing their legal obligations. It is needless to say that a statutory obligation has to

be....



be carried out and in the absence of any convincing  
having been  
reasons been pointed out for the delay we think that the  
respondent Nos. 2, 3 and 5 should take early steps to  
fall in line with the requirements of Rule 4(2) of the IPS  
Cadre Rules. According to the applicants the review was  
due in February 1995. Prima facie it appears to be so. A  
considerable delay has been caused by this time in holding  
the review. It is, therefore, desirable that the exercise  
is completed as expeditiously as practicable.

5. Now the grievance of the applicants as indicated  
above has been reflected in the representations filed by  
the Association on 24.4.1995 and 23.5.1995. The applicants  
say that they have not as yet been informed about any  
decision taken on these representations. We, therefore,  
hope and desire that the respondents will deal with the  
said representations in the light of above observations  
regarding necessity to carry out legal obligations and  
take steps to remove the dissatisfaction among the members  
of the applicant association. The decision taken on the  
representations be communicated to the Association.

6. With the above observations we do not think that  
any fruitful purpose will be served by admitting the  
application and keeping it pending having regard to the  
urgency of the nature of relief sought by the applicants.  
In order to be able to dispose of the matter earlier we  
had given opportunity to the respondents to show cause, but  
the concerned respondents have not chosen to avail ~~of~~ <sup>of</sup> that  
this opportunity. Hence we dispose of the O.A. in terms  
of the observations made hereinabove for the guidance of

the.....

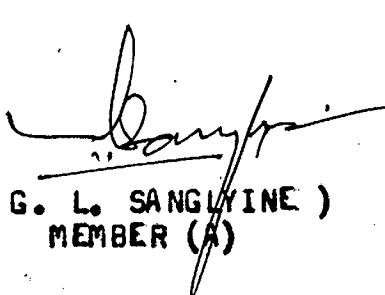
*hcc*

✓ the respondents and respondent Nos. 2, 3<sup>4</sup> and 5 in particular.

As there has been no response from the respondents we are constrained to give liberty to the applicant to move the Tribunal again if so necessary and if they are so advised if their representations are not disposed of within a period of three months from the date of receipt of copy of this order by the respondents or if the respondents reject the representations earlier. The contentions urged at the present stage as may be relevant will be open to agitated.

7. The original application is accordingly disposed of.

8. Copy to be supplied to Mr G.K. Bhattacharyya and Mr A.K. Choudhury. Issue the order to the respondent Nos. 2<sup>3 and 4</sup> and 3 by hand delivery and to other respondents in usual manner.

  
( G. L. SANGHINE )

MEMBER (A)

  
( M. G. CHAUDHARI )  
VICE-CHAIRMAN

nkm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH: GUWAHATI.

Guwahati Bench

গুৱাহাটী দায়িত্বস্থ বৰ্ষা

247

22 JUN 1995

Filed by:  
Geophilmath Das  
Advocate.

Prabhat Singh Lahkar  
General Secretary  
A.A.T.

O.A. 111 /95.

Shri Prabhat Singh Lahkar.

-Versus-

Union of India and Others.

1 : PARTICULARS OF THE APPLICANTS:

- 1) All Assam Police Association,  
Ulubari, Guwahati.
- 2) Shri Prabhat Singh Lahkar,  
Deputy Supdt. of Police.  
General Secretary,  
All Assam Police Association,  
Ulubari, Guwahati.

2 : PARTICULARS OF THE RESPONDENTS:

- 1) Union of India (Represented by the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.)
- 2) State of Assam (represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati.)
- 3) Commissioner and Secretary to the Govt. of Assam, Home Department, Dispur, Guwahati.
- 4) Director General of Police, Assam,  
Ulubari, Guwahati.
- 5) State of Meghalaya (Represented by the Chief Secretary to the Govt. of Meghalaya, Shillong.)

Received copy  
A.K. Choudhury  
Fodell (y5C  
19/6/95

Contd..... 2.

3 : THE APPLICATION IS AGAINST THE FOLLOWING ORDERS:

Action of the authorities in not discharging the duties cast by the provisions of Rule 4(2) of the I.P.S. (Cadre) Rules, 1954 within a reasonable period thereby adversely affecting the interest of the Members of the applicant Association.

4 : THE APPLICANTS DECLARE THAT THE SUBJECT MATTERS OF THE ORDERS ARE WITHIN THE JURISDICTION OF THIS TRIBUNAL:

5 : THE APPLICANTS DECLARE THAT THE APPLICATION IS WITHIN THE LIMITATION PRESCRIBED UNDER SECTION 21 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985.

6 : FACTS OF THE CASE :

1) That the applicant No.1 is an Association of the Police officers under the State of Assam having its office at Anil-Muzzamil Road, (opposite Apsara Cinema) Ulubari, Guwahati duly approved by the Govt. of Assam. The applicant No.2 who is an officer of the Assam Police Service is the General Secretary of the Association and he is authorised to make all correspondence/take steps on behalf of the members of the Association. The members of the Association have a common grievance and as such they are approaching this Tribunal in a representative capacity to avoid multiplicity of litigation and as, if relief is granted, the members of the Applicant-Association will be benefitted.

2) That the applicant-Association includes members of the senior grade of the Assam Police Service and they are eligible to be considered for promotion to the Indian Police

Contd.....

Service (I.P.S. in short) for advancement of their career.

3) That the Central Govt., after consultations with the State Govts, made the I.P.S. (Recruitment) Rules, 1954, in exercise of powers conferred by sub-section 4 of sec.3 of the All India Services Act, 1951. The afore-said Rules lay down the method of recruitment and other conditions for being appointed to the I.P.S. Appointments to the IPS can be made either by direct recruitment or by promotion from amongst the members of the State Police Service and Rule 9(1) of the said Rules empowers the Central Govt. to make such Regulations for regulating the recruitment by promotion.

The Central Govt., in exercise of powers under Rule 9(1) of the Recruitment Rules, made the IPS (Appointment by Promotion) Regulations, 1955. The said Regulations provide for the constitution of a Selection Committee for preparing a list of such members of the State Police Service as are held by them to be suitable for promotion to the IPS. The committee is required to consider the cases of the members of the State Police Service in order of seniority of a number which is equal to three times the number of vacancies.

4) That vacancies in a cadre arise out of a variety of reasons, like, retirement, creation of new posts and promotion to higher cadres besides unforeseen vacancies caused by death, resignation, permanent transfer outside the cadre, termination of service by dismissal, removal or premature retirement of any kind. A method is also prescribed for creation of new substantive posts.

5

The Central Govt., in exercise of powers conferred by sub-section 1 of section 3 of the All India Services Act, 1951 made the I.P.S. (Cadre) Rules, 1954.

The strength and composition of each of the cadres are fixed as per the I.P.S. (Fixation of Cadre Strength) Regulations. Rule 4(2) of the Cadre Rules provides as follows:-

"4(2) : The Central Govt. shall, at intervals of every three years, re-examine the strength and composition of each such cadre in consultation with the State Govt. or State Govts. concerned and may make such alterations therein as it deems fit.

Provided that nothing in this sub-Rule shall be deemed to affect the power of the Central Govt. to alter the strength and composition of any cadre at any other time."

5) That the applicant begs to state that under the afore-said Rule, the Central Govt., in consultation with the State Govt., is required to re-examine the strength and composition of the cadre at the interval of every three years and this duty is required to be discharged without unreasonable delay so that it does not cause any adverse effect on the persons whose interests are governed by the aforesaid Rules and Regulations relating to recruitment, promotion, seniority or pay. It will be relevant to mention here that the I.P.S. officers of the State of Assam and Meghalaya are grouped together and is known as the Joint Assam-Meghalaya Cadre.

6) That the applicants beg to state that the provisions of these Rules and Regulations are interconnected in such a manner that a failure to act strictly in accordance with one results in the failure to act strictly in conformity with the spirit of certain provisions in ~~other~~ <sup>other</sup> Rules or Regulations and the provisions in the Rules and Regulations have to be read together and harmoniously. Thus violation of the provisions of holding a triennial review of the cadre strength as contemplated under Rule 4(2) of the Cadre Rules adversely affects and prejudices the officers of the State Police Service as normally the vacancies against the promotion quota increases after a triennial review.

7) That the applicants beg to state that, unfortunately there has been repeated violation of Rule 4(2) of the I.P.S. (Cadre) Rules, 1954 by which the Central Govt. is mandatorily required to re-examine the strength and composition of the cadre in consultation with the State Govt. jeopardizing the career prospects of the State Police Service Officers.

8) That the strength of the cadre was re-examined in 1982-83 effective from 20.4.83 and the next triennial review was due in May, 1986. Unfortunately, without holding the triennial review in 1986, a meeting of the Selection Committee was held on 30.12.86 though the proposal for the triennial review was forwarded by the Joint Cadre Authority in May, 1985. In the said proposal, the number of posts in the promotion quota for Assam has been shown as raised from 22 to 30 i.e. a rise of 8 vacancies which was not taken into consideration by the

Selection Committee. One of the ex-members of the Association, Shri Gopinath Das, had filed an application before this Hon'ble Tribunal which was numbered as G.C. 57/87 in which the action of the authority in not holding the triennial review in time was challenged. This Hon'ble Tribunal, after hearing all the parties concerned, by judgment dt. 13.11.87, had held that where a re-examination of the cadre strength is overdue, the non-consideration of likely vacancies to be created by the statutory ~~re~~-examination, while assessing the anticipated substantive vacancies, was prejudicial to the officers and that the failure to do that had caused the applicant a genuine grievance and directed the Central Govt. to take a decision on the State Govt's proposal for re-examination of the strength and composition of the cadre for Assam and Meghalaya within a period of three months (Judgment reported in (1988) 6 ATC 801).

9) That, in pursuance to the said judgment, the Govt. of India belatedly, by DP & T Notification No.11052/7/88-AIS(ii) (A) dt. 19.12.88, reviewed the cadre strength as on 1.5.86 and as a result the promotion quota was increased from 27 to 34 and seven vacancies arose on 1.5.86 to be filled up by promotion of State Police Service Officers to the I.P.S. Cadre.

10) That, as per Rule 4(2) of the Cadre Rules and the Judgement of this Hon'ble Tribunal holding the said Rule to be mandatory, the next triennial review was due to be held in May, 1989. The applicants understand that a proposal was submitted by the Joint Cadre Authority in 1989 itself but that no action was taken on the same. Ultimately, a meeting of the triennial review committee was held on 27.9.91 and the Central Govt, vide Notification No.11052/10/91-AIS(ii)-A

dt. 17.1.92, made the I.P.S. (Fixation of Cadre Strength)- Second Amendment Regulation, 1992 by which the entries occurring in the schedule to the I.P.S. (Fixation of Cadre Strength) Regulation was substituted. However, the outcome of this review made on the basis of the proposal sent in 1989 did not benefit the State Police Service Officers as against the proposal to increase the cadre posts of Commandants from 9 to 11 and by creating 4 more S.P. rank cadre posts for four new districts, the review committee withdrew four cadre posts of Commandants from the existing 9 and allotted the same to the newly-created four posts of Supdts. of Police with the result that there was no increase in the cadre strength.

A copy of the said Notification is annexed herewith and marked as Annexure- I.

11) That after the judgment passed by this Hon'ble Tribunal, by Notification dt. 19.12.88, the cadre strength was reviewed as on 1.5.86. As such, as per Rule 4(2) of the Cadre Rules, the next review was due in May, 1989 and thereafter in May, 1992. However, no such review was carried out and by Notification dt. 17.1.92. (Annexure-I), the cadre was reviewed on the basis of the 1989 proposal and the said review can relate only to 1989. Another review was due ~~xxx~~ in May, 1992 but again absolutely no action was taken by the Respondents to hold this triennial review for which the members of the applicant Association had to suffer. Even on the basis of the review belatedly notified in January, 1992, the next

triennial review was due to be held in Feb 1995 but again no steps whatsoever have been taken to review the matter as a result of which eligible members of the applicant Association are being denied promotion otherwise due to them and the members feel that the matter is being unduly delayed at the cost of several eligible officers. A meeting of the Selection Committee, as contemplated in I.P.S. (Appointment by Promotion) Regulation, 1955 was held in March, 1995 without holding any triennial review and on the basis of the old out-dated schedule.

12) That the applicants beg to state that the injustice done to its members will be further evident from the fact that Assam and Meghalaya, being a Joint Cadre, the Officers of A.P.S. and M.P.S., in due course, are promoted to I.P.S. and eventually become members of the Joint I.P.S. cadre of Assam and Meghalaya. As such it is imperative that the year-wise seniority of the officers of the two state services is maintained in order to ensure that officers recruited in a particular year are not superseded by junior officers of any of the two state Services. Unfortunately, while as many as 13 Officers of 1976 batch and 7 Officers of 1977 batch of the Assam Police Service are awaiting promotion to the I.P.S., for want of vacancies, Meghalaya Police Service Officers recruited in 1978 and later have already been promoted to I.P.S. and this is due to mis-management of the cadre.

13) That the applicant - Association met on 22.4.95 and discussed about the mismanagement of the joint cadre and also non-holding of mandatory triennial review in time and resolved that the matter be taken up with the State Govt. through the D.G.P. for holding the triennial review immediately. Copies of the afore-said resolutions were circulated to all concerned including Respondents No.3 and 4.

Copies of the resolutions and the forwarding letter are annexed herewith and marked as Annexure - II (series).

14) That, after submission of the memorandum/ resolutions, the members of the applicant-Association took up the matter with the Govt. and it appears that there has been some confusion regarding holding of the meeting due to lack of proper application of mind. The applicants, to clear the misconception, needed certain documents and as such the applicant, by his representation dt. 23.5.95, again stated the entire facts with the prayer that certain documents be furnished to them but till date there has been no response whatsoever and no action has been taken to hold the review which has already been unduly delayed. The applicants, from the discussions ~~xxd~~ and attitude of the Respondents, are convinced that no useful purpose would be served by waiting any longer and has decided to approach this Hon'ble Tribunal for relief.

A copy of the representation dt 23.5.95 is annexed herewith and marked as Contd..... 10. Annexure - III.

7 : DETAILS OF REMEDIES EXHAUSTED :

The applicants have submitted representations on 24.4.95 and 23.5.95 but no action has been taken and the applicants are convinced that no useful purpose will be served by waiting any longer. The applicants do not have any statutory remedy.

8 : The applicants further declare that they have not previously filed any application/writ petition or suit regarding the matter in respect of which this application has been made before any Court of Law or any other authority or any other Bench of the Hon'ble Tribunal and no such application/writ application or suit is pending.

9 : RELIEF SOUGHT AND GROUNDS :

I) For that the action of the authorities in ~~not~~ not holding the triennial review of the cadre strength in due time before holding the meeting of Selection Committee has caused adverse effects on the members of the applicant-Association inasmuch as the likely alteration in the cadre strength was not taken into account for determining the zone of consideration and as such the action of the authorities is bad in law and liable to be set aside.

II) For that the provisions of the ~~of~~ I.P.S.(Appointment by Promotion) Regulations, 1955 are interconnected with the provisions of the I.P.S.(Cadre) Rules, 1954 inasmuch as

the substantive vacancies anticipated as mentioned in Regulation 5 of the Promotion Regulations are dependent on the cadre strength as determined under Regulation 4(2) of the I.P.S. (Cadre) Rules, 1954. As such, the failure to act strictly in accordance with Rule 4(2) of the Rules has resulted in failure to act in conformity with the spirit of the Promotion Regulations and as such the impugned action which adversely affects the persons concerned is bad in law and liable to be set aside.

III) For that in order to ascertain the correct anticipated substantive vacancies as referred to in Regulation 5(1) of the Promotion Regulations, a mandatory duty is cast on the Respondents to re-examine the strength and composition of the cadre at intervals of every three years as stipulated in Rule 4(2) of the Cadre Rules and since there has been unreasonable delay in performing the same, the delay has caused adverse effects to the members of the applicant-Association and as such the impugned action of the authorities is bad in law and liable to be set aside.

IV) For that not holding the triennial review in time has harmful effect on the eligible officers inasmuch as the substantive vacancies are reduced and less persons come into the Zone of consideration and in the select list and the Regulation 5 of the Promotion Regulations and as such Rule 4 of the Cadre Rules confers a right on the applicants to have the re-examination of the cadre done by the due date and as the Respondents have failed to discharge the statutory

duty under Rule 4(2) of the Rules, this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and direct the Respondents to hold the triennial review from the date it was due.

V) For that in any view of the matter, the impugned action of the authorities in not re-examining the cadre strength when it was due has resulted in the selection Committee meeting held in March, 1995 having a reduced number of substantive vacancies for consideration to the great prejudice of the officers and since the applicants have a genuine grievance, this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and grant relief.

It is; therefore, prayed that

Your Lordships would be pleased to

admit this application, call for the

entire records of the case, ask the

opposite parties to show cause as to

why the Respondents should not be

directed to hold the triennial review

of the Joint Assam-Meghalaya cadre when

it was due as required under Rule 4(2)

of the I.P.S. (Cadre) Rules, 1954 and

after perusing the causes shown, if any,

and hearing the parties, direct that ~~you~~

the triennial review be held when it was

Contd..... 14.13.

due and thereafter hold a fresh Selection Committee meeting under the Promotion Regulations to consider the additional posts, if any and/or pass any other order/orders as Your Lordships may deem fit and proper so as to grant adequate relief to the applicants.

10 : INTERIM ORDERS :

Nil.

11 : DOES NOT ARISE.

12 : POSTAL ORDER NO. 8/03/884670DT. 19-6-95  
issued by the post office at Guwahati is enclosed.

..... Verification.

(H)

VERIFICATION.

I, Shri Prabhat Singha Lahkar, A.P.S., Deputy Superintendent of Police by profession and General Secretary of the All Assam Police Association, aged about 48 years, do, hereby, verify that the contents of paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 are true to my personal knowledge and those made in paragraphs... are believed to be true on legal advice and that I have not suppressed any material fact.

*Prabhat Singha Lahkar*

SIGNATURE OF THE APPLICANT:

General Secretary  
All Assam Police Association  
Gubbari, Guwahati-1

GOVERNMENT OF ASSAM  
HOME (A) DEPARTMENT.ORDERS BY THE GOVERNORNOTIFICATION

Dated Dispur, the 21st February, 1992.

No. HMA.25/89/182 :: The following Notification issued by the Govt. of India, Ministry of Personnel, P.G. and Pensions (Department of Personnel and Training), New Delhi is republished for general information :

No. 11052/10/91-AIS(II)-A, Dated 17.1.1992.

NOTIFICATION.

G.S.R. NO. .... In exercise of the powers concerred by sub-section (1) of Section 3 of All India Services Act, 1951, 61 of 1951) read with sub-rule (2) of Rule 4 of the Indian Police Service (Cadre) Rules, 1954, the Central Government ~~are~~ in consultation, with the Governments of Assam and Meghalaya, hereby makes the following regulations further to amend the Indian Police Service (Fixation of Cadre Strength) Regulation, 1955, namely :

1. (1) These regulations may be called the Indian Police Service (Fixation of Cadre Strength) Second Amendment Regulations, 1992.
- (2) They shall come into force with effect from the date of their publication in the official Gazette.
2. In the schedule to the Indian Police Service (Fixation of Cadre Strength) Regulation, 1955 :-

Contd - 2.

(i) for the heading "Assam-Meghalaya" and the entries occurring thereunder the following shall be substituted namely :-

**"ASSAM-MEGHALAYA"**

1.	Senior posts under the State Government s -	74
	Posts under the Government of Assam -	57
	Director General and Inspector General -	1
	of Police.	
	Inspector General of Police (Trg.& Armed -	1
	Police.	
	Inspector General of Police (Admn.) -	1
	Inspector General of Police (SB) -	1
	Director of Civil Defence and Commandant -	1
	General Home Guards.	
	Deputy Inspector General of Police (Admn) -	1
	Deputy Inspector General of Police(Vig. -	1
	ilance and E.O.)	
	Deputy Inspector General of Police(Range)-	5
	Deputy Inspector General of Police(CID) -	1
	Dy. Inspector General of Police (Border) -	1
	Dy. Inspector General of Police(Training -	1
	and Armed Police).	
	Supdt.of Police/Addl.Supdt.of Police -	23
	Commandant's Police Battalions.	- 5
	Principal Police Training College -	1
	Supdt. of Police, Hailakandi -	1
	Superintendent of Police (CID) -	1
	Superintendent of Police Dhemaji -	1
	Supdts. of Police, (Spl.Branch) -	2

Cont d....3.

Superintendent of Police, Morigaon	- 1
Supdts. of Police (Anti Corruption)	- 2
Superintendent of Police, Bongaigaon	- 1
Asstt. Inspector General of Police	- 2
Superintendent of Police, Tinsukia	- 1
<b>Total Assam</b>	<b>- 57</b>

<b>Posts under the Government of Meghalaya</b>	<b>- 17</b>
Director General & Inspector General of Police.	- 1
Inspector General of Police (Hqr./CID)	- 1
Deputy Inspector General of Police (Re-organisation & Welfare)	- 1
Dy. Inspector General of Police(Range)	- 1
Supdts.of Police/Addl. Supdts.of Police	- 7
Asstt. Inspector General of Police	- 1
Spl. Supdts. of Police (SB)	- 1
Special Supdt.of Police (CID)	- 1
Principal Police Training School	- 1
Commandants, Police Battalion	- 2
<b>Total Meghalaya</b>	<b>- 17</b>

**Total-Assam-Meghalaya - 74**

2. Central deputation Reserve of 40% of above	- 30
3. Posts to be filled by promotion in accordance with rule 9 of the IPS Recruitments Rules, 1954 @ 33.3% of 1 above	- 34
4. Posts to be filled by direct recruitment (1+2+3) above.	- 70
5. Deputation Reserve @ 25% of 1 above	- 18
6. Leave reserve, Junior posts and Training Reserve @ 30% of 1 above	- 22
<b>Direct Recruitment Promotion posts</b>	<b>-110 - 34</b>
<b>Total Authorised Strength</b>	<b>-144</b>

Contd...4.

Note : (1) The authorised strength of Assam-Meghalaya cadre was 142 prior to issue of this Notification.

(2) Principal regulations were published in part-II Section 3 of Gazette of India vide SRO No.3851 dated 22.10.55. The Cadre Schedule in respect of Assam-Meghalaya was subsequently amended vide GSP No.42 E dated 27.1.72, GSR No.342 dated 29.4.78 GSR. No.198 E dated 16.7.82 GSR. No.765 E dated 18.12.82 and 1005 dated 31-12-88.

Sd/- CHANDER PRAKASH  
DESK OFFICER.

Sd/- G.C. Chutia,  
Under Secretary to the Govt. of Assam,  
Home(A) Department.

Memo No.HMA.25/89/182-A Dated Dispur, the 21st February, 1992.  
Copy to :-

1. The P.S. to Chief Secretary, Assam, Dispur.
2. The P.S. to Chief Secretary, Meghalaya, Shillong.
3. The Director General and Inspector General of Police, Assam. Ulubari, Guwahati-7.
4. The Director General and Inspector General of Police, Meghalaya, Shillong.
5. The Accountant General, Assam etc. Shillong.
6. The Secretary, Joint Cadre Authority and Secretary to the Govt. of Assam, Department of Personnel, Dispur.
7. The Secretary to the Govt. of Meghalaya, Home(P)Dept. shillong.
8. The Director (Police), Ministry of Home Affairs, New Delhi.
9. The Under Secretary to the Govt. of India, Ministry of Personnel, P.G. and Pensions, New-Delhi.
10. The Under Secretary to the Govt. of Assam, Finance(EC-II) Deptt. Dispur.
11. The Under Secy. to the Govt. of Assam, Finance(Estt-A)Dept.
12. The Publisher, Assam Gazette, Bamunimaidan, Guwahati-21 for favour of publication in the next issue of Assam Gazette.

By Order-

Sd/- Illegible.

Under Secretary to the Govt. of Assam,  
Home(A) Department

.....





# All Assam Police Association

( Amalgamated on 27th Sept '86 of Police Association approved by the Govt. of Assam in 1923 and Assam Police Service Association approved by the Govt. of Assam in 1958 )  
ANIL MUZAMMIL ROAD (OPPOSITE APSARA CINEMA).

ULUBARI, GUWAHATI-781007.

Letter No. A.A.P.A. VOL-I/156/95

Date 24-4-95.

Adviser :

Sri Dulal Sarmah, (A.P.S.)  
Sri Ajit Kr. Sarmah (Insp.)

President :

Sri Siva Prasad Sarmah (A.P.S.)

Working President :

Sri Garga Narayan Dutta-  
Choudhury (Insp.)

Vice President :

Sri Rajani Goswami (S.I.  
A.P.R.O.)

General Secretary :

Sri Prabhat Singha Lahkar  
(insp.)

Asstt. Secretary :

Sri Harish Sarmah (S.I.)  
Smti Renu Dutta Phukan (S.I.)

Chief Organising Secretary :

Sri Pradip Bordoloi, (A.S.I.,  
A.P.R.O.)

Organising Secretary :

Sri Amalendu Bhutan Dev (SI)  
Sri Ramen Hazarika, (Hav)  
Sri Ramen Sarmah (NK)  
Sri Jibon Sarkar (Const.)

Treasurer :

Sri Hem Ch. Sarmah (Hav.  
A.S.F.O.)

Publicity Secretary :

Sri Kaushik Bhattacharjee (SI)

TO,

The Home Secretary  
Govt. of Assam,  
Dispur.

Sub :- Proceeding of emergent executive Committee  
meeting held on 22-4-95 on the subject of  
gross mismanagement of the Joint Assam Megha-  
laya Cadre of Indian Police Service.

Sir,

I am sending herewith the (original)- copy of  
proceeding of the emergent executive Committee meeting  
held on 22nd April /1995 at the office building of  
All Assam Police Association for favour of your kind  
perusal and necessary action.

Yours faithfully,

*Ranjan 24/4*  
General Secretary  
All Assam Police Association.  
Assam, Guwahati.

*Rec'd  
24/4/95  
to Home Secy.*

*Attested  
Bill ASR*



# 20 All Assam Police Association

( Amalgamated on 27th Sept '86 of Police Association approved by the Govt. of Assam in 1923 and Assam Police Service Association approved by the Govt. of Assam in 1958 )  
ANIL MUZAMMIL ROAD (OPPOSITE APSARA CINEMA).

ULUBARI, GUWAHATI-781007.

Adviser :

Sri Dulal Sarmah, (A.P.S.)  
Sri Ajit Kr. Sarmah (Insp.)

President :

Sri Siva Prasad Sarmah (A.P.S.)

Working President :

Sri Garga Narayan Dutta-  
Choudhury (Insp.)

Vice President :

Sri Rajani Goswami (S.I.  
A.P.R.O.)

General Secretary :

Sri Prabhat Singha Lahkar  
(insp.)

Asstt. Secretary :

Sri Harish Sarmah (S.I.)  
Smti Renu Dutta Phukan (S.I.)

Chief Organising Secretary :

Sri Pradip Bordoloi, (A.S.I.,  
A.P.R.O.)

Organising Secretary :

Sri Amalendu Bhusan Dev (SI)  
Sri Ramen Hazarika, (Hav.)  
Sri Ramen Sarmah (NK)  
Sri Jiban Sarkar (Const.)

Treasurer :

Sri Hem Ch. Sarmah (Hav.  
A.S.F.O.)

Publicity Secretary :

Sri Kaushik Bhattacharjee (SI)

Letter No. A.A.P.A. VOL-I/157/95

Date 24-4-95.

TO,

The Director General of Police,  
Assam, Guwahati.

Sub :- Proceeding of emergent executive Committee  
meeting held on 22-4-95 on the subject of  
gross mismanagement of the Joint Assam Megha-  
laya Cadre of Indian Police Service.

Sir,

I am sending herewith the photostat copy of  
Proceeding of the emergent executive Committee meeting  
held on 22nd April /1995 at the office building of  
All Assam Police Association.

In this connection, we have send a  
copy of the proceeding of the executive committee  
meeting of A.A.P.A., to Home Secretary, Assam and  
P.S. to the Chief Minister, Assam for favour of kind  
perusal and necessary action.

yours faithfully,

*Rahjee* 24/4  
General Secretary.

All Assam Police Association.  
Assam, Guwahati.

*Attested*  
*By*  
*AS*

--- x ---

# জন্মো অসম আৰক্ষী দণ্ড

(21)

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সহা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সহাৰ চামিলকৰণ সহা)  
অনিল মুজাহিদ বোড (অসমা চিনেমাৰ সমূখ্যত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

## কাৰ্য্যকৰী কমিটি :

আজি ইঁ ১১-৪-৯৩ তাৰিখৰ বিষয়  
বাচনি সভাত সৰ্বসমূহতি কৰ্মে নিয়মোন্নে-  
থিত সভা সকলক লৈ নতুন কাৰ্য্যকৰী  
কমিটি গঠন কৰা হয়—।

## উপদেষ্টা :

শ্রীচূলাল শৰ্মা এ.পি. এচ.

শ্রীঅজিত কুমাৰ শৰ্মা, আঃ পৰিদৰ্শক

## সভাপতি :

শ্রীশিৰ প্ৰসাদ শৰ্মা, এ.পি. এচ.

## কাৰ্য্যকৰী সভাপতি :

শ্রীকুলধৰ দাস, আঃ পৰিদৰ্শক

শ্রীগুৰু নাথয়ন দত্ত চৌধুৰী,

আঃ পৰিদৰ্শক।

## উপ সভাপতি :

শ্রীবজনী গোষ্ঠীমী, আঃ উপ

পৰিদৰ্শক

শ্রীঅৰবিন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্রীপ্ৰভাত সিংহ সহকৰ

আঃ পৰিদৰ্শক

## সহ সাধাৰণ সম্পাদক :

শ্রীহৰি শৰ্মা, আঃ উপ পৰিদৰ্শক

শ্রীমতী ৰেম্বেন্ট ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্রীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক

শ্রীঅমলেন্দু ভূষণ দেৱ, —এ—

শ্রীবমেন হাজৰীকা, আঃ হাবিলদাৰ

শ্রীজীৱন চৰকাৰ, আঃ কনষ্টেবল

শ্রীবমেন্দু শৰ্মা, নায়ক

## ধন ভৱালী :

শ্রীহেম চন্দ্ৰ শৰ্মা, আঃ হাবিলদাৰ

পৰিদৰ্শক

## প্ৰচাৰ সম্পাদক :

শ্রীকোশিক ভট্টাচাৰ্য্য, আঃ সহ:

পৰিদৰ্শক

চিঠি নং সঃ অঃ আঃ সঃ— VOL-I/158/95

তাৰিখ 24-4-95.

TO,

The Private Secretary,  
to the Chief Minister of Assam.

Sub :-

Proceeding of emergent executive Committee  
meeting held on 22-4-95 on the subject of  
gross mismanagement of the Joint Assam  
Meghalaya Cadre of Indian Police Service.

Sir,

I am sending herewith a copy of proceeding  
of the emergent executive Committee meeting held on  
22nd April/1995 at the office building of All Assam  
Police Association for favour of your kind perusal  
and necessary action.

Yours faithfully,

*Khan*  
General Secretary,  
All Assam Police Association  
Assam, Guwahati.

*Accepted*  
*Bill*  
*Ad.*

# সদৌ অসম আৰক্ষী সহ্যা

(২২)

৩১

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সহ্যা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সহ্যাৰ চামিলকৰণ সহ্যা )  
অনিল মুজাফ্ফৰ বোড (অসমাৰ চিনেমাৰ সম্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

## কাৰ্য্যকৰী কমিটি :

আজি ইঁ ১১-৪-৯৩ তাৰিখৰ বিষয়  
বাচনি সভাত সৰ্বসম্মতি কৰে নিম্নলিখিত সভা সকলক লৈ নতুন কাৰ্য্যকৰী  
কমিটি গঠন কৰা হয়—।

## উপদেষ্টা :

শ্রীচূলাল শৰ্মা এ.পি. এচ.

শ্রীঅজিত কুমাৰ শৰ্মা, আঃ পৰিদৰ্শক  
সভাপতি :

শ্রীশিৰ প্ৰমাদ শৰ্মা, এ.পি. এচ।

## কাৰ্য্যকৰী সভাপতি :

শ্রীকুলধৰ দাম, আঃ পৰিদৰ্শক

শ্রীগুৰু নাবায়ন দত্ত চৌধুৰী,

আঃ পৰিদৰ্শক।

## উপ সভাপতি :

শ্রীবজনী গোৱামী, আঃ উপ

পৰিদৰ্শক

শ্রীঅবিল অধিকাৰী, —ঞ্চ—

## সাধাৰণ সম্পাদক :

শ্রীপ্ৰভাত সিংহ লহকৰ

আঃ পৰিদৰ্শক

## সহ সাধাৰণ সম্পাদক :

শ্রীহৰি শৰ্মা, আঃ উপ পৰিদৰ্শক

শ্রীমতী বেনুদত্ত দুৰ্বাৰ, —ঞ্চ—

## মুখ্য সাংগঠনিক সম্পাদক :

শ্রীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক

শ্রীঅমলেন্দু ভূষণ দেৱ, —ঞ্চ—

শ্রীবৰেন হাজৰীকা, আঃ হাবিলদাৰ

শ্রীজীৱন চৰকাৰ, আঃ কনিষ্ঠবেল

শ্রীবেন্দ্ৰ শৰ্মা, নায়ক

## ধন ভৰালী :

শ্রীহেম চৰ্মা, আঃ হাবিলদাৰ

পৰিদৰ্শক

## প্ৰচাৰ সম্পাদক :

শ্রীকৌশিক ভট্টাচাৰ্য্য, আঃ সহ:

পৰিদৰ্শক

চিঠি নং সঃ অঃ আঃ সঃ:—

তাৰিখ

An emergent executive Committee meeting was held under the presidency of Sri Sivaprasad sarma (President A.A.P.A. ) today on 22-4-95 at 4 P.m. in the office building of ALL ASSAM POLICE ASSOCIATION. The meeting mainly discussed about gross mismanagement of the joint Assam Meghalaya Cadre of Indian Police Service by way of wrong distribution of promotion posts between Assam and Meghalaya and non holding of mandatory triennial reviews in time which has adversely affected the promotional scope of the State Police service officers.

In the meeting, General Secretary and other members of A.A.P.A. expressed deep concern for Govt. not attending to the genuine <sup>grievances</sup> of the A.P.S. officers ~~grievances~~ in regard to promotion from the A.P.S. Cadre to the I.P.S. Rank.

The members of the Association stated that Assam Meghalaya being a joint Cadre, the officers of Assam Police service and Meghalaya police Service, in due course are promoted to I.P.S. and eventually become members of the joint I.P.S. Cadre of Assam Meghalaya. As such, it is imperative that the year-wise seniority of the officers of the two State services is maintained in order to ensure that officers recruited in a particular year (irrespective of whatever of the two State services they belong) are not superseded by junior officers of any of the two state Services at the time of their promotion to IPS, if not disqualified otherwise. But unfortunately while as many as 13 (thirteen) officers of 1976 batch and 7 (seven) officers of 1977 batch of Assam Police Service are awaiting promotion to IPS for want of vacancies, Meghalaya Police service officers recruited in the year 1978 and latter have already been promoted to IPS, which has caused

Contd... P/2.

Attest  
S.M.  
AD

# জদো অসম আবক্ষী মহা

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আবক্ষী সহ্যা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আবক্ষী সেৱা সহ্যাৰ চামিলকৰণ সহ্যা )  
অনিল মুজাহিল বোড (অসমাৰ চিনেয়াৰ সমৃত্ত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

## কাৰ্য্যকৰী কমিটি :

আজি ইং ১১-৯-৯৩ তাৰিখৰ বিষয়  
বাচনি সভাত সৰ্বসম্মতি কৰে নিম্নলিখি-  
তি সভা সকলক লৈ নতুন কাৰ্য্যকৰী  
কমিটি গঠন কৰা হয়—।

## উপদেষ্টা :

শ্রীগুলাম শৰ্মা এ.পি. এচ.  
শ্রীঅজিত কুমাৰ শৰ্মা, আঃ পৰিদৰ্শক

## সভাপতি :

শ্রীশিৱ প্ৰসাদ শৰ্মা, এ.পি. এচ.।

## কাৰ্য্যকৰী সভাপতি :

শ্রীকুলধৰ দাস, আঃ পৰিদৰ্শক

শ্রীগুৰু নাৰায়ণ দত্ত চৌধুৰী,  
আঃ পৰিদৰ্শক।

## উপ সভাপতি :

শ্রীবজনী গোস্বামী, আঃ উপ  
পৰিদৰ্শক

শ্রীঅৱিন্দ অধিকাৰী, —ঞ—

## সাধাৰণ সম্পাদক :

শ্রীপ্ৰভাত সিংহ সহকৰ  
আঃ পৰিদৰ্শক

## সহ সাধাৰণ সম্পাদক :

শ্রীহৰি শৰ্মা, আঃ উপ পৰিদৰ্শক  
শ্রীমতী বেহুদ্বৰ্ত ফুকন —ঞ—

## মুখ্য সাংগঠনিক সম্পাদক :

শ্রীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক  
শ্রীঅমলেন্দ্ৰ ভূষন দেৱ, —ঞ—  
শ্রীবমেন হাজৰীকা, আঃ হাবিলদাৰ  
শ্রীজীৱন চৰকাৰ, আঃ কনিষ্ঠেল  
শ্রীবমেন্দ্ৰ শৰ্মা, নায়ক

## ধন ভৰালী :

শ্রীহেম চন্দ্ৰ শৰ্মা, আঃ হাবিলদাৰ  
পৰিদৰ্শক

## পচাৰ সম্পাদক :

শ্রীকোশিক ভট্টাচাৰ্য্য, আঃ সহ:  
পৰিদৰ্শক

- 2 -

চিঠি নং সঃ অঃ আঃ সঃ—

তাৰিখ

deep resentment amongst the Assam Police Service officers. This vast variation in the promotion of the officers of two services affecting seniority of 1976 and 1977 batches of officers of Assam Police Service has occurred due to an arbitrary decision on the part of Home Department, Assam to surrender certain number of promotion posts to Meghalaya, which is not legally tenable in view of Assam and Meghalaya being a joint Cadre.

Secondly, the statutory requirement to hold triennial review to re-examine the strength and composition of Assam Meghalaya cadre of the Indian police Service has not been met regularly in Assam since 1989. The last triennial review which was due in May, 1989 was finally held on 26-9-91 after as many as three postponements. The out-come of this review however did not benefit the State Police service officer as there was not a single increase in the promotion posts of the Cadre to the detriment of the prospect of State Service officer. The subsequent triennial review which was due in the year 1992 was not held at all. In the mean time the next triennial review has fallen due in 1995. But surprisingly, without taking any step for holding the same, the State Govt. has already hold the selection Committee Meeting on 27-3-95 to finalise the select list for filling up anticipated vacancies for the year 1995. Since the select list, 1995 has been prepared without holding two consecutive triennial reviews, there was no scope for the correct assessment of the anticipated vacancies for the year 1995. This has deprived many eligible officers the chance to figure in the 'Select List' which could have been longer if the over-due triennial reviews had preceded the Selection Committee meeting.

In view of above facts, the meeting adopted resolutions as follows :-

Contd ....P/3.

# জাদো অসম আৰক্ষী সঞ্চাৰ

(২৩)

৩

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সঞ্চাৰ আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সঞ্চাৰ চামিলকৰণ সঞ্চাৰ)  
অনিল মুজাহিদ বোড (অজৰা চিনেমাৰ সম্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

## কাৰ্য্যকৰী কমিটি :

আজি ইং ১১-৯-৯৩ তাৰিখৰ বিষয়  
বাচনি সভাত সৰ্বসম্মতি কৰে নিম্নলিখিত সভা সকলক সৈন্য মতুন কাৰ্য্যকৰী  
কমিটি গঠন কৰা হয়—।

## উপদেষ্টা :

শ্রীচুলাল শৰ্মা এ.পি. এচ.

শ্রীঅজিত কুমাৰ শৰ্মা, আঃ পৰিদৰ্শক  
সভাপতি :

শ্রীশিৰ প্ৰমাদ শৰ্মা, এ.পি. এচ.,  
কাৰ্য্যকৰী সভাপতি :

শ্রীকুলধৰ দাস, আঃ পৰিদৰ্শক

শ্রীগুৰু নাবাহন দত্ত চৌধুৰী,

আঃ পৰিদৰ্শক।

## উপ সভাপতি :

শ্রীবজনী গোষ্ঠী, আঃ উপ  
পৰিদৰ্শক

শ্রীঅবিন্দু অধিকাৰী, —ঞ—

## সাধাৰণ সম্পাদক :

শ্রীপ্ৰভাত সিংহ লহুৰ  
আঃ পৰিদৰ্শক

## সহ সাধাৰণ সম্পাদক :

শ্রীহৰি শৰ্মা, আঃ উপ পৰিদৰ্শক

শ্রীমতী বেনুদত্ত ফুকন —ঞ—

## মুখ্য সাংগঠনিক সম্পাদক :

শ্রীপ্ৰদীপ বৰদলৈ, সহ উপঃ পৰিদৰ্শক  
শ্রীঅমলেন্দু ভূষন দেৱ, —ঞ—

শ্রীবমেন হাজৰীকা, আঃ হাবিলদাৰ

শ্রীজীৱন চৰকাৰ, আঃ কনিষ্ঠবেজ

শ্রীবমেন্দ্ৰ শৰ্মা, নায়ক

## ধন ভৰালী :

শ্রীহেম চৰ্ম শৰ্মা, আঃ হাবিলদাৰ  
পৰিদৰ্শক

## প্রচাৰ সম্পাদক :

শ্রীকোশিক ভট্টাচাৰ্য্য, আঃ সহঃ  
পৰিদৰ্শক

চিঠি নং সঃ অঃ আঃ সঃ—

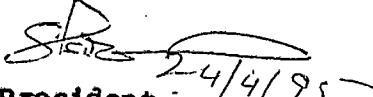
— ৩ —

তাৰিখ

1) The meeting resolved to move the State Govt. through the Director General of Police, Assam, to take necessary steps for increasing the existing strength of the Cadre by holding the triennial review immediately and to promote eligible officers of entire 1976 and 1977 batches of A.P.S. to I.P.S. in order to bring parity in their seniority as they have been very unjustly superseded by officers of Meghalaya Police Service much junior to them.

2) The meeting also resolved to move Govt. to keep the select list 1995 in abeyance till holding of triennial review 1995 so that more names could be included in the select list ( if there is any increase in the promotion posts following the review). without prejudice to the officers already included in the list.

3) The meeting further, resolved that if the authority fails to take necessary steps for redressal of the grievances of the A.P.S. officers within 15 days the association will be compelled to take shelter in court of Law for justice.

  
24/4/95  
President,  
All Assam Police Association,  
Assam, Guwahati.

Attested  
S.M.  
Ad

--- x ---

# সদো অসম আবক্ষী সম্মা

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আবক্ষী সম্মা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আবক্ষী সেৱা সম্মাৰ চামিলকৰণ সম্মা)

অনিল মুজাহিদ বোড (অসমাৰ চিনেমাৰ সমূখ্যত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

প্ৰক্ৰিয়া কমিটি :

ইং ১১-১-১৩ তাৰিখৰ বিষয়  
তনি সভাত সৰ্বসম্মতি কৰে নিম্নলিখিত  
সভ্য সকলক লৈ নতুন কাৰ্য্যকৰী  
মিটি গঠন কৰা হয়—।

প্ৰদেষ্টা :

শ্রীচূলাল শৰ্মা এ.পি. এচ.  
শ্রীঅজিত কুমাৰ শৰ্মা, আঃ পৰিদৰ্শক  
চাপতি :

শ্রীশিৰ প্ৰসাদ শৰ্মা, এ.পি. এচ.।

প্ৰক্ৰিয়া সভাপতি :

শ্রী কুমাৰ মুখ্যমন্ত্ৰী, তাৰঃ সচিবক  
শ্রীগোপন নাথ চৌধুৰী,  
আঃ পৰিদৰ্শক।

প সভাপতি :

শ্রীবজনী গোস্বামী, আঃ উপ  
পৰিদৰ্শক

শ্রীঅবিনন্দ অধিকাৰী, —ঞ—  
ধাৰণ সম্পাদক :

শ্রীপ্ৰভাত সিংহ সহকাৰ  
আঃ পৰিদৰ্শক

হ সাধাৰণ সম্পাদক :

শ্রীহৰি শৰ্মা, আঃ উপ পৰিদৰ্শক  
শ্রীমতী ৰেছন্দন ফুকন —ঞ—

ব্যাপার সাংগঠনিক সম্পাদক :

শ্রীপ্ৰদীপ বৰদলৈ, সহ উপঃ পৰিদৰ্শক  
শ্রীঅমলেন্দু ভূষন দেৱ, —ঞ—  
শ্রীবমেন হাজৰীকা, আঃ হাবিলদাৰ  
শ্রীজীৱন চৰকাৰ, আঃ কনিষ্ঠবল  
শ্রীবমেন্দু শৰ্মা, নায়ক

ৰ শৰালী :

শ্রীহেম চন্দ্ৰ শৰ্মা, আঃ হাবিলদাৰ  
পৰিদৰ্শক

চাৰ সম্পাদক :

শ্রীকোশিক ভট্টচাৰ্য্য, আঃ উপঃ  
পৰিদৰ্শক

চিঠি নং সঃ অঃ আঃ সঃ— VOL-1/157/95

তাৰিখ ২৩-৫-৯৫

To

The Secretary to the  
Govt of Assam, Home Department,  
Dispur, Guwahati.

Sub

Triennial of review of the IPS cadres strength.

Sir,

We have taken up with Govt the repeated violation of Rule 4 of the I.P.S.(Cadre) Rules, 1954 by which the Central Govt is mandatorily required to re-examine the strength and composition of the Cadre in consultation with the State Govt. This mandate of the Rule has been regularly violated and when one of our ex-members, Shri Gopinath Das, had filed an application in the Central Administrative Tribunal, Guwahati Bench, The Hon'ble Tribunal, by judgement dtd. 13.11.87 in G.C. No.57 of 1987 had held that Rule 4(2) of the Rules conferred a right on the officers to have the re-examination done by the due date and that undue delay in holding the review amounted to malice in law and had directed that the cadre strength be reviewed as on 1.5.86. In pursuance to the said judgement, the Govt. of India, belatedly, by Notification No.11052/7/88-AIS(II)(A) dtd. 19.12.88 reviewed the cadre strength and as a result of which 7 vacancies arose in the promotion quota as on 1.5.86. In terms of the said judgement, the next triennial review was due to be held in 1989 but again in violation of the provisions of Rule 4(2) of the Rules and the judgement of the Hon'ble Tribunal, the review was notified only on 17.1.92, i.e., after a lapse of about 6 years. Be that as it may, the next review was due in Feb'1995 but, again, the Association understands that no

Contd.. P-2/

Attest  
S.M.A.  
A.D.

# সদো অসম আৰক্ষী গঠী

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সহা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সহাৰ চামিলকৰণ সহা)  
অনিদি মুজাহিদ বোড (অসম চৰকাৰৰ সমূখ্যত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

## কাৰ্য্যকৰী কমিটি :

ইং ১১-৯-৯৩ তাৰিখৰ বিষয়  
বাচনি সভাত সৰ্বসম্মতি কৰে নিয়ন্ত্ৰণ-  
খিত-সভা সকলক লৈ নতুন কাৰ্য্যকৰী  
কমিটি গঠন কৰা হয়—।

## উপদেষ্টা :

শ্রীহুলাল শৰ্মা এ.পি. এচ.

শ্রীঅজিত কুমাৰ শৰ্মা, আঃ পৰিদৰ্শক  
সভাপতি :

শ্রীশিৰ প্ৰসাদ শৰ্মা, এ.পি. এচ.।  
কাৰ্য্যকৰী সভাপতি :

নিৰ্মল মুখুয়ালু, আঃ পৰিদৰ্শক

শ্রীগুৰু নাৰায়ণ দত্ত চৌধুৰী,  
আঃ পৰিদৰ্শক।

## উপ সভাপতি :

শ্রীবজনী গোষ্ঠী, আঃ উপ  
পৰিদৰ্শক

শ্রীঅবিন্দ অধিকাৰী, —ঞ—  
সাধাৰণ সম্পাদক :

শ্রীপ্ৰভাত সিহ সহকাৰ  
আঃ পৰিদৰ্শক

## সহ সাধাৰণ সম্পাদক :

শ্রীহৰি শৰ্মা, আঃ উপ পৰিদৰ্শক  
শ্রীমতী বেংগলুৰু ফুকন —ঞ—

## মুখ্য সাংগঠনিক সম্পাদক :

শ্রীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক  
শ্রীঅমলেন্দু ভূখন দেৱ, —ঞ—  
শ্রীবমেন হাজৰীকা, আঃ হাবিলদাৰ  
শ্রীজীৱন চৰকাৰ, আঃ কনিষ্ঠবল  
শ্রীবেন্দ্ৰ শৰ্মা, নায়ক

## ন স্বাক্ষী :

শ্রীহেম চৰ্ম শৰ্মা, আঃ হাবিলদাৰ  
পৰিদৰ্শক

## পৰ সম্পাদক :

শ্রীকোশিক ভট্টচাৰ্য্যা, আঃ ৪৮:  
পৰিদৰ্শক

চিঠি নং সং অঃ আঃ মঃ—

তাৰিখ

steps have been taken to review the matter, as a result of which the eligible State Police Service Officers are being denied promotions otherwise overdue to them. We feel that the matter is being unduly delayed at the cost of several eligible officers. We have taken up the matter with the Govt and during discussions it became apparent that the following records are essential to explain the true and correct position of our grievances which had otherwise fallen on deaf ears. As such we request you to kindly furnish us with the following documents so as to enable us to effectively place and explain our grievance to the authorities.

(1) Proposal of the State Govt on the basis of which the meeting of the triennial review was held on 27.9.91 and Govt of India Notification dtd. 17.1.92 was issued.

(2) Correspondence/agreement with the Govt of Meghalaya showing as to how 7 promotional posts under the Govt of Assam had been allotted to the Govt of Meghalaya.

We need not point out that the action of the authorities in delaying the review has already caused the members of our Association a great injustice to their careers and as such I request you to look into the matter and furnish us the documents prayed for at your earliest convenience.

Affested  
S.M  
A.D.

Contd., P-2/

২৬

৩৪

# জদো অসম আবক্ষী সহ্য।

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আবক্ষী সহ্য আৰু ১৯৫৮ চনত আৰু  
চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আবক্ষী সেৱা সহ্যৰ চামিলকৰণ সহ্য।  
অনিল মুজাহিল বোড (অঙৰা চিনেমাৰ সম্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

কাৰ্য্যকৰী কমিটি :

ইঁ ১১-৯-১৩ তাৰিখৰ বিষয়  
বাচনি সভাত সৰ্বসম্মতি কৰিয়ে নিয়ন্ত্ৰণ-  
থিত সভা সকলক লৈ নতুন কাৰ্য্যকৰী  
কমিটি গঠন কৰা হয়—।  
উপদেষ্টা :

শ্রী অসম শৰ্মা এ.পি. এচ.

শ্রী অজিত কুমাৰ শৰ্মা, আঃ পৰিদৰ্শক

সভাপতি :

শ্রী শিব প্ৰসাদ শৰ্মা, এ.পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

পৰিদৰ্শক মনোজ পৰিদৰ্শক

শ্রী গুৰেন্দ্ৰ নাথ দত্ত চৌধুৰী,  
আঃ পৰিদৰ্শক।

উপ সভাপতি :

শ্রী অজনী গোৰামী, আঃ উপ

পৰিদৰ্শক

শ্রী অৱিনন্দ অধিকাৰী, —ঞ—

মাধ্যাবণ সম্পাদক :

শ্রী প্ৰভাত সিংহ মহকৰ

আঃ পৰিদৰ্শক

মহ মাধ্যাবণ সম্পাদক :

শ্রী হৰি শৰ্মা, আঃ উপ পৰিদৰ্শক

শ্রী মতী বেছদত্ত ফুকন —ঞ—

[খ] সাংগঠনিক সম্পাদক :

শ্রী প্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক

শ্রী অমলেন্দু ভূঘন দেৱ, —ঞ—

শ্রী বমেন হাজৰাকা, আঃ হাবিলদাৰ

শ্রী জীৱন চৰকাৰ, আঃ কনিষ্ঠবল

শ্রী বমেন্দ্ৰ শৰ্মা, নায়ক

ভৱালী :

শ্রীহেম চন্দ্ৰ শৰ্মা, আঃ হাবিলদাৰ

পৰিদৰ্শক

ৰ সম্পাদক :

কৌশিক ভট্টচাৰ্য্য, আঃ উপ:

পৰিদৰ্শক

চিঠি নং সঃ অঃ আঃ সঃ—

তাৰিখ

Necessary expenses, if any, for furnishing the  
same will be borne by us.

Yours faithfully

Rahkhan 28/5/95

(PRABHAT SINGH LAHKAR)  
GENERAL SECRETARY  
ASSAM POLICE ASSOCIATION  
ULUBARI, GUWAHATI, 7

General Secretary

All Assam Police Asso  
Ulubari, Guwahati—

Copy forwarded to the Director General of  
Police, Assam, Ulubari, Guwahati for favour of  
information,

(PRABHAT SINGH LAHKAR)  
GENERAL SECRETARY  
ASSAM POLICE ASSOCIATION  
ULUBARI, GUWAHATI, 7

Relefed  
SAC  
AS