

30/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

(1) MP 85/05 under page 1 to 2 Allowed - 7.6.95

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(2) MP 72/05 under page 1 to 2 Allowed - 7.6.95

O.A/T.A No. 246/95

(3) MP 1/06 under page 1 to 2 MP dismissed - 4.8.06

R.A/C.P No. 3/05

E.P/M.A No.

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RA 3/05 Final order dated 23.03.07 page 1 to 6. Infructuous
3. Judgment & Order dtd.....Received from H.C/Supreme Court
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SECTION OFFICER (Judl.)

Wahid
2.2.18

ORIGINAL APPLN. NO. 246 OF 1995

TRANSFER APPLN. NO. OF 1995

CONTEMPT APPLN. NO. OF 1995 (IN NO.)

REVIEW APPLN. NO. OF 1995 (IN NO.)

MISC. PETITION NO. OF 1995 (IN NO.)

..... Arjun Das Pan. APPLICANT(S)

-VS-

..... Union D. Indira. RESPONDENT(S)

For the Applicant(s)

... Mr. A. Ahmed

Mr.

Mr.

Mr.

For the Respondent(s)

Mr. S. Ali, or case.

OFFICE NOTE

DATE

ORDER

30.11.95

This application is in
form and within time

C. F. of P. 50

deposited with

IPO BD No. 327455

Dated 20.9.95

Issue notice to the respondents
to show cause as to why the application
be not admitted. Returnable on 3.1.96.
No interim order at this stage.

Member

Vice-Chairman

R. Pande
Dy. Registrar (C)
30.11.95

pg

3.1.96

F.A. in 12.1.96

Requisite are
made on 8.12.95 &

CSMD v. ar 5279-76

2.14.12.95

By order
Bao

Service Reports are still
awaited

Service Reports are still
awaited

(contd. to Page No. 2)

OFFICE NOTE

DATE

ORDER

was

17-1-96

The applicant who declared surplus challenges the legality of his consequential termination of service. No show cause reply is filed. O.A. is admitted. Issue notice to the respondents. 8 weeks for written statements. Adjourned to 20-3-96 for orders as advocate for the applicant is not present. Liberty to apply for interim relief. No order to-day.

[Signature]
Member

[Signature]
Vice-Chairman

lm

Case is ready for hearing. None is present for both sides.

List for hearing on 23.5.96.

[Signature]
Member

25.3.96

pg

23.5.96

Mr S.Ali, Sr.C.G.S.C for the respondents.

In our order dated 25.3.96 we have noted that the case is ready for hearing mistakenly. The fact is that the written statement has not been submitted by the respondents. Mr Ali seeks time for filing written statement. Allowed.

List on 21.6.96 for counter and further orders.

[Signature]
Member

pg

Notice served on R. no. 1, 2 & 3

Notice issued in no. 210-12 & 22.11.96

18/1
While sending R. no. 1, 2 & 3

AD at 24.7.95

Case is ready as regards service of notice

12/2

21-6-96

Mr. A. Ahmed for the applicant is present. Written statement has not been submitted by the respondents.

List for further order written statement and further order, on 19-7-96.

lm

Member

19.7.96

None present. Written statement has not been submitted.

List for written statement and further orders on 12.8.96.

pg

Member

12.8.96

Mr S. Ali, Sr. C.G.S.C for the respondents.

Written statement has not been submitted. Mr Ali seeks for one month time for file written statement.

List on 17.9.96 for written statement and further orders.

pg

Member

17.9.96

Mr S. Ali, Sr. C.G.S.C for the respondents seeks two weeks time for filing written statement.

List for written statement and further orders on 4.10.96.

pg

Member


4.10.96

Mr. A. Ahmed for the applicants.

Mr. S.Ali, Sr. C.G.S.C. for the respondents.

Written statement has not been submitted.

List for written statement and further order on 18.11.1996.


Member

trd

18/10

25-10-96

18.11.96

Mr. A.Ahmed for the applicants.

Written statement has been submitted.

Let a copy of the same be served on the counsel of the applicants.

List for hearing on 16.12.1996.

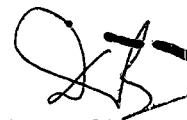

Member

trd

18/11

4.4.97

The Division Bench is not sitting. The case is, therefore adjourned to 15.5.97.


Vice-Chairman

nkm


8/1


15.5.97

Left over. List it on 30.6.97 for hearing.


Member

nkm

20/5


Vice-Chairman

69
DTA 246/95

30-6-97

Mr.A.Ahmed learned counsel appearing on behalf of the applicant is reported to sick. Accordingly, mentioned has been made for adjournment. Mr.S.Ali, Sr.C.O.S.C. has no objection, in granting of adjournment.

The case is adjourned till 18th August 1997.


Member


Vice-Chairman

lm
8/17

18-8-97

Mr.S.Ali, learned Sr.C.G.S.C. prays for on behalf of Mr.A.Ahmed learned counsel for the applicant as he is out out of Station. Prayer is allowed.

Let this case be listed for hearing on 18-9-97.


Member


Vice-Chairman

lm
5/19/8

18.9.97

Adjourned to 1.10.97

1-10-97

On the prayer of counsel for the parties case is adjourned till 28-10-97 for hearing.


Member


Vice-Chairman

lm
3/10

w/s has been b'ld on behalf Respdls. of page No. 23-30.

sd
17/9

w/s. has been b'ld.

sd
30/9

w/s. has been b'ld.

sd
27/10

28-10-97

In spite of the repeated adjournment Mr. S. Ali, Sr. C.G.S.C. has not produced the records though the office is at Narangi, Guwahati. Mr. A. Ahmed learned counsel for the applicant submits that the authority is neglecting to produce the records. Considering the submissions of the learned counsel for the parties we direct the Regional Manager, Canteen Store Depot, Narangi Guwahati to appear personally before this Tribunal on 10-11-97 along with the records.

Let this case be listed for orders on 10-11-97.

Office to communicate the order immediately.

[Signature]
Member

[Signature]
Vice-Chairman

29.10.97

Copy of order dtd 28-10-97 issued to the Regional Manager through Regd Post.

MR
10.11.97

7-11-97

1) w/s has been filed.
2) Memo of appearance has been filed.

Mr S. Ali, learned Sr. C.G.S.C submits that the Officer concerned is on tour and therefore he is not in a position to appear in the Tribunal.

Further two weeks time granted to the Officer to appear in the Tribunal.

List on 24.11.97 for order.

[Signature]
Member

[Signature]
Vice-Chairman

21-11-97

1) w/s has been filed.
2) Memo of appearance has been filed.

pg

24.11.97

Records have come. It is submitted by the counsel for the parties that the case is ready for hearing.

List on 8.12.97 for hearing.

[Signature]
Member

[Signature]
Vice-Chairman

pg

25/11

[Signature]
5/12

2-3-98

OA 246/95

3-3-98

On the prayer of counsel for the parties case is adjourned till 5-3-98.

This case was already concluded. It is again placed for hearing on 5-3-98.

Member

Vice-Chairman

lm

5.3.98

Passover is in day.

By order.

W/S has been filed on Respondents.

6.3.98

Case is adjourned till 12.3.98.

Member

Vice-Chairman

lm

NS
9/3

17.3.98

Adjourned to 2-4-98.

By order.

W/S has been filed on Respondents.

2.4.98

On the prayer of Mr A.Ahmed, learned counsel for the applicants the case is adjourned till 12.5.98. Mr S.Ali, learned Sr.C.G.S.C has no objection.

Member

Vice-Chairman

The case is ready for hearing on 12.5.98.

NS
8/5/98

pg

NS
3/4

12.5.98

The case is ready for hearing on 12.5.98.

Mr A.Ahmed, learned counsel for the applicants prays for short adjournment to get instruction. Mr S.Ali, learned Sr.C.G.S.C has no objection.

List on 18.5.98 for hearing.

Member


Vice-Chairman


pg

NS
13/5

18-5-98

Learned counsel Mr. A. Ahmed appearing on behalf of the applicant submits that the applicant No.2 Shri Jiten Prasad has already been absorbed in the Canteen Stores Department at ^{Mukadam} Narangit, as ^{Silchar} P/O. Therefore, he has no grievance. The other applicant No.1 has also since been absorbed in the C.P.W.D. as Peon. Mr. Ahmed submits that the applicants do not want to press this application. In view of the above the application has become infructious ~~and is dismissed~~. Accordingly, this application is dismissed as infructious.


Member


Vice-Chairman

25.5.98

Copies of the order have been sent to the D/Secy in keeping the same in the party's through and with A.P.D.
M.P.

Issued vide No. 1393 to
1396 dt. 25.5.98

lm

AS
20/5

17.9.

In the Central Administrative Tribunal
Guwahati Bench at Guwahati.

64-30 OCT 1995
Guwahati

O.A. No. 246 of 1995

Shri Arjun Das & Another

Applicants.

- vs -

Union of India & Others.

Respondents.

I N D E X

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Filed by

Advocate

(Adil AHMED)
Advocate 16.10.95

Received copy
Sr. C.S.C.
18/10/95

Filed by:
[Signature]
(Not A.I.M.E.D.)
Advocate
18.10.95

In the Central Administrative Tribunal

Guwahati Bench at Guwahati.

Application under Section 19 of the Administrative Tribunal

Act 1985

Case No. ' O.A. 246 of 1995

Between

1. PN 4039 Arjun Das

Marker, CSD Depot

RTD, NARANGI

2. PN 4038 Jiten Prasad

Marker, CSD Depot

RTD, NARANGI.

Applicants.

Vs -

Union of India and Others.

Respondents.

- i. Details of the Applicant - PN 4039 Arjun Das & another
ii. Designation & Office - Marker.
in which employed Canteen Stores Department
NARANGI (Ministry of Defence)
Guwahati-27.

- iii. Address for service of - Canteen Stores Department
all others. Narangi, Guwahati-27.

2. Particulars of Respondents.

1. Name and/or designation - 1. Union of India,
of the Respondents represented by the
General Manager Canteen
Stores Department.
Ministry of Defence,
'ADELPHI' 119 M.K. Road,
Bombay-400020.

Contd....P/2.

1. Arjun Das
2. Jiten Prasad

2. The Deputy General Manager
(P&A)

Canteen Stores Department
'ADELPHI' 119 M.K. Road,
Bombay 400020

3. The Manager

Canteen Stores Department
Narangi, P.O. - Guwahati-27,
Assam.

3. Particulars of the order against which the applicants
is made.

The application is filed for setting aside the letter
No. 3/Pers/A-1/1099(Surp)/2580 dated 26th May'95, Order
No. 3/Pers/A-1/1099(Surp)/3175 dated 11th June 1995 &
Order No. 3/Pers/A-1/1099(Surp)/3176 dated 11th June
1995 issued by the Deputy General Manager (P&A) for
declaring the applicant as Surplus Staff and with the
prayer to continue the applicant till the date of
Superannuation.

4. Jurisdiction of the Tribunal.

The applicants further declares that the Subject matter
of the Order against which they want redressal is
within the jurisdiction of the Tribunal.

5. Limitation.

The applicants further declares that the application is
within the limitation prescribed in Section 21 of the
Administrative Tribunal Act, 1983.

6. Facts of the Case.

6.1. That the applicants are Indian Citizen by birth

Contd...P/3.

1. J. J. J.

2. J. J. J.

and as such they are entitled to all the rights and privileges guaranteed under the Constitution of India. The applicants are presently serving as Marker in the Canteen Stores Department (in short C.S.D.), Narangi, under the ~~Govt.~~ Ministry of Defence, India. They are low paid employees of the C.S.D. They are married men and has to look after their wife and children.

6.2. That the applicants have got a common grievances, ~~common~~ common course of action and the nature of relief prayed for is also same and similar and hence having regard to the facts and circumstances they intend to prefer this instant application jointly and accordingly they crave leave of the Hon'ble Tribunal to invoke the power of the Hon'ble Tribunal under Rule 4(5) (e) of the Central Administrative Tribunal (Procedure) Rules, 1987. They also crave leave of the Hon'ble Tribunal and pray that they may be allowed to file this joint petition and pursue the instant application for redressal of their common grievances.

6.3. That the applicant No. 1 was initially appointed as Mazdoor in the Canteen Store Department at Narangi in 12.4.67 by the Chairman, Board of Administration, Canteen Store Department, Bombay. He was promoted to Marker in 22.3.91 and now he is serving continuously as Marker under the Canteen Stores Department till to-day. The applicant No. 2 was initially appointed as Mazdoor in the Canteen Stores Department at Siliguri on 1.4.67 by the Chairman, Board of Administration, Canteen Stores Department, Bombay. He was promoted to Marker on 12.4.1993 and now he is serving continuously as Marker under the C.S.D. till today.

Contd...P/4.

1. Annexes
2. Inter Process

6.4. That the Staff Inspection of Unit team made a staff study in the year 1985 in the Canteen Stores Department of Govt. of India, Ministry of Defence and recommended for abolition of the posts of Packer and Marker of the Canteen Stores Department, of the Govt of India.

6.5. That the applicants beg to state that the recommendation of Staff Inspection of Unit ~~af~~ for abolition of the posts of Packer and Marker, in the C.S.D. specially based on the report, when it is found, the most of the regular nature of work, in C.S.D. are ~~being~~ being performed by the Contract labour in C.S.D. Therefore, the S.I.U. team have recommended for abolition of the post of Packer or Marker, in the Canteen Stores Department. This fact would be evident from the report of the S.I.U. team, the S.I.U. teams appears to be influenced that a good amount of works which are supposed to be performed by the Packer and Marker are being done through Contract labour, by the authorities of the C.S.D. for the reason best known, by the respondents and surprisingly, in view of allotting more works on Contract basis, a decision now after a long lapse of time, after furnishing the report of the S.I.U. team, the respondents have taken a decision arbitrarily for abolition of the posts of Packer and Marker in the C.S.D.

Therefore, the decision of abolition of posts of Packer and Marker cannot be said to be in the public interest. It is probably, for the interest of vested circle, in the Canteen Stores, Department for getting more works through Contract labour, in deprivation of the existing employees of the C.S.D. who are Packer and Marker.

Contd...P/5.

1. *documents*
2. *Inter Process*

Therefore, decision communicated under letter No. Ref. No.3/Pers/A-1/1099(Surp)2580 dated ~~23.5.95~~ 26.5.95 is highly illegal, arbitrary and unfair and the same is liable to be set aside and quashed.

Annexure-1 is the photocopy of the letter dated 25.5.95 issued by the Deputy General Manager (P&A) to all Managers/Regional Managers C.S.D. Depot.

6.6. That under Ref. No. 2/Pers/A-1/1099(Surp) 2580 dated 26.5.95 it is stated as per report on the Staff study of 31 Area, Depot Bombay Base and C.S.D. HQ. conducted by the S.I.U. a number of staff in the Categories of Carpenters; Packer(Spt), Marker, and Packer (Ordinary) have been rendered surplus.

It is stated in the aforesaid letter, that in order to adjust the above, Surplus Staff within C.S.D. itself, the Canteen Stores Department has taken up the case with the Board of Control New Delhi but they have not agreed and directed to initiate immediate action and surrender the surplus staff to the Surplus Cell. The relevant portion of the letter dated 26.5.95 is quoted below :

"As per report on the staff study of 31 Area Depots, Bombay base and C.S.D. HQ. conducted by the SIU a number of staff in the Categories of Carpenters, Packer (Spl), Marker and Packer (Ordinary) have been rendered Surplus."

2. In order to adjust the above surplus staff within C.S.D. itself we had taken up the case with Board of Control New Delhi/Ministry, but they have not agreed and directed to initiate immediate action and surrender

Contd.../6-

1. Attached
2. Jiten Prasad

the surplus Staff to surplus Cell. As per the laid down
rules, the staff rendered surplus due to above study
are to be sent to surplus Cell for replacement to other.
Govt Departments. The notice to the Surplus Cell has
already been issued and further action is under
progress.

It appears from the above contention that there was a scope for readjustment of proposed Surplus staff as per opinion of the Canteen Stores Department, but the Board of Control, New Delhi, Ministry of Defence did not reconsider their aspect of the proposal of the Canteen Stores Department and they were arbitrarily taken this illegal action of rendering surplus the employee working as Packer, & Marker in the C.S.D. It may be stated that the present applicants have rendered more than 25 years of service in the establishment of respondents.

6.7. That the applicants beg to state that even the procedure adopted by the respondents for rendering surplus in the process of abolition of post is also unfair, illegal, Malafide as the Junior persons to the applicants also retained in the service whereas applicants being a senior employee of the C.S.D. have been illegally declared surplus. This action of the respondents is highly arbitrary, illegal and violative of Principles of natural justice. Therefore the notice issued by the Respondent under reference No. 3/Pers/A-1/1099(Surp)/3175 dated 11-6-1995 and Reference No. 3/Pers/A-1/1099(Surp)/3176 dated 11.6.95

Contd...P/7.

1. Annexure
2. Jiten Prasad,

is highly illegal, arbitrary and the same is liable to be set aside and quashed.

Annexure-2 is the photocopy of the Notice vide Ref. No. 3/Pers/A-1/1099(Surp)/3175 dated 11.6.95 issued by the Dy. General Manager (P&A) for General Manager.

Annexure-2(a) is the photocopy of the notice vide ref. No. 3/Pers/A-1/1099(Surp)/3176 dated 11.6.95 issued by the Dy. General Manager (P&A) for General Manager.

6.8. That vide letter No. Ref. NGD/Est-71/2029 dated 10 June 1995 issued by the Manager, C.S.D. Narangi Depot where-
by the applicants^{were} asked, whether they are interested for Voluntary retirement and further stated if they are interested for Voluntary retirement and further stated in that event request for Voluntary retirement it should be communicated to them within 20.6.95. otherwise they would be surrendered to Surplus Cell for re-deployment but the applicants did not opt for Voluntary retirement.

Annexure-3 is the photocopy of the letter as Ref. No. NGD/Est-71/2069 dated 16th June 1995 issued by the Manager C.S.D. Depot, Narangi.

6.9. That the applicant further begs to state that the C.S.D. vide their letter under reference No. 3/Pers/A-1/1099(Surp)/3084 dated 29.6.95 whereby it is intimated to the Director General Employment and Training, Ministry of Labour, New Delhi that the C.S.D. have surrendered 39 Marker and 29 Packer as they have rendered surplus after study of Staff Inspection Unit (S.I.U.) and it is further stated that out of 39 one marker is expired on

Contd...P/8

1. Annexure-2
2. Annexure-3

27.5.95. Therefore the actual number of marker surrender strength to 38 and 25 Packer (Ordinary). It is also requested to intimate his clearance for the surrender and subsequent re-deployment as an early date.

Annexure-4 is the photocopy of the letter Ref. No. 3/Pers/A-1/1099/Surp)/3084 dated 29th June 1995 by the D.G.M. (P&A), C.S.D., Bombay.

6.10. That the whole Scheme for abolition of posts Marker and Packer have been done illegally on the basis of S.I.U. report which was submitted by the Inspection Unit after conducting a ~~xxx~~ study in the year 1985 in the C.S.D. without taking into consideration the expenditure incurred by the Department for getting the similar works done through Contract labour by the respective Stores Depot and the proposal of the Department for getting the work of Packer and Marker after abolition of the posts to Contract labour are highly illegal, arbitrary and unfair and it would give adverse affect to only a particular Section of Officers/Staff of C.S.D. Therefore the Policy of abolition of posts have not been done in public interest and the arbitrary decision communicated vide letter Dt. 26.5.95 is liable to be set aside and quashed.

6.11. That the applicants further beg to state that as far as C.S.D. is concerned, the turnover ~~is~~ growing to the tune of 18 to 20% every year. The loading, unloading, Packing etc. are duties of regular nature in C.S.D. as long as procurement and issue continues the basic business of the Department. The Government Orders on the subject clearly says that the duties of

Contd...P/9.

1 annexes
2. Jatin Prasad.

permanent nature should be done by permanent employees only. Therefore decision of the Board of Control for abolition of posts of Packer and Marker and surrendering the employee to the Surplus Cell appears to be contrary in the Policy of declaration of surplus as well as the finding of the S.I.U. and their subsequent recommendation of abolition of posts of packer and marker not in conformity with the Policy of the Central Government and therefore the report of the S.I.U. is also liable to be set aside and quashed.

6.12 That the applicants beg to state that in spite of their best efforts could not procure a copy of S.I.U. report. Therefore the Hon'ble Tribunal be pleased to direct the respondents to produce a copy of S.I.U. report for perusal of the Hon'ble Tribunal.

6.13. That this application is made bonafide and for the Course of Justice.

7. Relief sought for :

Under the facts and circumstances stated above the applicant prays for the following relief :

1. That the letter under Ref. No. 3/Pers/A-1/1099 (Surp)/2580 dated 26.5.95 (Annexure-1) and notice under letter No. Ref. No. 3/Pers/A-1/1099(Surp)/3175 dated 11-6-95 (Annexure-2) and Notice under Reference No. 3/Pers/A-1/1099(Surp)/3176 dated 11.6.95 , (Annexure-2(a) be set aside and quashed.

2. That the report of the staff Inspection Unit to be set aside and quashed.

3. That the respondents be directed to allow the

Contd....P/10.

1. Annex-2
2. Inter process

applicants to continue in service till the date of Superannuation as per normal rule.

4. That any other appropriate order or orders as ~~are~~ deemed fit and proper may be passed.

5. Cost of the Case.

The above reliefs prayed on the following amongst other.

G R O U N D S

1. For that the decision of abolition of posts of Packer and Marker in the C.S.D. and render them surplus are contrary to the Central Govt. Policy of declaration of surplus.

2. For that the decision of the Board of Central, Ministry of Defence, New Delhi for abolition of posts of Packer and Marker without considering C.S.D. proposal to adjust the surplus staff with the C.S.D. itself is highly arbitrary, illegal and unfair.

3. For that reduction of regular employees allotted with permanent nature of work and allotting the same work on contract labour system is opposed to public policy and also not in continuity with the policy for declaration of surplus employee.

4. For that the report of the S.I.U. was submitted long back in the year 1985 which cannot be acted upon at this belated stage.

5. For the report of the S.I.U. did not consider allotment of existing work on contract labour system

Contd...P/11.

1. *As per order*
2. *Inter-branch*

basis where the services of the Packer and Marker could have been utilised.

6. For that regular staff strength cannot be reduced when they are entrusted with permanent nature of works.

8. Interim reliefs prayed for :

During the pendency of the case the applicants prays for the following interim relief :

1. That the Operation of the Notice under reference No. 3/Pers/A-1/1099(Surp)/3175 dated 11.6.95 and Ref. No. 3/Pers/A-1/1099(Surp)/3176 dated 11.6.95 be stayed till final disposal of this application.

9. Details of remedies exhausted :

That the applicant declare that they have availed of all the remedies available to them under the Service Rules etc.

10. Matters not pending with any Court etc. :

The applicants further declares that the matters regarding which this application is made of is not pending before any Court of Law or any authority or any other Bench of the Tribunal.

11. Particulars of the Postal Order :

1. Postal Order No. - 809327455
2. Date of Issue - 20.9.95
3. Issued from - Guwahati
4. Payable - Guwahati

12. Index of documents are enclosed :

13. Enclosures :

As per Index.

Contd...P/12.

1. Annex
2. Index Prepared

V E R I F I C A T I O N

I, Shri Arjun Das. PN 4039, the applicant in the Case as such I am acquainted with the facts & circumstances of this case. The Statement made in this application are true to my knowledge and belief. I have not suppressed any material facts of the Case.

AND I signed the verification on this the 18th day of ^{October}~~September~~, 1995.

Date : 18.10.95

Place - Guwahati.

Arjun Das
Signature

GOVERNMENT OF INDIA
Ministry of Defence
Canteen Stores Department
'Adelphi' 119 M.K. Road
Bombay-400 020

Ref. No. 2/Pers/A-1/1099(Surp)/2580. Dated 26th May '95

All Managers/Regional Managers

VOLUNTARY RETIREMENT (SURPLUS STAFF).

As per report on the staff study on 31 Area depots, Bombay Base and CSD HO conducted by the SIU a number of staff in the categories of Carpenters, Packer (Spl), Marker and Packer (ordinary) have been rendered surplus.

2. In order to adjust the above surplus staff within CSD itself, we had taken up the case with Board of Control New Delhi/Ministry, but they have not agreed and agreed to initiate immediate action and surrender the surplus staff to the surplus cell. As per the laid down rules, the staff rendered surplus due to above study are to be sent to surplus cell for redeployment to other Govt. Departments. The notice to the Surplus Cell has already been issued and further action is under progress.

3. The name of the employees who are rendered surplus due to SIU study in each category are enclosed herewith as Annexure A, B, C & D to this Circular.

4. In case any employee (declared surplus as per Annexure A to D) wish to opt for voluntary retirement as per existing Govt. rules, he may apply for the same through Depot Manager/Regional Manager. The request should reach HO latest by 30th June, 95, otherwise it will be presumed that the employee is not interested for voluntary retirement and will accordingly ~~be surrendered to the Surplus Cell for redeployment by them.~~

Attested
Advocate
Advocate

ANNEXURE/4 (Contd.)

5. As per rule, in case a surplus employee refuses to accept the post offered to him, the action for redeployment should be treated as closed and he should be served with a notice for termination of service under the rules applicable to him.

6. In case any employee senior to the employees shown in Annexure 'A' to 'D' are willing to volunteer themselves for being declared surplus and transferred to the Surplus staff Establishment in accordance with the provision of the revised scheme for disposal of surplus staff they are also advised to give their opinion as per the proforma attached which should reach this Office by Speed Post on or before 30th June '95.

7. All DGHs/RMs/Depot Managers are requested to ensure that the contents of this circular is specifically brought to the notice of the respective surplus declared staff working under their control and also give wide publicity to all concerned.

8. Please treat this circular as Most Urgent.

Sd/- N.K.VAID
Deputy General Manager (P&A)
for General Manager

cc : All DGHs/AGHS

cc: Pension Cell

Attested
by [Signature]
(Associate)

15

Annexure 2

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
CANTEN STORES DEPARTMENT
"ADELPHI" 119 N.K. ROAD
BOMBAY - 400 620.

Ref.No.: 3/Pers/A-1/1099(Surp)/3175

Date: / / June '95.

SH. ARJUN DAS
PIN - 119
CSD DEPOT
RTD NARANGI (THROUGH DEPOT MANAGER)

NOTICE

Shri. ARJUN DAS is hereby informed that as it has been decided to abolish the post of MARKER held by him on permanent/~~regular~~ temporary/~~regular~~ Officiating basis, he is hereby declared surplus and transferred to the Surplus Staff Establishment of this Ministry/Department in accordance with the Revised Scheme for Disposal of Surplus Staff circulated with the Department of Personnel and Training O.M. No.1/18/88-CS.III dated 1.4.89, w.e.f. 19th May'95. His name and particulars have been reported to the ~~Central (Surplus Staff) Cell~~ in ~~the Department of Personnel and Training~~ for taking ~~Directorate General Employment and Training~~ action to arrange redeployment to another appropriate Post in accordance with the provisions of the C.C.S. (Redeployment of Surplus Staff) Rules, 1990 (GSR-99(E) dated 28.2.90).

2. The surplus employee mentioned above is further informed that as per the provisions of the Revised Scheme referred to above, the post held by him in the Surplus Staff Establishment will stand abolished as soon as he is relieved (including in absentia) there from to join a new post arranged

Attested
Signature
Advocate

2

for him by or in consultation with the Cell mentioned above.

3. The attention of the surplus employee mentioned above is also invited to the provisions of the

a) rules 29, 48-A of the CCS (Pension) Rules, 1972 and various clauses of Sl 56, under which, if he so desires, he can seek voluntary/premature retirement, as the case may be, subject to the provisions of the rule(s) elected by him for the purpose; and

b) rule 6 of the C.C.S. (Redeployment of Surplus Staff) Rules, 1990, under which the surplus employees can, in certain specified contingencies, seek readjustment, after being redeployed.

4. He is further given notice under rules*5/rule*7 of the CCS(PS) Rules, 1965/clause(a) of sub-rule (2) of rule 39 of the CCS (Pension) Rules, 1972, that in the event of his failure to join the new post arranged for him his services will be deemed to have been terminated effective from the date of his being relieved from his post in the Surplus Staff Establishment. If the period between the date on which this notice is served on him and the date of his relief from his post in the Surplus Staff Establishment falls short of one month statutory notice prescribed in the rule mentioned above in this paragraph, he can, in the event of termination of his services becoming effective in the circumstances referred to above, claim payment xxxxxxxxxxxxxxxxxxxxxxxxx.

* Delete whichever is in applicable.

~~Assisted~~ \searrow
~~High~~ \swarrow
~~Private~~

...3/-

of pay and allowances for the period of deficiency in the notice. He can also claim pensionary/terminal benefits as may be admissible under the rules.

5. The authority competent to terminate his services under the rule quoted in Para-4 above, may, if satisfied that the failure on the part of the surplus employee to join the post, which he was relieved to join, was for adequate reasons and there was no deliberate attempt on his part to evade joining the said post arranged for him, revoke the relieving order altogether or postpone the date of relieving him to any later date and in that event he would be deemed to have continued to be borne on the rolls of the Surplus Staff Establishment till the date when he is relieved there-from next.

(N.K.VAID)
Dy. General Manager (P&A)
For General Manager

CC: THE MANAGER
CSD DEPOT
RTD NARANGI

cc: RM(E)

cc: DGM (F&A)

cc: 3/B-8

cc: 3/A-1

cc: P/File-4039

Attested
[Signature]
Advocate

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
CANTEN STORES DEPARTMENT
"ADELPHI" 119 A.K. ROAD
BOMBAY - 400 020.

Ref.No.: 3/Pers/A-1/1099(Surp)/3176

Date: / / June '95.

SH. JITEN PRASAD

PN-4038, MARKER,

CSD DEPOT,

RTD NARANGH.

(THROUGH DEPOT MANAGER)

NOTICE

Shri. JITEN PRASAD is hereby

informed that as it has been decided to abolish the post of MARKER held by him on permanent/~~regular temporary/regular~~ Officiating basis, he is hereby declared surplus and transferred to the Surplus Staff Establishment of this Ministry/Department in accordance with the Revised Scheme for Disposal of Surplus ^{Staff} circulated with the Department of Personnel and Training O.M. No.1/13/88-CS.III dated 1.4.89, w.e.f. 19th May'95. His name and particulars have been reported to the ~~Central (Surplus Staff) Cell~~ in ~~are being~~ Special Cell the ~~Department of Personnel and Training~~ for taking Directorate General Employment and Training action to arrange redeployment to another appropriate Post in accordance with the provisions of the ~~Redeployment~~ (Redeployment of Surplus Staff) Rules, 1990 (GSA-99(E) dated 28.2.90).

2. The surplus employee mentioned above is further informed that as per the provisions of the Revised Scheme referred to above, the post held by him in the Surplus Staff Establishment will stand abolished as soon as he is relieved (including in absentia) there from to join a new post arranged

Attested
Advocate

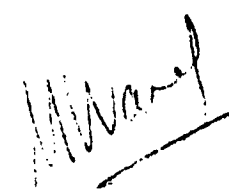
3. The attention of the surplus employee mentioned above is also invited to the provisions of :-

4. He is further given notice under rules*5/rule*7 of the CCS(TS) Rules, 1965/clause(a) of sub-rule (2) of rule 39 of the CCS(R) Rules, 1964, that in the event of his failure to join the new post arranged for him his services will be deemed to have been terminated effective from the date of his being relieved from his post in the Surplus Staff Establishment. If the period between the date on which this notice is served on him and the date of his relief from his post in the Surplus Staff Establishment falls short of one month statutory notice prescribed in the rule mentioned above in this paragraph, he can, in the event of termination of his services becoming effective in the circumstances referred to above, claim payment xxxxxxxxxxxxxxxxxxxxxxxxx.

Attested
Sis Advocate

of pay and allowances for the period of deficiency in the notice. He can also claim pensionary/terminal benefits as may be admissible under the rules.

5. The authority competent to terminate his services under the rule quoted in Para-4 above, may, if satisfied that the failure on the part of the surplus employee to join the post, which he was relieved to join, was for adequate reasons and there was no deliberate attempt on his part to evade joining the said post arranged for him, revoke the relieving order altogether or postpone the date of relieving him to any later date and in that event he would be deemed to have continued to be borne on the rolls of the Surplus Staff Establishment till the date when he is relieved there-from next.


(N.K.VAID)
Dy. General Manager (P&A)
For General Manager

CC : THE MANAGER,
C&D DEPOT,
RTO NARANGH

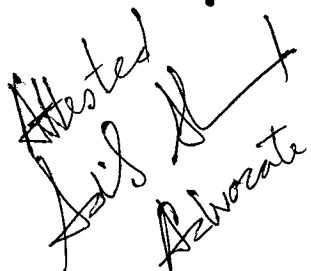
CC : RM (E)

CC : DGM (F&A)

CC : 3/B-8

CC : 3/A-1

CC : P/FILE - 4038


Attested
Advocate.

CANTEEN STORES DEPARTMENT

Naranggi Depot

तार : कान्सीन्ड गुवाहाटी

टेलीफोन : मीली ७२७७

Telegram : CANSIND GAUHATI

Telephone : Mil 7277, Resi. : 7348

Tele.

सी. एस. डी. डिपो, नारंगी

पोस्ट ऑ. सातगांव

गुवाहाटी (आसाम) ७८१०२७

CSD Depot Naranggi

Guwahati-781027 (Assam)

संदर्भ Ref: NGD/Est-71/2029

दिनांक Date: 10 June 95

✓ PN - 3914 Shri Kirtan Behra (o)
 PN - 4038 " Jiten Prasad (o)
 PN - 4039 " Arjun Das (o)
 R. T. D. / Naranggi Depot

Sub : VOLUNTARY RETIREMENT
 (SURPLUS STAFF)

Reference HO Cir. No. 3/pers/A-1/1099(Surp)/2580
 dated 26th May 1995.

2. As per report of the Staff study of this Department as a whole a number of Staff in the Categories of Carpenters, Packers(Spl), Marker and Packer(Ord) have been declared surplus by Staff Inspection Unit.

3. In accordance with the above report and as per Annex. 'C' Sr. No. 3,4 and Annex. 'D' Sr. No. 5 to above circular, you are one amongst the aforesaid surplus declared Staff with opened option for you to "GO FOR VOLUNTARY RETIREMENT" as per existing Government Rules and apply accordingly in the enclosed proforma duly completed in all respect on or before 20th June 95. In case if not applied as above it will be automatically presumed that you are not intrested for 'Voluntary Retirement' and you will be put into Surplus Cell, which please note.

4. In this connection it is further clarified that, in case a surplus employee once offered an employment and he refuses to accept the post offered to him, your further chances for re-deployment will be treated as closed and you will be served with notice for termination as per rules.

Encl.: Proforma-1.

(S. SENGUPTA)

MANAGER

C.C. : The DGM (P&A)

: Sec.-6(Pension Cell)

For information
 please.

कृपया पत्र व्यवहार विभाग के नामसे करें, किसी व्यक्तिके नामसे नहीं

Please address communications to the department and not to individuals by name

ANNEXURE

SPEED POST

GOVERNMENT OF INDIA
MINISTRY OF DEFENCE
CANTERIN STORES DEPARTMENT
'ADELPHI' 119 M.K. Road
Bombay 400 020

Ref No. 3/Pers/A-1/1099(Surp)/3084 Date 29 June '95

The Director General,
Employment & Training,
Ministry of Labour
New Delhi

SURRENDER OF SURPLUS CP. 'D' STAFF IN CSD.

Reference our letter No. 3/Pers/A-1/1099(Surp)/
2468 dated 23rd May '95 and 3/Pers/A-1/1099(Surp)/2904
dated 14th June '95.

2. With reference to our letter cited above it was
intimated that we had surrendered 39 Marker and 25 Packer
(Ord) as they have been rendered surplus in our department
after study of SIU. However, one Marker is expired on
27.5.95. Therefore, the actual number of surplus staff
being surrendered to you is 38 Marker and 25 Packer (Ord.).

3. The relevant details in respect of all the surplus
staff is now forwarded to you in the prescribed proforma
alongwith the list showing their names.

4. The proforma has been signed by the undersigned
who has so been delegated by the Head of the Department
xxxxxx required by rule. Copy of the delegation is also
enclosed.

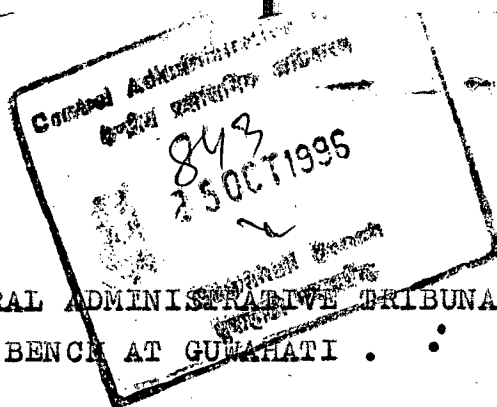
5. You are requested to kindly intimate your clearance
for the surrender and subsequent re-deployment at an
early date.

Sd/- N.K.VAD
Deputy General Manager (P&A)
for General Manager.

cc : The Manager
CSD Depot
MISAMARI

Attested
L.S.
CAIR (AHMED)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :
GUWAHATI BENCH AT GUWAHATI . . .



23

Filed by:

Shamshad
(MD. SHAUKAT ALI) 28/9/96
Sr. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

IN THE MATTER OF :

O.A. No. 246/95

Sri Arjun Das & Ors. . . .

- Verses -

Union of India & Ors. . .

- AND -

IN THE MATTER OF :

Written Statements submitted by
the Respondents.

The Humble Respondents beg to submit
their Written Statements as follows :

That before submission of parawise comments
the Respondents deem it necessary to give brief background
of the case for proper appreciation of the facts and
circumstances of the case and for proper decision thereof.

The brief backgrounds of the case is as follows :-

1) The study group of SIU observed that there were
pasts viz. carpenters, packers, markers etc., which
were created in olden days when the supply of stores
used to be mostly in big wooden cases and demand of
the units used to be less than a full crate. So, lot
of work used to be there for opening, repacking,
marking etc. But now goods are supplied in small
cartons made of card board. The size of items demanded
has also increased to the extent that very little items

are supplied in loose. Even whatever is issued as loose does not require the services of all these categories of staff. The requirement of carpenter, packer and marker was discussed in detail and it was agreed that there was not enough work for these posts. However, it was felt that on functional basis some posts would be required. Therefore, it was agreed that these posts be clubbed in all 62 posts and be allowed to continue. Since the pay scales of these 3 categories of posts are not identical i.e. the scale of carpenter is Rs. 950-1500 whereas the scale of packer and marker is Rs. 800 - 1150 and these posts are to be allowed on functional basis, the number of these 2 posts have been allowed is 1 : 1 ratio i.e. 31 carpenter and 31 packer/marker in 31 surveyed depots.

2) That the study group set up by the Department is to come into the matters and group after thoroughly examining the cases of the applicant and others observed that there were posts of carpenters, packers, markers etc. which were created in olden days when the supply of stores used to be mostly in wooden cases and demand of the units used to be less than a full crate. So, lot of work used to be there for opening, repacking, marking etc. But now goods are supplied in small cartons made of card board. The size of items demanded has also increased to the extent that very little items are supplied in loose. Even whatever is issued as loose does not require the

... 3 ...

services of all these categories of staff. The requirement of carpenter, packer and marker was discussed in detail and it was agreed that there was not enough work for these posts. However, it was felt that on functional basis some posts would be required. Therefore, it was agreed that these posts be clubbed in all 62 posts and be allowed to continue. Since the pay scales of these 3 categories of posts are not identical i.e the scale of carpenter is Rs.950-1500 whereas the scale of packer and marker is Rs.800 - 1150 and these posts are to be allowed on functional basis, the member of these 2 posts have been allowed is 1 : 1 ratio i.e 31 carpenter and 31 packer/marker in 31 surveyed depots.

3) That with regard to the statements made in paragraphs 1 to 5 of the application the Respondents have no comments.

4) That with regard to the statements made in paragraphs 6.1 & 6.2 of the application the Respondents have no comments.

5) That with regard to the statements made in paragraph 6.3 of the application the Respondents beg to state that, it is true that the applicants joined the Department as Mazdoor and promoted as Marker due to their seniority approved by the D.P.C.

6) That with regard to the statements made in paragraphs 6.4 & 6.5 & 6.6 of the application the

(contd.4)

Respondents beg to state that, this Department is a Government Department hence Staff Inspection Unit has conducted study in 1991, the study of staffing pattern in terms of the work load and as per the report submitted and approved by the competent authority, they have agreed to allow only 31 packers/markers in 31 surveyed depots as such the applicant was declared surplus which is not at all victimisation. However, they have been offered to opt voluntary retirement or their names should be forwarded to surplus cell of Govt. of India which is in accordance with the existing Government Rules.

7) That with regard to the statements made in paragraph 6.7 of the application the Respondents beg to state that, the applicants are declared as surplus correctly and there is no discrimination taken place while taking the final decision in this subject.

8) That with regard to the statements made in paragraph 6.8 of the application the Respondents have no comments the same being matters of record.

9) That with regard to the statements made in paragraph 6.9 of the application the Respondents beg to state that, in compliance to the directions of the Ministry as communicated vide BOCCS letter No.95279/Q/DOCCS/Vol III dt. 1st May 1995 the

(contd.. 5)

competent authority has approved surrender of the following GP 'C' and 'D' staff with effect from 19th May 1995 which has been rendered surplus on review of the establishment of the 31 Area Depot by the Staff Inspection Unit.

- 1) Carpenter - 03
- 2) Packer(spl) - 07
- 3) Marker - 38
- 4) Packer(0) - 23

In this regard the respondents have already issued the notice of surrender to the surplus cell, following the provisions as laid down by Government of India in response to such surrender and subsequent re-deployment.

10) That with regard to the statements made in paragraphs 6.10 & 6.11 of the application the Respondents beg to state that, Ministry of Defence vide their letter No.95279/Q/BOCCS/909/D(MOV) dt. 26-4-93 has approved the SIU report of the said 31 Area Depots and further instructed to implement the creation/abolition of post in CSD hereto annexed as Annexure - R-1. Accordingly the respondents implemented the order. The respondents deny any arbitrary action in the matter.

Annexure - R-1 in the letter No . 95279/Q/
BOCCS/909/D(Nov) dt. 26-4-93.

11) That with regard to the statements made in paragraph 6.12 of the application the Respondents beg to state that, they have submitted the copy of S.I.U.

report as Annexure - r-2 for kind perusal of the Hon'ble Tribunal.

That Annexures - R-1 & R-2 are not available hence, these are not enclosed with this position.

12) That with regard to the statements made in paragraph 6.13 of the application the Respondents beg to state that, the applicants were holding the post of Marker on permanent basis and this post has been rendered surplus as a result of studies of work measurement undertaken by the SIU which is the legitimate body of Government of India to undertake such studies and recommendations.

13) That with regard to the statements made in paragraphs 7.1 to 7.6 the respondents beg to state that applicants holding the post of Marker on permanent basis and this post has been rendered surplus as a result of studies of work measurement undertaken by the SIU which is the legitimate body of Govt. of India to undertake such studies and recommendations. It is also submitted that the respondents have initiated actions in this matter are in accordance with existing rules and not at all injustice, unreasonable, illegal and contrary to the law and nowhere any action of the respondents have violated the Articles 14 and 16 of Constitution of India.

.... 7

14) That with regard to the statements made in paragraph 8 of the application the Respondents beg to state that the requirement of post like Carpenter, packer and Marker was discussed in detail and it was agreed, that there was not enough work for these posts. However it was felt that on functional basis some post would be required. Therefore, it was agreed that these posts be clubbed in all 62 posts be allowed to continue. As these posts be allowed on functional basis, the number of these posts have been allowed in 1 : 1 ratio that is 31 carpenters and 31/ packers/markers. The statement showing the sanctional and agreed strength of staff in respect of 31 Area Depots was approved by Ministry of Defence vide OM No.95279/Q/BOCCS/909/D(Mov) dated 26th April 1993 as reproduced in CSD Order 13/93 dated 16-6-93.

Therefore , the respondents have surrendered the applicants to surplus cell for redeployment, in the light of the submission, it would be concluded that the applicants have no case and the prayers are to be rejected.

15) That with regard to the statements made in paragraphs 9 to 13 of the application the Respondents have no comments.

16) That the Respondents beg to state that the submissions made in the application has no merit and as such, the same is liable to be quashed.

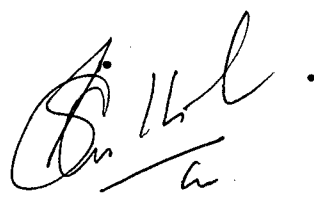
.. Verification .

... 8 ...

V E R I F I C A T I O N

I, Commander S.Kamal Krishnan, Dy.Gen.Manager(P&A)
Canteen Stores Department, Ministry of Defence,
do hereby solemnly declare that the statements
made in this written statement are true to my
knowledge, belief and information.

And I signe this verification today
on 13th Day of Sep 1996 at Mumbai.



(S. KAMAL KRISHNAN)
Commander
Dy. Gen. Manager (P&A)