

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No 111/95

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Balita
5.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN.NO. 111 OF 1995
TRANSFER APPLN.NO. OF 1995
CONTEMPT 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 & Law APPLICANT(S)

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

FOR THE APPLICANT(S)

...MR. G.K. Bhattacharjee
MR. G. or Das
MR. B. Chakrabarty

FOR THE RESPONDENTS

...MR. A.K. Choudhury
Addl. CG.S.C.

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/BD No. 884670 Dated 19.6.95</p> <p><i>for the 22/6</i></p>	<p>23-6-95</p> <p>1m</p>	<p>Mr. G.K. Bhattacharjee for the applicant, Mr. A.K. Choudhury, Addl. CG.S.C. for the respondents.</p> <p>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. C.G.S.C. seeks to appear for respondent No.1. However, notices be directly issued to the ^{said} respondents. Learned Addl. C.G.S.C.'s request to file memo of appearance in due course.</p> <p><i>huc</i> Vice-Chairman</p> <p><i>do</i> Member</p>

Requisites are done & issued vide 2744-48 dt. 30.6.95

28/6

Service Reports are sent awaited

Notice duly sent on 2.7.95

18-7-95

Mr.G.N.Das for the applicant.

Mr.A.K.Choudhury, Addl.C.G.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 respon-
dent No.2 & 3 and the State of
Meghalaya through Mr.A.K.Choudhury
Addl.C.G.S.C. who is instructed to
mention ^{only} 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 this order - A copy} notice above order
^{of order dated 23-6-95} also ~~be~~ should be sent the copy of
~~alongwith copy~~ 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.
A/d at 'c' file.

lm

hull
Vice-Chairman

By
Member

Done
19/7/95

OFFICE NOTE

DATE

COURT'S ORDER

2.8.95

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

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

None present for respondents
No.2, 3, 4 and 5 although served.

The O.A. is disposed of.

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 & 4 by hand delivery and to other
members in usual
manner. b

Vice-Chairman

[Signature]

Member

nkm

25.8.95

Copy of Judge's Order dtd.
2.8.95 issued to all
concerned by hand.
Only Respd. No. 1 & 5
by Regd. Post, also also
issued to the counsel
of both sides vide
O/A No. 3828-34 dtd. 28.8.95.

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 Singha 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 *M.G. Chaudhary* Vice-Chairman.

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.L. 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.

....

huc

6

O R D E R

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

hsc

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 ^{applicants} ~~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 ^{are} ~~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 reasons ^{having been} ~~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~~ ^{that} this opportunity. Hence we dispose of the O.A. in terms of the observations made hereinabove for the guidance of

the.....

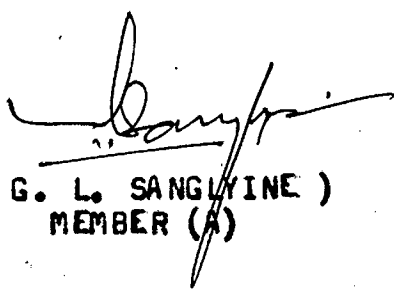
well


the respondents and respondent Nos. 2, 3⁺ and 5 in particular.

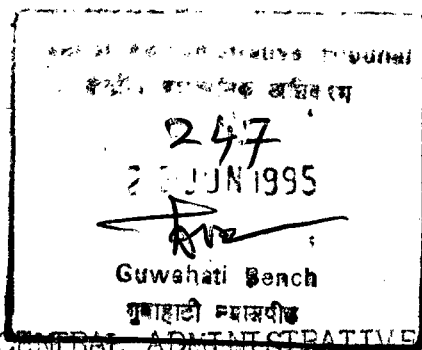
As there has been no response from the respondents we are constrained to give liberty to the applicant to move the Tribunal again if so necessary and if they are so advised if their representations are not disposed of within a period of three months from the date of receipt of copy of this order by the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

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, 3 and 4 by hand delivery and to other respondents in usual manner.


(G. L. SANGHVI)
MEMBER (A)


(M. G. CHAUDHARI)
VICE-CHAIRMAN



Filed by:
Gopinath Das
Advocate
Prabhat Singha Lahkar
General Secretary
All Assam

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH: GUWAHATI.

O.A. 111 /95.

Shri Prabhat Singha Lahkar.

-Versus-

Union of India and Others.

1 : PARTICULARS OF THE APPLICANTS:

- 1) All Assam Police Association,
Ulubari, Guwahati.
- 2) Shri Prabhat Singha 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.)

Contd..... 2.

Received copy
A.K. Choudhury
Hodall C of SC
19/6/95

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 authorized 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.

Contd..... 4.

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 deem 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.

Contd..... 5.

16

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} ~~order~~ 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

Contd..... 6.

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

Contd..... 8.

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.

Contd..... 9.

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 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 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 Ø 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 ~~xxx~~
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. 8/03/884670 DT. 19-6-95
issued by the post office at Guwahati is enclosed.

..... Verification.

(14)

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 are true to my personal knowledge and those made in paragraphs... .. 10, 13, 14..... 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
Dibrugarh, Gauhati-1

.....

(15)

ANNEXURE -I.

GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT.

ORDERS BY THE GOVERNOR

NOTIFICATION

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 concerned 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 ~~af~~ 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 Governments	- 74
Posts under the Government of Assam	- 57
Director General and Inspector General of Police.	- 1
Inspector General of Police (Trg. & Armed Police.	- 1
Inspector General of Police (Admn.)	- 1
Inspector General of Police (SB)	- 1
Director of Civil Defence and Commandant General Home Guards.	- 1
Deputy Inspector General of Police (Admn)	- 1
Deputy Inspector General of Police (Vigilance and E.O.)	- 1
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 and Armed Police).	- 1
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

Contd....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

Total Assam - 57

Posts under the Government of Meghalaya - 17

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

Total Meghalaya - 17

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

Direct Recruitment -110
Promotion posts - 34

Total Authorised Strength -144

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) Deptt. 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) Deptt.
12. The Publisher, Assam Gazette, Bamunimaidan, Guwahati-22 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

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[Handwritten signature]

(14)

ANNEXURE II Series.



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 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)

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 Meghalaya 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.

*Recd.
24/4/95
2A to Home Secy.*

*Attested
Full
A.S.*

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.



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

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 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)

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,

Rabke 24/4
General Secretary,

All Assam Police Association.
Assam, Guwahati.

*Attested
SW
AS*

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সদৌ অসম আৰক্ষী সন্থা

(21)

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম
চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)
অনিল মুজান্ধিন বোড (অসম চিনেমাৰ সন্মুখত)
উলুবাৰী, গুৱাহাটী-৭৮১০০৭

কাৰ্য্যকৰী কমিটি :

আজি ইং ১১-২-৯৩ তাৰিখৰ বিষয়
বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিয়ন্ত্ৰণ-
ৰিত সভা সকলক লৈ নতুন কাৰ্য্যকৰী
কমিটি গঠন কৰা হয়—।

উপদেষ্টা :

শ্ৰীহৰাল শৰ্মা এ.পি. এচ.

শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক

সভাপতি :

শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ. পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

শ্ৰীকুলধৰ দাস, আ: পৰিদৰ্শক

শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,
আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰীৰজনী গোস্বামী, আ: উপ
পৰিদৰ্শক

শ্ৰীঅবিনন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ মহকৰ
আ: পৰিদৰ্শক

সহ সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক

শ্ৰীমতী বেণুদত্ত ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক

শ্ৰীঅমলেন্দু ভূষণ দেৱ, —এ—

শ্ৰীৰমেন হাজৰীকা, আ: হাবিলদাৰ

শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টেবল

শ্ৰীৰমেন্দ্ৰ শৰ্মা, নায়ক

ধন ভঁৰালী :

শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ
পৰিদৰ্শক

প্ৰচাৰ সম্পাদক :

শ্ৰীকৌশিক ভট্টাৰ্চা, আ: সহ:
পৰিদৰ্শক

চিঠি নং স: অ: আ: স:— VOL-1/158/95

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,

Ram
General Secretary,
All Assam Police Association
Assam, Guwahati.

Attested
Bull
Ads

সদৌ অসম আৰক্ষী সন্থা

২২

১১

(অসম চৰকাৰৰ ১৯২০ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)

অনিল মুজাফ্ফিন বোড (অসম চিনেমাৰ সম্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

কাৰ্য্যকৰী কমিটি :

আজি ইং ১১-২-৯৩ তাৰিখৰ বিষয়
বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিম্নউল্লে-
খিত সভা সকলক লৈ নতুন কাৰ্য্যকৰী
কমিটি গঠন কৰা হয়—।

উপদেষ্টা :

শ্ৰীমুখাৰ্জুন শৰ্মা এ.পি. এচ.

শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক

সভাপতি :

শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ. পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

শ্ৰীকলধৰ দাস, আ: পৰিদৰ্শক

শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,

আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰীবজ্জী গোহাৰাী, আ: উপ

পৰিদৰ্শক

শ্ৰীঅবিনন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ লহকৰ

আ: পৰিদৰ্শক

সহ সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক

শ্ৰীমতী বেহুদন্ত ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক

শ্ৰীঅমলেন্দু ভূষন দেৱ, —এ—

শ্ৰীৰমেন হাজৰীকা, আ: হাবিলদাৰ

শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টবল

শ্ৰীৰমেন্দ্ৰ শৰ্মা, নায়ক

ধন ভঁৰালী :

শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ

পৰিদৰ্শক

প্ৰচাৰ সম্পাদক :

শ্ৰীকৌশিক ভট্টাচাৰ্য্য, আ: সহ:

পৰিদৰ্শক

চিঠি নং স: অ: আ: স:—

তাৰিখ

An emergent executive Committee meeting was held under the presidenship 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 ^{grievance} 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 (irrespec- tive 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 await- ing 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.

Attested
by
A.S.

সদৌ অসম আৰক্ষী সন্থা

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)

অনিল যুজাগিল বোড (অৰুণা চিনেমাৰ সন্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

কাৰ্য্যকৰী কমিটি :

আজি ইং ১১-৯-৯৩ তাৰিখৰ বিষয়
বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিয়ন্ত্ৰে-
য়িত সভা সকলক লৈ নতুন কাৰ্য্যকৰী
কমিটি গঠন কৰা হয়—।

উপদেষ্টা :

শ্ৰীকুমাৰ শৰ্মা এ.পি. এচ.
শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
সভাপতি :

শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ. পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

শ্ৰীকুলধৰ দাস, আ: পৰিদৰ্শক
শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,
আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰীৰজনী গোস্বামী, আ: উপ
পৰিদৰ্শক
শ্ৰীঅবিনন্দ অধিকাৰী, —এ—
সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ লহকৰ
আ: পৰিদৰ্শক

সহ সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক
শ্ৰীমতী বেহুদন্ত ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক
শ্ৰীঅমলেন্দু ভূষন দেৱ, —এ—
শ্ৰীৰমেন হাজৰীকা, আ: হাবিলদাৰ
শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টবল
শ্ৰীৰমেন্দু শৰ্মা, নায়ক

ধন ভৱালী :

শ্ৰীহেম চল্ল শৰ্মা, আ: হাবিলদাৰ
পৰিদৰ্শক

প্ৰচাৰ সম্পাদক :

শ্ৰীকৌশিক ভট্টাচাৰ্য্য, আ: সহ:
পৰিদৰ্শক

চিঠি নং স: অ: আ: স:—

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 :-

ContdP/3.

সদৌ অসম আৰক্ষী সন্থা

(23)

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)

অনিল মুজাম্মিল বোড (অসম চিনেমাৰ সম্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

কাৰ্য্যকৰী কমিটি :

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

উপদেষ্টা :

শ্ৰীহুলাল শৰ্মা এ.পি. এচ.
শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
সভাপতি :

শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ. পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

শ্ৰীকুলধৰ দাস, আ: পৰিদৰ্শক
শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,
আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰীবজ্জনী গোস্বামী, আ: উপ
পৰিদৰ্শক
শ্ৰীঅবিনন্দ অধিকাৰী, —এ—
সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ লহকৰ
আ: পৰিদৰ্শক
সহ সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক
শ্ৰীমতী বেহুদন্ত ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক
শ্ৰীঅমলেন্দু ভূষন দেৱ, —এ—
শ্ৰীৰমেন হাজৰীকা, আ: হাবিলদাৰ
শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টেবল
শ্ৰীৰমেন্দ শৰ্মা, নায়ক

ধন ভৱালী :

শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ
পৰিদৰ্শক

প্ৰচাৰ সম্পাদক :

শ্ৰীকৌশিক ভট্টাৰ্চাৰ্য্য, আ: সহ:
পৰিদৰ্শক

চিঠি নং স: অ: আ: স:—

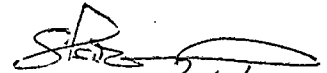
- 3 -

—আবিধ

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.



President, 24/4/95

All Assam Police Association,
Assam, Guwahati.

Attested
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সদৌ অসম আৰক্ষী সন্থা

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)

অনিল যুজাশ্বিল বোড (অসম চিনেমাৰ সন্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

ব্যৱস্থাপক কমিটি :

ইং ১১-৯-৯৩ তাৰিখৰ বিষয়
৫নি সভাত সৰ্বসন্মতি ক্ৰমে নিম্নউল্লে-
ত সভ্য সকলক লৈ নতুন কাৰ্য্যকৰী
মিটি গঠন কৰা হয়—।

পদেষ্ঠা :

শ্ৰীহৰাল শৰ্মা এ.পি. এচ.

শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক

ভাপতি :

শ্ৰীপিত্ত শ্ৰীশ্ৰী শৰ্মা, এ. পি. এচ.।

ব্যৱস্থাপক সভাপতি :

শ্ৰীঅৰ্পণ শৰ্মা, এ. পি. এচ.।

শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,

আ: পৰিদৰ্শক।

প সভাপতি :

শ্ৰীঅৰ্পণ শৰ্মা, আ: উপ

পৰিদৰ্শক

শ্ৰীঅবিনন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ লহকৰ

আ: পৰিদৰ্শক

স সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক

শ্ৰীমতী বেচুদন্ত ফুকন —এ—

ব্য সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক

শ্ৰীঅমলেন্দু ভূষণ দেৱ, —এ—

শ্ৰীঅৰ্পণ হাজৰীকা, আ: হাবিলদাৰ

শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টেবল

শ্ৰীঅৰ্পণ শৰ্মা, নাগক

৭ ডালী :

শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ

পৰিদৰ্শক

চাৰ সম্পাদক :

শ্ৰীকৌশিক ভট্টাচাৰ্য্য, আ: উপ:

পৰিদৰ্শক

চিঠি নং: স: অ: আ: স:— VOL-1/157/95

তাৰিখ 23-5-95

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

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সদৌ অসম আৰক্ষী সন্থা

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)
অনিম মুজান্সিল বোড (অসম চিনেমাৰ সম্মুখত)
উলুবাৰী, গুৱাহাটী-৭৮১০০৭

সাধাৰণী কমিটি :

ইং ১১-৯-৯৩ তাৰিখৰ বিষয়
বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিম্নউল্লে-
খিত সভা সকলক লৈ নতুন সাধাৰণী
কমিটি গঠন কৰা হয়—।

উপদেষ্টা :

শ্ৰীহৰাল শৰ্মা এ.পি. এচ.
শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
সভাপতি :

শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ.পি. এচ.।

সাধাৰণী সভাপতি :

শ্ৰীমোহন কাম মধুসূদন, আ: পৰিদৰ্শক
শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,
আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰীবজ্জনী গোস্বামী, আ: উপ
পৰিদৰ্শক

শ্ৰীঅবিনন্দ অধিকাৰী, —এ—
সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ লহকৰ
আ: পৰিদৰ্শক

সহ সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক
শ্ৰীমতী বেণুদত্ত ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক
শ্ৰীঅমলেন্দু ভূষণ দেৱ, —এ—
শ্ৰীবমেন হাজৰীকা, আ: হাবিলদাৰ
শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টেবল
শ্ৰীবমেন্দ শৰ্মা, ৰায়ক

ন শুভাঙ্গী :

শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ
পৰিদৰ্শক

সাধাৰণ সম্পাদক :

শ্ৰীকৌশিক ভট্টাচাৰ্য্য, আ: উপ:
পৰিদৰ্শক

চিঠি নং স: অ: আ: ম:—

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.

Affected
GUY
AS

Contd., P-2/

সদৌ অসম আৰক্ষী সন্থা

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)
অনিল যুজাশ্বিল বোড (অক্ষৰা চিনেমাৰ সন্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

কাৰ্য্যকৰী কমিটি :

ইং ১১-৯-২৩ তাৰিখৰ বিষয়
বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিয়ন্ত্ৰিত-
খিত সভা সকলক লৈ নতুন কাৰ্য্যকৰী
কমিটি গঠন কৰা হয়—।

উপদেষ্টা :

শ্ৰীহৰাল শৰ্মা এ.পি. এচ.

শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক

সভাপতি :

শ্ৰীশিৱপ্ৰসাদ শৰ্মা, এ.পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

শ্ৰীমদেৱনাথমণ্ডলমজুমদাৰ: পৰিদৰ্শক

শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,
আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰীবজ্জনী গোস্বামী, আ: উপ
পৰিদৰ্শক

শ্ৰীঅবিনন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ লহকৰ
আ: পৰিদৰ্শক

দ্বিতীয় সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক

শ্ৰীমতী বেণুদত্ত ফুকন —এ—

তৃতীয় সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক

শ্ৰীঅমলেন্দু ভূষন দেৱ, —এ—

শ্ৰীবমেন হাজৰাকা, আ: হাবিলদাৰ

শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টেবল

শ্ৰীবমেন্দ্ৰ শৰ্মা, নায়েক

ভবানী :

শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ
পৰিদৰ্শক

ৱ সম্পাদক :

কৌশিক ভট্টাচাৰ্য্য, আ: চেন:
পৰিদৰ্শক

চিঠি নং স: অ: আ: স:—

তাৰিখ:

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

Yours faithfully

Prabhat Singh Lahkar 28/5/95

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

General Secretary

All Assam Police Assoc
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

*Added
Bull
AS*