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9

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 254/95

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet.....^{SA}.....Pg. 1.....to 7.....
2. Judgment/Order dtd. 9.6.98.....Pg. 1.....to 3. ¹¹⁰.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....^{254/95}.....Pg. 1.....to ²⁴ 20.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
- ✓ 7. W.S.....Pg. 1.....to 14.....
8. Rejoinder.....Pg.....to.....
- ✓ 9. Reply.....Pg. 1.....to 5.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Halita
7.2.18

- (g) Oral evidence vide reply to Q-21, is confirmed " Shri R.P.Chaturvedi/CVI/Engg prepared the joint memorandum, thus it evident that it was not prepared jointly.

3.4.2 Assessment on following submission not evaluated properly.

- (a) Oral evidence vide reply to Q-14, it is on irregular measurement showing distance of Railway boundary with different dimension.
- (b) Oral evidence vide reply to Q-23(put by PO), where DW-1 mean casual type of measurement that recorded in RUD-2, by the term " such measurement".
- (c) Oral evidence vide reply to Q-24(put by PO), where DW-1 expressed his unawareness about the meaning " unattested correction".
- (d) Oral evidence vide Q-28(put by PO), is on confirmation of location shown in Photograph.
- (e) Oral evidence vide reply to Q-29 (put by PO), is his avoidance on the silly question which he has already been given vide reply against question Q-28.
- (f) Oral evidence vide reply to Q-30(put by PO), here denied to reply about old and new photograph, he just expressed it was taken after the fixing of new post.
- (g) Oral evidence vide reply to Q-25(put by PO), is insignificant question and insignificant reply. Position of boundary post can not substantiate different measurement in deferent places..

[Submission of DW-1 recorded in daily order sheet 5 dated 02.09.10 and daily order sheet Nos.-6 dated 03.09.2010 may kindly be connected]

3.5.0 -On Enquiry report para 5.1.2.3 Oral evidences - DW-2.

3.5.1 The following evidence on record was not taken care.

- (a) Oral evidence vide reply to Q-2, is about his posting in this project on " November'2000", it is complement to Oral evidence vide Q-16 that he identified photographs for pond at km 53/7-8 & 54/9-10 and exist since his posting.

ORIGINAL APPLN. NO. **254** 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.)

..... **Kundan Samikan p. M. Jayash** APPLICANT(S)
 -vs-

..... **h. O. l. ...** RESPONDENT(S)

FOR THE APPLICANT(S) ... MR. **h. p. s. ...**
 MR. **R. Das, Advt.**
 MR.
 MR.

FOR THE RESPONDENTS ... MR. **S. Ali, Sr. C.A.**

OFFICE NOTE	DATE	ORDER
<p>This application is in for within time. Rs. 50/- vide IPO No 8377/46 Dated 7.11.95</p> <p><i>Contd.</i></p> <p><i>PA</i></p>	<p>15.12.95</p>	<p>Applicant in person. O.A. admitted. Issue notice to the respondents. Written statement to be filed within 8 weeks. Adjourned to 22.2.1996 for orders.</p>
<p>The applicant did not submit the impugned order He has been asked to submit the impugned order and to rectify the other defects vide this office order no CAT/C.A. 1/156/91 - Judge/4949 dt- 20.11.95. He has rectified the other defects and submitted the case with the impugned order. Today he has filed an application at about 10-45 hrs stating that he had applied to his parent office to supply him a copy of that order and stated that he will submit the same on receipt from his department.</p> <p><i>Laid for favour of said order.</i></p>	<p>9.4.96</p>	<p>Written statement has not been submitted. Learned Sr.C.G.S.C Mr S.Ali pray for further six weeks time for submission of written statement. List on 3.6.96 for written statement and further orders.</p>

W
 Vice-Chairman

h
 Member

nkm

h
 Member

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

2

ORIGINAL APPLN.NO. 254 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.)

..... APPLICANT(S)

-vs-

..... RESPONDENT(S)

FOR THE APPLICANT(S)MR.
MR.
MR.
MR.
FOR THE RESPONDENTSMR.

OFFICE NOTE

DATE

ORDER

3-6-96

Learned Sr.C.G.S.C. S.Ali is present for the respondents. At the request of Mr.S.Ali, four weeks time is granted for filing written statement List on 16-7-96 for written statement and further order.

Member(A)

Member(J)

lm

16.7.96

Mr K.S.Purkayastha in person present. Mr S.Ali, Sr.C.G.S.C for the respondents seeks further time for submission of written statement.

List on 8.8.96 for written statement and further orders.

Member

Requests made & send v.m. 5641-45 of 16.7.96. order send to applicant.

Notice duly send to all Resps ds.

W/s statement - has not been filed.

W/s statement - has not been filed.

24-7-96

W/S of Respd. No. 1, 2, 3 & 4.

8-8-96

Learned Sr.C.G.S.C. Mr.S.Ali has submitted written statement, that the copy of the same served on the applicant.

~~XXXXXXXXXXXX~~

List for hearing on 5-9-96.

W/ statement - has been b/w

4/9

[Signature]
Member

lm

m/ 8/8

5-9-96

Mr.K.S.Purkayastha present in person. Learned Sr.C.G.S.C. Mr.S.Ali for the respondents. The applicant has received copy of written statement and he prays for two months time to file rejoinder. Allowed.

List for hearing on 12-10-96. In the meantime the applicant may submit rejoinder with copy to the opposite party.

lm

m/ 5/9

[Signature]
Member

12-10-96 (Saturday) 12.11.96

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

List for hearing on 10.12.

So, the case list on after puja vacation, i.e. 12.11.96 for order (F.R.D.H)

m/ 18/10/96.

pg

m/ 17/11

[Signature]
Member

*1) W/ statement - has been b/w
2) Rejoinder has not been b/w*

19.3.97

Learned counsel appearing on behalf of the applicant submits that the records should be necessary for proper adjudication of the matter. Let the relevant records be produced by the Sr. C.G.S.C. on the date of hearing.

List on 16.4.1997 for hearing.

[Signature]
Member

[Signature]
Vice-Chair

Vakalatnama filed by Shri R-Das, Advt. on behalf of the applicant.

[Signature]
14/11
12/96. 27.1.97 trd

Rejoinder read by part &

(4)

O.A. 254/95

D w/ statement has been
G.W.

Rejainia de has not
been G.W.

11/4

1/5. and Rejainia de has
been filed.

16.4.97

The impugned order dated 12.5.97 issued by the Accountant General (Audit), Assam Meghalaya cannot be filed by the applicant as the authority did not supply him. Learned counsel Mr R. Das for the applicant submits that it will be difficult on the part of his client to procure the impugned order. He prays for a direction to the respondents to produce the impugned order. Mr S. Ali, learned Sr. C.G.S.C shall take steps for production of the impugned order and the records.

Learned counsel for the parties also informs that the matter relates to Meghalaya. It will be convenient if the hearing of this case is taken up at Shillong. On the submissions of the learned counsel for the parties the case will be taken up for hearing in Shillong. The next date will be notified later. Mr Ali shall produce the record as well as the impugned order within 2 weeks from today.


Member


Vice-Chairman

pg
M
17/4

27-6-97 D.B. is not sitting.
Adjourned to 9-7-97 for fixing
the date of hearing.

By order.



5

O.A. 254/95

-5-

O.A. NO. 254 of 1995

9.7.97

Counsel for the parties submit that the case is ready for hearing.

List it on 13.8.97 for hearing.

ba
Member

Sh
Vice-Chairman

W/s. and Rejoinder has been filed

SD 12/8

tpd 12/3/7

13.8.97

Case to be listed at Millonny circuit court when is available.

By order

21.8.97

1) Memo of appearance has been filed.

2) The case is ready for hearing. 17.9.97

ms 21/8/97

Case is ready for hearing. List for hearing on 9.12.97.

ba
Member

Sh
Vice-Chairman

pg 1/9/97

9.12.97 There is no representation Adjoined to 12.1.98.

By order.

12-1-98

Division Bench is not available. List on 19-2-98 for hearing.

ba
Member

W/s and Rejoinder has been filed

lm

The case is ready for hearing.

24/6-7

6

O.A.No.254/95

19.2.98

Mr S. Ali, learned Sr

C.G.S.C. prays for two weeks time to get instructions. Prayer allowed. List it on 9.3.98 for hearing.

[Signature]
Member

[Signature]
Vice-Chairman

nkm

MS
23/2

9-3-98

On the prayer of counsel for the parties case is adjourned till 26-3-98.

[Signature]
Member

[Signature]
Vice-Chairman

w/s and Refrainder
has been filed
MS
25/3

lm

MS
11/3

26.3.98

Mr S. Ali, learned Sr. C.G.S.C. prays for a short adjournment as he has not yet received instructions. Prayer allowed. List it on 22.4.98 for hearing

[Signature]
Member

[Signature]
Vice-Chairman

w/s and Refrainder
has been filed
MS
21/4

nkm

MS
30/3

22.4.98

In spite of repeated orders records have not been produced by the learned Sr.C.G.S.C.Mr S.Ali now today submits that he has not yet received the records ~~for the~~ and In the absence of the records it is difficult for this Tribunal to adjudicate the matter. Therefore, issue notice to the respondent No.1- Principal Accountant General, ^(Assam) Assam and Meghalaya etc., Shillong to cause production of the records through a competent Assistant of his office at 10-30 A.M. 13.5.98. On that day the Assistant shall be present with records before this Tribunal.

X

Notes of the Registry	Date	Order of the Tribunal
<p>Copy of this order may be furnished to Mr S.Ali.</p>	<p>22.4.98</p>	<p>do so further action will be taken. List on 13.5.98 for hearing.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>By order <i>[Signature]</i> 22.4.98</p> <p>Please comply order dated 22.4.98 immediately.</p>	<p>pg 23/19</p> <p>13.5.98</p>	<p>Adjudged to 20.5.98. By order.</p>
<p>23/4/98</p> <p>24.4.98</p>	<p>20.5.98</p>	<p>Adjudged to 29.5.98 By order</p>
<p>Copy of order dtd. 22.4.98 issued to the counsel of Mr S. Ali, Sr.C.G. Se ad Respondent No.1. by Regat / Post vide D.Wr.</p> <p><u>Boor</u></p>	<p>29.5.98</p> <p>pg 116</p>	<p>On the prayer of Mr S.Ali, learned Sr.C.G.S.C the case is adjourned till 2.6.98.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>W/S and rejoinder has been filed.</p>	<p>2.6.98</p>	<p>Leftover List on 8.6.98 By order</p>
<p>W/S and rejoinder has been filed.</p>	<p>8.6.98</p>	<p>Pass over for The Day. By order</p>
<p>W/S and rejoinder has been filed.</p>	<p>9.6.98</p>	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.</p>
<p>23.6.98 Copies of the Judgment to the D/Sec to the parties</p>	<p>pg 116</p>	<p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

Notes of the Registry Date Order of the Tribunal

8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

Q.A. NO. 254 of 1995
T.A. NO.

DATE OF DECISION 9.6.1998

Shri Kumar Sankar Purkayastha

(PETITIONER(S))

Mr R. Das

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

Mr S. Ali, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.254 of 1995

Date of decision: This the 9th day of June 1998

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Kumar Sankar Purkayastha,
Senior Auditor,
Office of the Principal Accountant General(Audit),
Assam, Meghalaya etc. Shillong.Applicant
By Advocate Mr R. Das.

-versus-

1. The Union of India, represented by the
Principal Accountant General (Audit),
Assam, Meghalaya,
Shillong.
2. Shri P. Phookan,
Deputy Accountant General (Audit),
Office of the Principal Accountant General(Audit),
Assam, Meghalaya etc.,
Shillong
3. Shri J. Sinnah,
Deputy Accountant General (C&R),
Office of the Principal Accountant General(Audit),
Assam, Meghalaya etc.,
Shillong.
4. Shri Amar Patnaik,
Deputy Accountant General (A&E),
Meghalaya, Shillong.
5. Shri Holland C. Marwein, Welfare Assistant,
Office of the Principal Accountant General(Audit),
Assam, Meghalaya etc.,
Shillong.Respondents
By Advocate Mr S. Ali, Sr. C.G.S.C.

.....
O R D E R

BARUAH.J. (V.C.)

In this application the applicant has challenged
the order dated 12.5.1995 issued by the Establishment
Officer (Audit), Office of the Principal Accountant
General (Audit), Assam, Meghalaya etc., appointing

SR

12

Shri Holland C. Marwein as Welfare Assistant with effect from the date he took over charge of the said office on deputation basis. The deputation was for a period of three years.

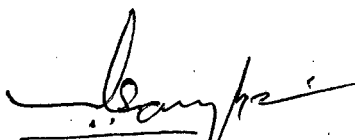
2. The case of the applicant is that the office of the Principal Accountant General (Audit), Assam, Meghalaya etc., issued Annexure A Advertisement asking for applications for appointment to the post of Welfare Assistant by way of transfer on deputation. The last date of submission of applications was 31.1.1995. Pursuant to Annexure A advertisement the applicant as well as another person submitted applications. However, the 3rd respondent accepted applications of the 5th respondent and another person after expiry of the last date. Thereafter, the 5th respondent who submitted the application after expiry of the period was appointed in the said post. Accordingly the 5th respondent took over charge in May 1995. Thereafter his period was further extended till August 1998. without, however, calling for fresh applications. The applicant has challenged the appointment of the 5th respondent and has prayed for setting aside the order of appointment. He also claims that he should be appointed in place of the 5th respondent. Hence the present application.


3. The contention of the applicant is that the authority having advertised with last date for submission of applications as 31.1.1995 it has no jurisdiction to accept the applications behind the back after expiry of the last date. In due course the respondents have entered appearance.



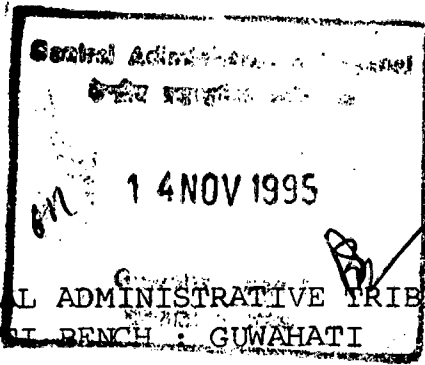
4. We have heard Mr R. Das, learned counsel for the applicant and Mr S. Ali, learned Sr. C.G.S.C. We are in agreement with Mr Das that the 3rd respondent ought not to have accepted the applications after the expiry of the last date and the subsequent appointment of the 5th respondent cannot be said to be legal and valid. We, therefore, hold that the appointment of the 5th respondent was illegal and wrongful. However, the period of three years had already expired and the authority has granted further three months extension, without, however, making any advertisement. We do not find any justification in allowing the 5th respondent to continue in the post. However, as the period is going to expire shortly, we are not inclined to interfere with the appointment. We, however, make it clear that after the expiry of the extended period the appointment of the 5th respondent shall not be extended any further. It necessary there should be fresh advertisement.

5. With the above observationn we dispose of the application. Considering the facts and circumstances of the case we make no order as to costs.


(G. L. SANGLYNE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN

7/11/95



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

An application Under section 19 of the C.A.T. Act, 1985

O.A. No. 254 of 1995.

Shri Kumar Sankar Purkayastha

-VS-

Union of India & Ors.

Filed by: 14
K. Sankar Purkayastha

To

The Hon'ble Registrar,
Central Administrative Tribunal,
Guwahati Bench : Guwahati - 781 005.

Most respectfully sheweth :

1. That Sir, I am the applicant of this enclosed application being submitted through post for its registration.
2. That Sir, my physical appearance at this moment to CAT is not possible since my old ailing mother is alone and living with me. She has none to look after her except myself.
3. That Sir, this case may be disposed of on merit calling for the records available with the Respondent No. in connection with the promotion of Respondent No. 5 as welfare Assistant where I, the applicant was one of the most deserving candidates.
4. That Sir, due notice may be served to Respondent Nos. 1 to 5. Necessary copies of the application are enclosed herewith.
5. This case may be disposed of at Shillong Bench while CAT will function next at Shillong.
6. That Sir, due notice may be served on me when date of hearing will be fixed.
7. That Sir, I crave leave of the 'CAT' to conduct the case by self. If necessary, I may engage counsel subsequently.

Yours faithfully,

K. Sankar Purkayastha

Dated, Shillong
the 10th November, 1995

R.P.
14/11/95

SOGT

Mr. Sankar
14/11/95

Received copy
Sr. Secy
16/11/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

An application under Section 19 of the C.A.T. Act, 1985

O.A. No. 254 /95

Shri Kumar Sankar Purkayastha

-VS-

Union of India & Ors.

I N D E X

<u>S/No.</u>	<u>Annexure.</u>	<u>Particulars</u>	<u>Page No :</u>
1.	'A'	Copy of Circular No. Estt.1/Audit/10-5/94-95/6154 dated nil issued by P.A.G. (Audit)	-11
2.	'B'	Copy of Memo No. Estt-1/Audit/10-73/95-96/450-453 dated 26 APR 1995 issued by P.A.G. (Audit)	-12
3.	'C'	Copy of the Sports Certificate dated 5.10.1974 issued by Hony. Football Secy., Shillong Sport Association	-13
4.	'D'	Sports certificate datd 2.10.69 issued by GAU Sports Board.	-14
5.	'E'	Copy of the sports certificate dtd.5.11.1980 issued by Govt of W.B.	-15
6.	'F'	Copy of Sports Certificate dtd. for 1971-72 issued by AG/SH	-16
7.	'G'	Copy of Sports certificate dtd. 16.12.1976 issued by CGEWCC	-17
8.	'H'	Certificate in 4x100m race dtd. 16.12.76 issued by CGEWCC	-18
9.	'I'	Sports certificate dtd.28.3.78 issued by CGEWCC	-19

K. G. Sankar Purkayastha

1. Particulars of the applicant :

Shri Kumar Sankar Purkayastha.

Senior Auditor, Office of the Principal Accountant General (Audit), Assam, Meghalaya etc., Shillong -

2. Particulars of the Respondents :

1. Union of India, represented by the Principal Accountant General (Audit), Assam, Meghalaya, Shillong - 793 001

2. Shri P. Phookan, Dy. A.G. (Audit), O/O the P.A.G. (Audit), Assam, Meghalaya etc., Shillong-

3. Shri J. Siannah, Dy. A.G. (C & R), Office of the P.A.G. (Audit), Assam, Meghalaya etc., Shillong-

4. Shri Amar Patnaik, Dy. Accountant General, (A. & Meghalaya, Shillong - 793 001.

5. Shri Holland C. Marwein, Welfare Assistant, Office of the Principal Accountant General (Audit), Assam, Meghalaya etc., Shillong - 793 001.

3. Particulars for which the application is made :

The application is made for redressal of injustice made to the applicant by refusing him appointment to the post of Wel-fare Assistant and appointing Respondent No. 5 by means of manipulation.

Contd ... 3.

17
K. Srinivasan

4. Jurisdiction :

The applicant declares that the subject matter of the arbitrary appointment of the Respondent No. 5 against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation :

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the case :

1. That the applicant is a citizen of India and as such he is entitled to the rights and privileges guaranteed by the Constitution of India.
2. That the applicant is a Senior Auditor in the Office of the Principal Accountant General (Auditor), Assam, Meghalaya etc., Shillong-1, and was initially appointed as L.D.C. cum Typist in the Office of the Accountant General, Assam, Meghalaya etc., Shillong on 25.5.1971. He was recruited in Sports Quota. He was promoted to the post of Auditor on 24.6.1976. During bifurcation of Audit and Accounts he was appointed as Sr. Auditor with effect from 1.3.1984.
3. That on 27.1.1995, the applicant had applied for the post of Welfare Assistant in response to a Circular No. Estt. I/Audit/10-5/94-95 dated Nil issued by the Establishment Section of the Applicant's Office inviting applications from the deserving candidates for appointment of Welfare Assistant. As per the circular, the last date

of submission of application was 31.01.1995. Only two Sr. Auditors Shri C.S. Row Riengsete and the applicant himself had submitted the application before 31.01.1995.

A copy of the Circular No. Estt.I/Audit/10-5/94-95/6154 dated Nil issued by the Establishment Section of the applicant's Office is enclosed as Annexure 'A'.

4. That during the month of February, 1995, the file for the post of Welfare Assistant was put up before the then Hon'ble Accountant General (Audit), with the names of only two above mentioned candidates as referred to in Paragraph 3 above.

5. That to the utter surprise of many, four candidates were called for interview vide Memo No. Estt. I/Audit/10-78/95-96/450-453 dated 26.4.1995.

A copy of the Memo No. Estt.I/Audit/10-78/95-96/450-453 dated 26.4.1995 issued by the Establishment section of the applicant's Office is enclosed as Annexure 'B'.

6. That an interview was called for on 5.5.1995 at 3.30 P.M. The applicant had appeared for the interview and he fared very well.

7. That on 12th of May, 1995, the applicant was shocked when the Establishment Officer (Audit), informed him verbally that the Respondent No. 5 had been selected for the post of Welfare Assistant.

Contd ... 5.

18

C. S. Row Riengsete

8. That it would not be impertinent to mention here that the ~~present~~ applicant is suing his wife for Divorce on charges of adultery in the court of District and Session Judge, East Khasi Hills, Shillong. The wife and in-laws of the applicant in connivance with some Officers of the Office of the Principal Accountant General (Audit), are involved in a conspiracy (a Criminal offence under - Section 120B IPC.) to establish the applicant as mad. The motive behind the conspiracy is to nullify the charges of adultery.

9. That it was clearly mentioned in the circular "Participation in Sports and cultural activities and aptitude for welfare activities will be an added qualification". That the Respondent No. 5 had no record of participation in sports and cultural activities during his entire service career. He is a trade Union activist of Civil Audit and Accounts Association and about 85% of the members of Audit Wing had resigned from that Association due to anti-audit employees activities of the Association. The most interesting fact is that a man rejected by 85% of the members ~~choosed to be~~ deemed ~~not~~ to work for the welfare of the members of staff.

10. That it is equally interesting a fact that in the circular it was specifically mentioned that the last date of submission of the individual application was 31.01.1995 but the Respondent No. 5 had submitted his application even after the prescribed time and more so when the file with applications of only two individual was put up for consideration. Belated entertainment of the application of the Respondent No. 5 was a clear act of mala-fide motive by the authorities concerned.

19
C. J. Luker

20
C. Srinivasan

11. That the applicant has bright record in sports and games and had represented the A.G. football Team for more than a decade. Since he joined the service in 1971, the applicant also represented the Central Government Employees Welfare Co-ordination Committee in football for the All India Civil Services Tournament for many years. He also represented Shillong football team. He was also a good athlete. The very circular also specifically mentioned that efficiency in sports would be a added qualification for selection of Welfare Assistant. But it is a matter of fact that superseding all those added qualification a man having less qualification like Respondent No. 5 has been selected as a Welfare Assistant by the authorities concerned.

Copies of some of the certificates in support of his proficiency in sports are enclosed as Annexure 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I' and 'J' respectively.

12. That the applicant has got good record in the organisation of Sports and Cultural activities. He was the Secretary (Sports), Civil Accounts Sports and cultural Club from 1977 to 1979. He was the General Secretary, CAS & C club for 1979 to 1981.

13. That on all previous occasions, persons with good record in Sports and games were appointed as Welfare Assistant.

14. That the entire records inclusive past and present relating to the selection of welfare Assistant are lying with the Respondent No. 1. The proper scrutiny of those records would revealed how malafidely they have acted in the present selection of the Welfare Assistant.

32
C. Srinivas Reddy

4. For that the applicant was otherwise qualified on merit for the appointment of the welfare Assistant and deprivation of his appointment by the Respondent No. 1 in the facts and circumstances was arbitrary and violative of Article 14 and 16 of the constitution of India.
5. For that since the appointment of welfare Assistant of Respondent No. 5 by the Respondent No. 1 was malafide and arbitrary and in violation of the fundamental rights of the applicant, the applicant may be appointed as Welfare Assistant quashing and setting aside the appointment of Respondent No. 5.

8. Interim relief prayed for :

During the pendency of the application the applicant prays for the following Interim Relief :

The applicant be allowed to get additional pay and allowances equivalent to the scale of Welfare Assistant with effect from the date of appointment of the Respondent No. 5, and the impugned appointment made by the Respondent No. 1 may please be stayed/suspended.

The above relief is sought for on the grounds explained in para - 7 above.

9. The applicant declares that he has not filed any other case/application in any court/Tribunal on the subject matter.

R. S. Imkay...

10. The applicant declares that he did not submit any departmental representation to avoid communal disharmony amongst different sections of employees in already tense situation in Shillong. There is no remedy under any rule and this Hon'ble Tribunal is the only remedy.

11. Particulars of Postal Order :

Postal Order No. : 8 03 837746

Date : 9.11.95

Issued by P.O. : Shillong Head Post Office

Payable at : Guwahati.

12. Index :

An Index showing list of enclosures is enclosed

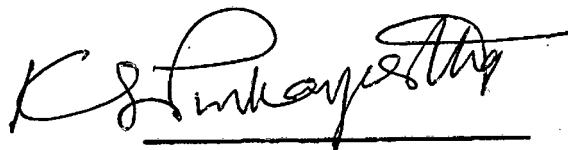
13. Documents :

As per Index.

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

I, Shri Kumar Sankar Purkayastha, son of Late Manindra Krishna Purkayastha, aged about 44 years, resident of Shillong, Meghalaya, do hereby verify that the statements made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 are true to my knowledge and that I have not suppressed any material facts.

Dated, Shillong,
The 10th Nov. 1995



SIGNATURE

Kumar Sankar Purkayastha,
Sr. Auditor,
O/o. the Pr. Accountant General (Andi
Assam, Meghalaya etc.
Shillong- 793001.

29



OFFICE OF THE ACCOUNTANT GENERAL (AUDIT),
Assam, DIGHALAYA ETC., SHILONG.

Circular No. Estt.I/Audit/1-6/94-95/6154 Date:-

The Post of Welfare Assistant in the scale of Pay of B.1640-60-2600-EB-75-29 6/- p.m. will fall vacant in this Office on 31.01.95 and will be filled in from amongst the Senior Auditors/Personal Assistant in the Department with five years regular service or Auditors/Stenographers with nine years regular service in the grade, by transfer on deputation. Participation in sports and cultural activities and aptitude for welfare activities will be an added qualification.

While working as Welfare Assistant, the selected official may either elect to draw the grade pay of the post of Welfare Assistant in the aforesaid scale or draw his/her grade pay as Senior Auditor, Personal Assistant, Auditor or Stenographer as the case may be plus deputation (Duty) allowance in accordance with the Ministry of Finance G.M. No. F.I(II)-E.III(B)/75 dated 7.11.75 as amended from time to time.

The Post of Welfare Assistant being an ex-cadre one, appointment to this Post shall not ordinarily exceed three years.

Officials fulfilling the above conditions and willing to be considered for the aforesaid assignment may submit their applications in the following Proforma so as to reach Establishment-I Section on or before 31.01.95.

1. Name and Educational qualification. -
2. Post held -
3. Present place of posting -
4. Date of Birth -
5. Date of joining as -
 - (a) Senior Auditor -
 - (b) Personal Assistant -
 - (c) Auditor -
 - (d) Stenographer -
6. Date of confirmation -

Attested
06/11/95

Asstt. Audit Officer

To The A. G. [Audit] Assam

Medinipur, A. P. & Mizoram

Shilong

7. special qualification, -
if any(with details)

Deputy Accountant General(Admn).

Memo No. E. tt. I/Audit/10-6/94-95/6154 A Dated:-

Copy forwarded to :-

1. The Sr. Deputy Accountant General(Works), Office of the Accountant General(Audit), Assam etc., Bhangagarh, Guwahati - 5 with spare copies for circulation amongst the members of Staff at Guwahati.
2. The Secretary to the Accountant General
3. The Sr. Audit Officer/OA-I, S/A, RAW(H.Qrs), CAV(H.Qrs), ECFA with spare copies for circulation to Officials on inspection duties.
4. All Sections.
5. All Notice Boards.

Sachin Chatterjee
Establishment Officer.

OFFICE OF THE ACCOUNTANT GENERAL (AUDIT),
ASSAM, MEGHALAYA ETC., SHILLONG.

24

With reference to their application for appointment to the post of Welfare Asstt. the following officials are requested to appear for interview on 05.05.95 at 3.30 P.M. which will be held in the chamber of Deputy Accountant General (Admn.).

Sd/-
Establishment Officer.

Memo. No. Bmtt-1/Audit/10-73/95-96/450-453

Dated: 26/04/95

Copy forwarded for information to :-

1. Shri C.S. Row Riengsete, Sr. Ar, CAP -20 Section.
2. Shri Kumar Sankar Purkayastha, Sr. Ar: CAP-23 Section.
3. Shri N.K. Das, II- Sr. Ar. CAP-30 Section.
4. Shri H.C. Marwing, Sr. Ar. CAP-26 Section.

[Signature]
Establishment Officer.

Affixed
4/5/95

Asstt. Audit Officer
To The A. G. [Audit] Assam
Meghalaya, A. P. & Mizoram
Shillong -1

Shillong Sports Association

Shri D. Mc Bell
Hony Football Secy.
Meghalaya Sectt.
(Main Building)

20

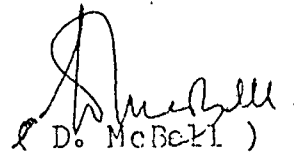
Ref No :—

Date 5th October 1974.

TO WHOM IT MAY CONCERNS


This is to certify that Shri Kumar Sankar Purkayastha is known to me as a footballer of great promise. He is playing in the 1st Division Football Tournament under the auspices of the Shillong Sports Association. He is also representing the Shillong District Team in the Bordoloi Trophy Tournament, one of the major tournament in India, The Independence Day Cup Tournament, another major tournament of Assam and also assisting the District Team in the Inter-District Football Tournament since few years back. As a footballer, he is noted for his sincerity and disciplined in character.

I wish him every success in life.


(D. McBell)

Hony. Football Secy,
Shillong Sport Association.

Attested by:-


12/10/74

Br. Audit Officer
o/o The A, G, [Audit]
Assam, Meghalaya, A, P,
& Mizoram, Shillong-1

GAUHATI UNIVERSITY SPORTS BOARD

CERTIFICATE OF MERIT



Certified that Shri K. S. Purkayastha of St. Anthony's College participated in the final match of the Inter College Foot ball Tournament 1969. He/She is awarded this certificate of merit for his/her proficiency in the game.

Attested by

[Signature]

Secretary,

Gauhati University Sports Board

Dated Gauhati University

the 2nd Oct. '69.

[Signature]

President/Vice-President,

Gauhati University Sports Board

[Signature]

Chairman,

Standing Committee

Gauhati University Sports Board

[Signature]

Dr. Anur Officer

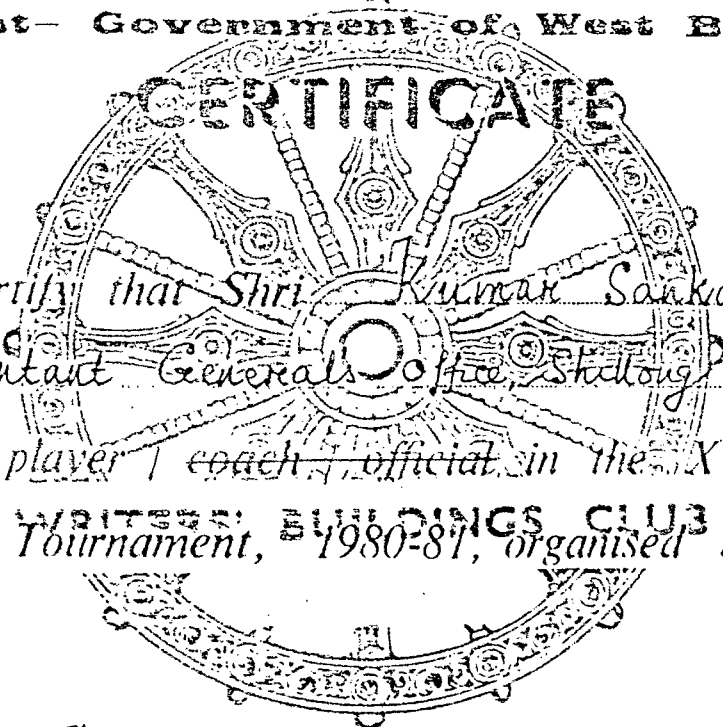
o/o The A. G. [Audit]

Assam, Meghalaya, A. P.

& Mizoram, Shillong-1

XVth All India Civil Services Football Tournament 1980-81

Host - Government of West Bengal



This is to certify that Shri Sumar Sankar Purkayastha
of Accountant General's Office, Shillong
participated as a player / coach / official in the XVth All India Civil
Services Football Tournament, 1980-81, organised by Writers' Buildings
Club, Calcutta.

Attested by

[Signature]

Br. Audit Officer
o/o The A. G. [Audit]
Assam, Meghalaya, A. P.
& Mizoram, Shillong

CALCUTTA
5th November, 1980

[Signature]
A. Roy
Hony. General Secretary,
Writers' Buildings Club

[Signature]
B. S. Biswas
President,
Writers' Buildings Club

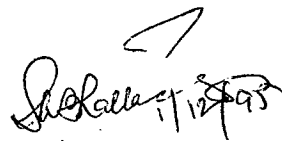
[Signature]
Ashok Bhattacharyya
Dy. Secy. Education (Sports) Deptt
& Secretary Reception Committee.

31

Civil Accounts Sports and Cultural Club

Office of the Accountant General, Assam, Meghalaya, Nagaland,
Manipur, Tripura, Arunachal Pradesh & Mizoram. Shillong-1


Attested by :-




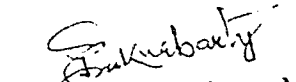
Sr. Audit Officer
o/o The A. G. [Audit]
Assam, Meghalaya, A. P.
& Mizoram, Shillong-1

This is to certify that Shri/ ~~Shrimati~~ K. S. Purakayastha
has earned the distinction of obtaining Champion-
ship/Runners up/ First Position in the 4.100 mts. relay
of the Annual Sports and Games for the 1971-72.

Dated Shillong the 20 JUN 1972 1972.


(R. Rozika)
President


(Bikash Das Gupta)
General Secretary


(Pinaki Chakraborty)
Secretary, Sports Section

Annexure G

32

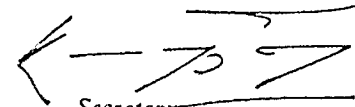
Central Government Employees Welfare Co-Ordination Committee,
Regional Sports Board,
SHILLONG

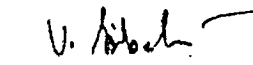
This certificate is awarded to Shri Kunor Lankar Perkyastho
of A.G.'s Office for having stood
Second in 200 m. Race event in the Sports Meet held
under the auspices of **C. G. E. W. C. C., Shillong.**

on 16th December, 1976

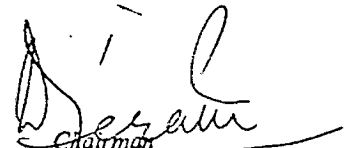
Attested

12/195
Asst. Audit Officer
The A. G. [Audit] Assam
Meghalaya, A. P. & Mizoram
Shillong - 1


Secretary
Regional Sports Board.
C.G.E.W.C.C.


Secretary
C.G.E.W.C.C.
Secretary

Central Government Employees Welfare
Co-Ordination Committee.


Chairman
C.G.E.W.C.C.

Central Government Employees Welfare Co-Ordination Committee,
Regional Sports Board,
SHILLONG

This certificate is awarded to Shri K. J. Turkeysotha
of A. G.'s Office for having stood
First in 4x100 m. Race event in the Sports Meet held
under the auspices of C. G. E. W. C. C., Shillong.

on 16th December 1976

AS
4/12/75
Asstt. Audit Officer
The A. G. [Audit] Assam
Mega, A, P, & Mizoram
Shillong-1

Secretary
Regional Sports Board
C.G.E.W.C.C.

V. K. Singh
Secretary
C.G.E.W.C.C.
Secretary

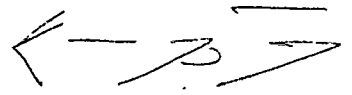
D. C. Jaisam
Chairman
C.G.E.W.C.C.

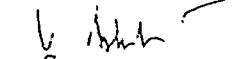
Central Government Employees Welfare Co-Ordination Committee,
Regional Sports Board,
SHILLONG

This certificate is awarded to Shri K. S. Parkayastha
of A.G.'s Office for having stood
First in 4x100 metres event in the Sports Meet held
under the auspices of C. G. E. W. C. C., Shillong.

on 28th March 1978

Attested
Ab 12/95
Asst. Audit Officer
o/e The A. G. [Audit] Assam
Meghalaya, A. P. & Mizoram
Shillong-1


Secretary
Regional Sports Board
C.G.E.W.C.C.


Secretary
C.G.E.W.C.C.

Chairman
C.G.E.W.C.C.

21

35

To

The Deputy Accountant General (Admin)
Office of the Pr. Accountant General (Audit)
Assam, Meghalaya etc.
Shillong - 793001

28/11/95

Sub :- Issue of Copy of Appointment Order of
Welfare Asstt., Dt. 12.5.95.

Madam,

This is for your kind information that I
have filed a case with Central Administrative Tribunal,
Guwahati regarding appointment of Welfare Assistant.

The Tribunal has asked for a copy of the
Appointment Order as mentioned above, vide CAT/GHY/S/
56/91-Judl/49019 dt. 20.11.95(Copy enclosed)

I shall be evergrateful if I am provided with
a copy of the same.

P/c

Yours Faithfully

Sd/-

(Kumar Sankar Purkayastha)
Sr. Auditor, CAP- 23

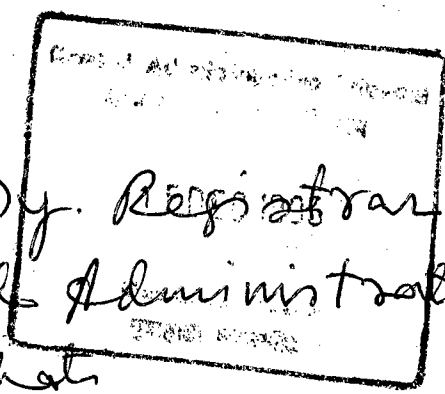
Shillong
the 28th
Nov. '95

(20)

36

To

The Dy. Registrar
Central Administrative Tribunal
Jhansi



S.No:- Reference to ~~app~~ C.A.T./C.HY/1/56
91-Subd/49019 Dt. 20-11-95

Sir

Most Respectfully, I beg to state
that the ^{copy} impugned appointment
order as asked by the Hon'ble
C.A.T., has not yet been provided
to me by my department, though
I have applied for the same
to my department on ~~28-11-95~~
28.11.95.

However, I shall submit the
same whenever my department
will give a copy of the impugned
appointment order. I request the
Hon'ble Tribunal to admit my case.
A copy of my application is enclosed herewith.

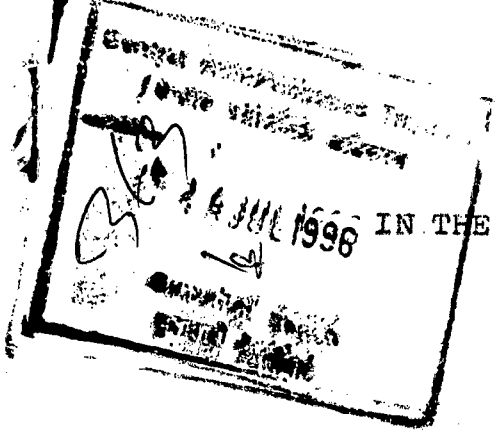
Received
on 15.12.95
at 10-45 hrs.

S.O. (J)

Jhansi
the 15th Dec.
1995.

Yours Faithfully
Kumar Sankar
Purkayastha

So Auditor,
C.A.T. (P. & C. Unit) Jhansi



22

39
Filed by
Guwahati
24/7/96
Central Govt. Standing Counsel
Central Administrative Tribunal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 254/95

Sri Kumar Sankar Purkayastha

- vs -

Union of India & Ors.

- And -

In the matter of :

Written statement submitted by the
Respondents Nos. 1,2,3 and 4

WRITTEN STATEMENT

The humble respondents submit the written statement as follows :

1. That the applicant has not exhausted all the departmental remedies available to him and as such the application is liable to be dismissed.
2. That with regard to the statement made in paragraphs 1,2,3,4 and 5 of the application the respondents beg to state that they have no comments.
3. That with regard to the statement made in paragraph 6(1) of the application the respondents have no comments.

Copy will be sent to the applicant by Regd. Post.

P. P. P. P.
24/7/96

... Contd...

4. That with regard to the statement made in paragraph 6 (2) of the application the respondent beg to state that the applicant joined as clerk in the erstwhile composite Office of the A.G. (A&E) Assam etc., Shillong on 26.5.71 (FN) and not on 25.5.71 as stated by the applicant. He was promoted to the post of auditor on 24.6.76 and on restructuring of the I.A. & A.D. he was appointed as Senior Auditor w.e.f. 1.3.1984.

5. That with regard to the statement made in paragraph 6 (3) and (4) of the application the respondents beg to state that they have no comment as the same being matter of record.

6. That with regard to the statement made in paragraph 6 (5) of the application the respondent beg to state that two more applications were received from S/Shri Nirmal Kr. Das (ii) and H.C. Marwein on 5.4.95 and 10.4.95 respectively. As the selection Committee was scheduled to interview the candidates on 5.5.95 and also keeping in view the need for a wider field of choice for a more judicious selection to this post, the aforesaid two applications were also accepted by the competent authority. While accepting the aforesaid applications the competent authority also kept in mind the practical difficulties of willing candidates in submitting formal applications for the said post in time as good numbers of officials always remain on tour covering the four States of Assam, Meghalaya, Arunachal Pradesh and Mizoram. The post of Welfare Assistant is not a regular promotional

Post. It an ex-cadre post filled up by transfer of staff on deputation basis.

7. That with regard to the statement made in paragraph 6 of the application the respondents beg to state that to make fair and judicious selection for the post of Welfare Assistant the Respondent No.1 has constituted a selection committee headed by the D.A.G.(A&E), O/o the A.G.(A&E), Meghalaya, Arunachal Pradesh and Mizoram, Shillong and other two members of the Selection Committee were Dy. A.G.(C&R), O/O the A.G.(Au), Assam, Meghalaya Shillong and Dy. A.G.(Admn.), O/o the A.G.(Au), Assam Meghalaya etc. Shillong who met on 5.5.95 at Shillong to adjudge the suitability or otherwise of all the four candidates for selection to the post of Welfare Assistant on deputation basis. Whether the applicant performed well was to be adjudged not by the applicant but by the aforesaid Selection Committee.

8. That with regard to the statement made in paragraph 6(7) of the application the respondents beg to state that there is nothing to be shocked for selection of the respondent No.5 as he has been selected on merit by the selection committee.

9. That with regard to the statement made paragraph 6(8) of the application the respondents beg to state that there is nothing on record in the office of the respondents that the applicant has sued his wife for divorce on charges of adultery. There exists no reasons to believe that there was a conspiracy to prove that the applicant made. The

allegation of conspiracy brought against the respondents is totally false, baseless and malicious and the respondents are no way connected with his divorce case nor they are interested about the personal affairs of the applicant.

10. That with regard to the statement made in paragraph 6 (9) of the application the respondents beg to state that one of the essential qualifications for a Welfare Assistant especially in an office having a large and heterogeneous staff is the ability to cultivate and maintain very good inter personal relations. Participation in sports and cultural activities is not sine-quo-non but at best an additional qualification since the scope of welfare functions extends much beyond just sports and cultural activities.

That the respondent No. 5 is a trade union activist who allegedly has been rejected by the 85% of the members is a union matter and does not necessarily reflect on his personal relationship with the officers and members of the staff. Moreover, though the respondent No. 5 may not have record of formal participation in sports and cultural activities, but he has kept an active interest in the performance of the office of the respondent in various sports and cultural activities.

To give just one example it is submitted here that one Shri Mahendra Prasad Jain, Sr. Auditor was appointed as Welfare Assistant w.e.f. 7.5.90 by transfer on deputation basis vide Estt. I order No. 34 dated 7.5.90 (copy annexed as

R - 1). Shri Jain was selected for aforesaid assignment having no record of formal participation in sports and cultural activities.

A copy of the order No. 34 dated 7.5.90 and a copy of the Application dated 6.4.90 are annexed herewith and the same are marked as Annexure R1 & R2.

11. That with regard to the statement made in paragraph 6(10) of the application the respondents beg to state that it was not just the application of respondent No. 5 but rather all applications received upto the scheduled date of the interview to the said posts were accepted by the competent authority for bonafide reasons as stated at para 6 above.

12. That with regard to the statement made in paragraph 6(11) and (12) of the application the respondents beg to state that the same have been adequately replied against para 6(9) of the application.

13. That with regard to the statement made in paragraph 6(13) of the application the respondents beg to state that while some of the former incumbent of the post may have had good records in sports, those were only added qualifications as considered necessary by the Selection Committee for any incumbent to the said post.

It is pertinent to mention here that basically the Welfare Assistant is to assist the

27
42

Welfare Officer in smooth discharge of his duties. Organisational chart in respect of the Welfare Officer and the Welfare Assistant is given at R-3 enclosed. The duties of the Welfare Officer as per H.O. 's guideline is detailed at R-4 enclosed. It would be evident from the above that having a large and heterogeneous staff, the ability to cultivate and maintain excellent inter personal relations is not only prerequisite but be an essential criteria for selection of the Welfare Assistant.

14. That with regard to the statement made in paragraph 6 (14) of the application the respondents beg to state that the allegation of malafide brought against the respondent No.1 is absolutely false and malicious and hence it is stoutly denied.

15. That with regard to the statement made in paragraph 6 (15) of the application the respondents beg to state that they have no comments.

16. That with regard to the statement made in paragraph 7 of the application regarding reliefs sought for the respondents beg to state that the applicant is not entitled any of the reliefs sought for in this application and as such the application is liable to be dismissed.

276
49

17. That the respondents beg to state that regarding grounds set forth and reliefs sought for the respondents state that none of the grounds is maintainable in law as well as in facts and hence the application is liable to be dismissed.

18. That with regard to the statement made in paragraphs 8,9 of the application the respondents beg to state that they have no comments on them.

19. That with regard to statement made in paragraphs 12,13 the respondents have no comments.

20. That the respondents further beg to state that the respondent No.5 has been selected by the Interview Board and on merit he has been selected but the applicant who was also interviewed was not found suitable and as such he was not selected.

The Hon'ble Supreme Court has held in a number of cases that it is not the function of the Courts to act as appellate authority and to decide on the choice of the candidate to be selected, if the Selection Committee has selected a person, who fills the requirement of ~~xxx~~ recruitment rules and the selection process has been completed fairly.

29
44

In the circumstances, the Hon'ble Tribunal may kindly dismiss the OA.

VERIFICATION

I, Smt. M. Ray Bhattacharyya, Dy. Accountant General, Administration, Office of the Principal A.G., Audit, Shillong do hereby solemnly declare the statement made in the written statements are true to my knowledge, belief and information.

And I sign this verification on this the 22nd day of July, 1996 at Shillong.

M. Ray B / 22.07.96

DECLARANT

**Dy. Accountant General (Admn)
O/O the Accountant General (Audit)
Assam, Meghalaya Mizoram & A.P
SHILLONG.**

-222-1-
301
45

OFFICE OF THE ACCOUNTANT GENERAL(AUDIT),
ASSAM, MEGHALAYA ETC., SHILLONG+793 001

No. Estt. I/Order No. 34.

Dated :-7-5-90.

Shri Mahendra Prasad Jain, Senior Auditor(Cashier) is appointed as Welfare Assistant in the scale of pay of Rs. 1640-60-2600-EB-75-2900/- P.M. by transfer on deputation for the period from 7-5-90 to 31-12-90.

On his appointment as Welfare Assistant, Shri Jain is required to exercise option either to draw the grade pay of the post of Welfare Assistant or his grade pay as Senior Auditor plus deputation (duty) allowance in accordance with G.I.M.F.O.M. No. F.I(II)-III(B) 75 dated 7-11-75 as amended from time to time.

Authority:-DAG(A)'s Orders dated 7-5-90 at P/220^c
of the file_/_

Sd/-
ESTABLISHMENT OFFICER

Memo No. Estt. I/Audit/10-6/88-89/648-63 dated :

Copy forwarded to:-

1. The Director of Audit, N.F. Railway, Maligaon, Guwahati-11.
2. The Welfare Officer(L).
3. The Secretary to the Accountant General(A).
4. The Audit Officer/Claim.
5. The Pay & Accounts Officer(L).
6. The Audit Officer/Cash.
7. The Assistant Audit Officer/Estt. I Section.
8. The Assistant Audit Officer/Estt. II Section.
9. The Assistant Audit Officer/Rec. I Section.
10. Shri M.P. Jain, Cashier.
11. S.A. Group. (12) Budget Group (13) Q.L. Group.
14. Pay Fixation Group. (15) Posting Group.
16. Establishment Order Book.

Certified to be true

W. B. / 22/07/96
Dy. Accountant General (Admn)

O/O the Accountant General (Audit)
Assam, Meghalaya Mizoram & A. T.

[Signature]
ESTABLISHMENT OFFICER

Dy/Estt-I/Gen/48 dt. 19-4-90

To

The Deputy Accountant General (Admn)
Office of the Accountant General (Audit),
Meghalaya, Shillong etc.

Sub :- Application for the post of Welfare Assistant.

Sir/Madam,

With reference to office Circular
No.Esst.1/10 6/88-89/7706 dated 26.3.90 I would
like to offer myself as a candidate for the post
of Welfare Assistant.

The requisite particulars for the
candidature are stated below :-

- 1) Name and Educational Qualification. - Shri MAHENDRA PRASAD JAIN, M.
(In Economics)
- 2) Post held - Cashier
- 3) Present place of posting. - Cash Branch.
- 4) Date of birth - 1st January 1933
- 5) Date of joining as
 - i) Sr.Auditor - 1st March 1984
 - ii) Personal Assistant
 - iii) Auditor 21st. May ' 1958
 - ~~ix) Auditor~~
 - (v) Stenographer
- 6) Date of confirmation - 1-3-84 (As Auditor)
- 7) Special qualification - Driving
if any (with details)

Certified to be true

J. B. / 22/02/90
Dy. Accountant General (Admn)
Office of the Accountant General (Audit)
Assam, Meghalaya Mizoram & A.P.
SHILLONG.

Dated Shillong, the
6th April 1990.

Yours faithfully,

Mahendra Prasad Jain
(MAHENDRA PRASAD JAIN)

AAO/Estt-I
6/4/90
Secy

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248

R-3

Organisational Chart

A.G.(Au)/Pr.A.G.(Au), Assam, Meghalaya etc., Shillong.

Welfare Officer

Welfare Assistant

Caretaker.

Certified to be true

J. N. Das / 22/07/96

Dy. Accountant General (Adm.)
D/O the Accountant General (Adm.)
Assam, Meghalaya Mizoram & A.P.
SHILLONG.

Duties of Welfare Officer and his cell.

(I) STAFF WELFARE

- (1) Assistance to staff suddenly taken ill or those chronically ill, helping in securing admission in places of treatment.
- (2) Helping in case of need in securing admission to children in Schools, Colleges and other Educational Institutions.
- (3) Supply of liveries etc. to Gr. 'D' staff - placing of Indents, finalisation of rates, maintenance of stock and issue of liveries, passing of bills.
- (4) Issue of Identity Cards to the staff.

II. HOUSE KEEPING

- (1) Cleanliness of office building, premises and Bathrooms including adequacy of water supply - deployment of Safaiwalas under the supervision of Caretaker, supply of cleaning materials, etc.
- (2) Cleanliness of Office Canteen and Kitchen - regular inspection of the Canteen and liaising with the office bearers of the Staff Canteen in order to ensure cleanliness and hygiene.

Certified to be true

J. B. / 22/07/96

Dy. Accountant General (Admin)
 Dy. Accountant General (Audit)
 Assam, Meghalaya Mizoram & A.P.
 SHILLONG.

Contd...

- (3) Cleanliness of the premises of Staff Colony and Security arrangements - periodical inspection of the Staff colonies, employment of Safaiwalas under the supervision of Caretaker - supervision of deployment of Home Guards, Chowkidars and corresponding with CPWD on all matters regarding maintenance of staff quarters.
- (4) Neatness of work including proper maintenance of furniture, removal of unwanted records, elimination of congestion in the sections, adequacy of lighting and ventilation.
- (a) Engagement of Mazdoors for removal of old and unwanted record from the sections.
 - (b) Correspondence with CPWD regarding maintenance of office building.
 - (c) Passing of the bills of Mazdoors and Safaiwalas.
 - (d) Repair of broken furniture, removal of old furniture and replacement with new furniture by liaising with the corresponding Record sections.
 - (e) Arrangement through CPWD for lighting inside office building, stroolights both at Lyndhurst Estate and Motinagar Audit Estate, purchase of bulbs.
- (5) Adequacy of drinking water facility - supply of filters and Glass Tumblers.
- (6) Timely provision of hot and cold weather arrangements - arranging for Central heating during winter, procurement of charcoal and lighting of Angutis, gradual replacement of Angutis with Electric heaters in Corridors.

Certified to be true

J. Roy / 22/04/96

Dy. Accountant General (Admn)
O/O the Accountant General (Audit)
Assam, Meghalaya Mizoram & A.P.
SHILLONG.

- (7) Arranging for parking glass for cycles Scooters and Staff Cars.
- (8) Seating arrangement for various Departmental Examinations.
- (9) Drafting of sections.

III. RECREATIONAL, CULTURAL AND COMMUNITY ACTIVITIES.

- (1) Arrangement for celebration of Republic Day and Independence Day.
- (2) Encouragement for participation in Games etc. arrangement for matches and tournaments - liaising with the Sports and Recreation Club, sending of teams to various Intra-departmental tournaments and All India Civil Services tournaments - arrangement for local intra-departmental matches and tournaments.
- (3) Encouragement to persons possessing talent in music, Dramatics, Art, literary and other cultural activities and participation in variety entertainments, Dramatic performances, Art Exhibition, Kavi Sammelans, Mushairas, Debates and publication of Office Magazine etc.
- (4) "Arrangement for Get-together and Picnics".
- (5) Liaising with the Cooperative Stores, Cooperative Banks etc - ensuring their proper functioning.

Certified to be true

Jhays B/22/07/96
Dy. Accountant General (Adm)

O/O the Accountant General (Adm)
Assam, Meghalaya Mizoram & A.

SHILONG

Central Administrative Tribunal
27 JAN 1997

Central Administrative Tribunal
1325

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

O.A. No. 254 of 1995

IN THE MATTER OF :

Shri ~~KUMAR~~ Kumar Sankar Purkayastha

... Applicant

-Vs.-

Union of India & Ors.

... Respondents.

-AND-

IN THE MATTER OF :

Replication to the W.S. submitted by the Respondents Nos. 1, 2, 3 and 4.

To

The Hon'ble Registrar,
Central Administrative Tribunal,
Guwahati Bench : Guwahati - 5.

Most respectfully sheweth :

1. That Sir, I am submitting herewith 7 (seven) copies of my reply against the written statements submitted by the Respondents Nos. 1, 2, 3 and 4 for favour of kind disposal.
2. That Sir, I am also enclosing herewith a self addressed post card for communication to me the next date for hearing of the instant case.

Yours faithfully

K. Sankar Purkayastha
(KUMAR SANKAR PURKAYASTHA)

Senior Auditor, CAP 23 Section
(under CASS 5), O/O the Pr.A.G. (Audit)
Shillong-1

Dated, Shillong
the 18th January 1997.

To 22/1/97

*Mr Rabha
22/1/97*

*No post-card
is received by
me.
22/1/97*

36

52

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

IN THE MATTER OF :

O.A. No. 254 of 1995

Shri Kumar Sankar Purkayastha

... Applicant

- Vs.-

Union of India & Ors.

... Respondents

-AND-

IN THE MATTER OF :

Replication to the written statement
submitted by the Respondents Nos.1,2,
3 and 4.

Most respectfully sheweth :-

1. That with regard to the statements made in paragraph 1 of the W.S., the applicant reiterates and reaffirms the statements made in paragraph 10 of the O.A. The applicant states that his case deserves special consideration for extra-ordinary circumstances as then prevailed in Shillong and as such, the respondents cannot resist the fact in their favour.

2. That with regard to the statements made in paragraph 4 of the W.S., the applicant reaffirms the statements made in paragraph 6(2) of the O.A. barring his date of joining as J.D.A. The applicant begs to state that his date of joining as clerk is 26.5.71 and not 25.5.71 which was a mere typing mistake and therefore, does not alter anything materially in the instance case.

3. That with regard to the statements made in paragraph 6 of the w.s. the applicant reaffirms the statements made in paragraph 6(5) of the O.A. the applicant begs to state that it is an established principle of all central Govt. Offices that no fresh application can be entertained without amending the original circular for relaxation of extended time. The applicant further states that other applications were received surreptitiously against the principle. And therefore, the respondents have nothing

contd...2/-

to resist for their favour.

4. That with regard to the statements made in paragraph 7 of the w.s. the applicant states that he has nothing to say against the normal procedure of the selection Committee to make fair and judicious selection but the applicant only points out the mal-practices of the selection Committee.

5. That with regard to the statements made in paragraph 8 of the w.s. the applicant states that soon after his interview he was verbally informed that the applicant would be a fair chance to be selected for the post but subsequently he learnt that Respondent No. 5 had been appointed for the post who preferred his application after due last date was over as per circular and who was much later called for interview. Therefore, naturally he was shocked.

6. That with regard to the statements made in paragraph 9 of the w.s. the applicant states that he sued his wife in Divorce petition No. 4(T)94 in the court of the District Judge at Shillong for charges of adultery which was subsequently dismissed for non-appearance of his counsel. The applicant further states that though there is nothing in the office record regarding Divorce petition but some influential persons from ^{his} ~~my~~ wife's side tried to influence some of the respondents to declare that the petitioner is mad. However, at this moment the applicant does not desire to prove the facts since the said Divorce petition has already been dismissed.

7. That with regard to the statements made in paragraph 10 of the w.s. the applicant states that the activities of sports in different events certainly is an essential qualification and therefore, it was mentioned in the circular "participation in sports and cultural activities and aptitude for welfare activities will be an added qualification. Therefore, subsequently the respondents cannot ignore the importance of this. The applicant further states that the respondent No. 5 who has been rejected by the 85% of the staff how he could deserve to serve as Welfare Assistant since welfare activities denotes to serve the staff and their welfare. And it is also stated that at time of Shri Mahendra Prasad Jain no candidates possessed any sporting qualification.

8. That with regard to the statements made in paragraph 11 of the w.s. the applicant states that he reiterates and reaffirms the statements made in paragraph 6(10) of the O.A. The applicant begs to state that without amending their circular for fresh/or further applications they entertained only ~~amounts~~ their malafide intention and the respondents have nothing to resist for their favour.

9. That with regard to the statements made in paragraph 12 of the w.s. the applicant states that he has also explained this position in paragraph 7 of the said replication.

10. That with regard to the statements made in paragraph 13 of the w.s. the applicant states that the respondents' statements contradicted with the statements made in paragraph 10 of their w.s. and therefore, they have no stand to resist this in their favour.

11. That with regard to the statements made in paragraph 14 of the w.s. the applicant states that since the respondents earlier called for interview only for the two candidates including the applicant himself and subsequently they entertained more applications without any further circular for extension of time for receiving more applications and also without cancelling the result of earlier interview the respondents surreptitiously have done all the subsequent activities without jurisdiction and hence having malafide intention.

12. That with regard to the statements made in paragraph 16 of the w.s. the applicant states that facts stated in this replication as well as in the O.A., establishes a prima facie case in favour of the applicant for reliefs sought for before this Hon'ble Tribuna.

13. That with regard to the statements made in paragraph 17 of the w.s. the applicant states that he reaffirms his stand on the various facts which has already been stated in this replication as well as in the O.A. which come in favour of the applicant.

14. That with regard to the statements made in paragraph 20 of the w.s. the applicant states that the respondent No. 5 has been selected by the Interview Board without jurisdiction since after the stipulated date as mentioned in the circular, his application has been received through back door without amending the circular

for extension of time for receiving further applications for the post of Welfare Assistant and therefore his selection was illegal ab initio and liable to be quashed.

The applicant further begs to state that the respondents had adopted method for selection unfairly which is against the principle of the Supreme court ruling and therefore the appointment of respondent No. 5 should be quashed and they have no stand to justify the present selection.

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

I, Shri Kumar Sankar Purkayastha, S/O *Late Manindra Krishna Purkayastha* aged about ⁴⁵.....years, working in the A.G. Office at Shillong, do hereby solemnly affirm and say as follows :

1. That I am the petitioner in the above mentioned case and as such I am acquainted with the facts and circumstances of the case.
2. That the statements made in this verification and those in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 are true to my knowledge, belief and information derived from the record of the case and the rest are my humble submissions before this Hon'ble Tribunal.

Dated, Shillong

the *18th* day of *January* 1997.

K. S. Purkayastha
Deponent