

10/100

7

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 14/95.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet.....⁰⁴.....Pg. 1.....to 6.....
2. Judgment/Order dtd. 8.2.99.....Pg. 1.....to 3.8/2.....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....^{10/95}.....Pg. 1.....to 14.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
- ✓ 7. W.S.....Pg. 1.....to 8.....
- ✓ 8. Rejoinder.....Pg. 1.....to 4.....
9. Reply.....Pg.....to.....
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.)

Chaita
1.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI -5.

ORIGINAL APPLICATION NO. 10/75

MISC PETITION NO. _____ (O.A.NO.)

REVIEW APPLICATION NO. _____ (O.A.NO.)

CONT. PETITION NO. _____ (O.A. NO.)

Raghunath Prasad

APPLICANT(S)

VERSUS

Chairman, U.P.S.E 2018,

RESPONDENT(S)

In person,

Advocate for the
Applicant.

Advocate for the
Respondents

Add. Case,

Office Note

Court Orders.

16-1-95

18.1.95

(1)

This application is filed by post in person along with I.P.O NO. 035578 dated 15-12-94 for Rs. 50/- only and is in form with 15 copies for notice of service.

Laid before the Bench for favour & orders.

Deputy Registrar (J)
Central Administrative Tribunal
Guwahati Bench

16/1/95

This application is received by post. The applicant is presently posted at Imphal. He has prayed for hearing of the application at Imphal. We think that for the purpose of admission we may not await the sitting of the Bench at Imphal.

Perused the application. The applicant has indeed made very wide prayers. In ^{essence} ~~a sense~~ his grievance seems to be relating to the seniority and consequent non-consideration for selection for promotion to IAS. The question needs consideration.

The application is admitted. Issue notice to the respondents. Twelve weeks for written statement. Adjourned to 24.4.95. If prior to that date sitting of the Bench is held at Imphal the matter will be listed thereat on whatever date the Bench will be sitting. If there is no sitting held at Imphal till then, then the matter be placed at

OFFICE NOTE

COURT ORDERS

18.1.95

(2)

Copies of applications
are received by post. Since
it is exceed of 5 nos. reqd.,
it is requested to be applied
for sending Rs. 45/- in add.
charges for servicing of notice,
through D.D. vide no. 432
dt. 24.1.95.

On
23/1

Received Rs. 45/- from D.D.

2 notice issued vide
no. 1018-3/ dt. 6.3.95

nkm

24-4-95

(3)

Copy of the order dt.

18.1.95 sent to applicant
w. no. 1018 dt. 7-3-95

On
27/3

Notice duly sent on
R. no. 2, 5, 6, 7, 8, 9, 12, 13 &
14.

On
27/3

Notice from the R. no. 10
received back.

On
5/4

Memo of appearance

not yet filed by Adl. C.G.C.

Guwahati for further orders on the
aforesaid date, i.e. 24.4.95.

Mr G. Sarma, learned Addl.
C.G.S.C., seeks to appear for
respondents No. 1 and 2. Notice,
however, be directly issued to
respondents No.1 and 2. Mr G. Sarma
will file his memo of appearance on
behalf of respondents No.1 and 2.

The applicant be conveyed this
order at the address mentioned by
him.

[Signature]
Vice-Chairman

[Signature]
Member

Counsel for the applicant is
absent. Mr. G. Sharma Addl. C.G.S.C.
for respondents 1 & 2. Mr. Promode
Ch. Singh for respondents No.3. Mr. P.C.
Singh tenders affidavit in opposi-
tion on behalf of respondent No.3.
It is taken on record. He is request-
ed to forward a copy thereof to
the applicant. Mr. G. Sharma Addl. C.G.
S.C. for the respondents 1 & 2 states
that he has received any instruc-
tions as regards filing of the
affidavit in reply. The O.A. to be
listed for hearing at Imphal in due
course. However, liberty to the
parties to apply for hearing at
Guwahati if so desired.

Inform the applicant accordingly.

[Signature]
Member

[Signature]
Vice-Chairman

(3)

OA. 10/95.

Order dt. 24-4-95
to an appeal & cancel
of R. no. 3 vide no. 1806-02
dt. 28-4-95
26/5

2.5.95

Affidavit - in opposition
on behalf of the Respond No. 3
has filed.

PD

Notice duly sent on R.
no. 3, 4 & 11: lm

18/5

Order dt. 24-5-95
v. no 2296 dt. 26-5-95
28/5

4.12.95

Requinder affidavit on
behalf of the applicant
submitted

trd
m
10/3
3.9.97

21-2-97

The applicant prays for
hearing in case at Imphal
pg
19/9

24-5-95

The applicant has informed that
by letter dated 18-4-95 that he desires
the hearing of the O.A. at Imphal. Hence
the O.A. is adjourned with a direction
that it may be listed for hearing at
Imphal as and when the Circuit Sitting
of the Bench will be held at Imphal.
The applicant has also requested that
the Circuit Sitting may be held at
Imphal in the month of June or month of
September 1995, onwards. Such request cannot
be ^{entertained} accepted and the applicant has to
await the circuit sitting as and when it will
be notified. The applicant be informed of
this order. Mr. G. Sharma Addl. C.G.S.C.
is present and takes note of this order.

LM
Vice-Chairman
LM
Member

24.2.97

Mr. G. Sarma, Addl. C.G.S.C. appearing
on behalf of the respondents submits
that the case relates to Manipur and
the applicant is appearing in person,
he has not engaged any counsel.
Therefore, according to Mr. Sarma the
matter may be taken up at Imphal. Date
will be notified later.

LM Member
SB Vice-Chairman

Let this case be listed for
hearing at Imphal. Date will be noti-
fied later on.

LM Member
SB Vice-Chairman

(4) SA 10/98

Affidavit in opposition
and Rejoinder has been
filed.
2/9

18-6-98
(4)

Mr. J. N. Sharma learned
counsel on behalf of the applicant
submits that some relevant records
should be produced by the State
Government, Manipur. There is no
representation on behalf of the
State Government, Manipur. Office
to issue notice to the State
Government Manipur, to the respon-
dent No.3 to produce relevant
records within 2 weeks.

List it on 9-7-98 for orders.

11-6-98
Vakalatnama filed
by Mr. M. DeKa, Adv,
and Mr. J. N. Sharma,
Advocate on behalf
of the applicant.

Member

Vice-Chairman

Letter dated 16-4-98
received from Biri
R. Prasad, in person,
Imphal, at Flag-A

MS
22/6

9.7.98

Await service report.

List on 24.7.98 for order.

Member

Vice-Chairman

Affidavit in opp.
and Rejoinder has
been filed.

pg

MS
10/7

24.7.98

Await service report.

List on 10.8.98 for order.

Member

Vice-Chairman

24
16.6.

Pl. comply order
dtd 18.6.98.

MS
22/6

pg

MS
23/7

10.8.98

23.6.98

Copy of order dtd.
18.6.98 issued to
the respondents
No.3 by Regd Post
vide D. No.

The records have not been produced.
There is no representation on behalf of
the Government of Manipur.

Issue notice to the Chief Secretary
to the Government of Manipur to cause
production of the relevant records
through a competent assistant on 15.9.
1998. On that day the Assistant must be
present at 10.30 A.M with relevant
records.

List on 15.9.98 for order.

Member

Vice-Chairman

Boon
The service report is
still awaited (sent on
23-6-98)

MS
23/7

MS
23/7

OA. 10/95

(5)

5

Notes of the Registry	Date	Order of the Tribunal
<p><u>13.8.98</u></p> <p>Copy of order dtd. 10.8.98 & notice issued to the Chief Secretary by Regd Post vide D.No. 2192 dt. 13.8.98.</p> <p>Bon</p> <p>Affidavit in opposition repaired to be filed.</p> <p>14/9</p> <p>Please comply order dtd 15/9/98.</p> <p>nb 16/9</p> <p><u>19.9.98</u></p> <p>Copy of order dtd. 15.9.98 & notice issued to Chief Secy Govt. of Manipur.</p> <p>Bon</p> <p>not state ment Affidavit in opposition repaired to be filed.</p> <p>W/S in Affidavit in opposition has been filed.</p> <p>26/11/98</p> <p>fl. comply order dtd 27.11.98.</p> <p>nb 30/11/98</p>	<p>15.9.98</p> <p>trd nb 16/9</p> <p>29.10.98</p> <p>27.11.98</p> <p>pg nb 30/11/98</p> <p>28.12.98</p> <p>pg nb 29/12/98</p>	<p>Records have not been received from the Govt. of Manipur. Issue reminder to the Chief Secretary, Govt. of Manipur for production of records as earlier directed.</p> <p>List on 29.10.98.</p> <p>Member</p> <p>Vice-Chairman</p> <p>There is no representation. Adjourned to 27.11.98.</p> <p>By order.</p> <p>Present : Hon'ble Justice Sri D.N. Baruah, Vice-Chairman.</p> <p>In spite of the earlier orders records have not been produced by the Government of Manipur. Issue notice to the Chief Secretary to the Government of Manipur for production of records.</p> <p>List on 28.12.98 for production of records and further orders.</p> <p>Vice-Chairman</p> <p>Present : Hon'ble Justice Sri D.N. Baruah, Vice-Chairman and Hon'ble Sri G.L. Sanglyine, Administrative Member.</p> <p>Office to report whether the notice has been served on the Chief Secretary Govt. of Manipur.</p> <p>List on 12.1.99 for order.</p> <p>Member</p> <p>Vice-Chairman</p>

(6) 24 10/95

Notes of the Registry	Date	Order of the Tribunal
<p><u>1-12-98</u> Copy of order dtd. 27.11.98 issued to the Chief Secretary, Govt of Manipur, by Registry post on 2.12.98 vide D.No. 3406.</p> <p><u>24-12-98</u> Within statement Affidavit in opposition seen b/w</p> <p><u>24-12-98</u> Affidavit in opp. and Rejoinder by seen b/w.</p> <p><u>24-12-98</u> Pr. comply order Cttd 28/12/98.</p> <p><u>11-1-99</u> Affidavit in opp. and Rejoinder by seen b/w.</p> <p><u>11.1.99</u> Copy of order dtd. 27.11.98 ad Notice issued to the Chief Secretary, Govt of Manipur by Registered A.D. post vide D. No. 3406 dt. 2.12.98. but still A.D. is not returned.</p>	<p>12.1.99</p> <p>pg</p> <p>3.2.99</p> <p>nkm</p> <p>4.2.99</p> <p>8.2.99</p> <p>pg</p>	<p>Records have not been produced. Learned Government Advocate, Manipur submits that because of the strike records are not produced.</p> <p>List on 15.2.99 for production of records.</p> <p>Member</p> <p>Vice-Chairman</p> <p>The learned counsel for the parties are present. Let this case be listed tomorrow, 4.2.99 for orders.</p> <p>Member</p> <p>Vice-Chairman</p> <p>There is a reference. Referred to 8.2.99.</p> <p>By order.</p> <p>Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.</p> <p>Member</p> <p>Vice-Chairman</p>

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

O.A.No. 10 of 1995, 48/97 and 78/98.

8.2.99.
DATE OF DECISION.....

!! Shri Raghunath Prasad, MCS (PETITIONER(S))

Shri M. Deka. ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union Public Service Commission RESPONDENT(S)
& Ors.

Shri B.C.Pathak, Addl.C.G.S.C for
respondents No.1 & 2 and Sri P.Bora, ADVOCATE FOR THE
Govt.Advocate, Manipur for respon- RESPONDENTS.
dent No.3.

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

THE HON'BLE SHRI 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.



9

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application Nos. 10 of 1995,

48 of 1997 and

and 78 of 1998.

Date of Order : This the 8th Day of February, 1999.

Justice Shri D.N.Baruah, Vice-Chairman,

Shri G.L.Sanglyine, Administrative Member.

Shri Raghunath Prasad,
Quarter No. 10 Type-V/G,
Lamphelpat, Imphal,
Manipur,
pin 795004.

. . . Applicant

By Advocate Shri M.Deka in all cases.

- Versus -

Chairman, Union Public Service Commission,
and others.

. . . Respondents.

By Advocate Shri B.C.Pathak, Addl.C.G.S.C
for respondents No.1 & 2 and Shri P.Bora,
Govt.Advocate, Manipur for respondent No.3
in all the three cases.

O R D E R

BARUAH J.(V.C)

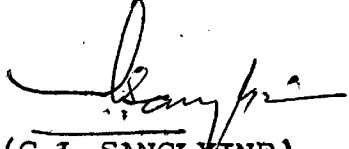
All the above three Original Applications related to the promotion of the applicant under the Indian Administrative Service (Appointment by Promotion) Regulation 1955. The contention of the applicant is that his case for promotion to IAS was considered with the adverse entries made in the year 1980-83. In spite of the adverse remarks had been erased by the order passed by Hon'ble Gauhati High Court in Civil Rule No.231 of 1987 he was not promoted to IAS. In this connection the applicant also filed similar Original Applications No.17(G) of 1990 and O.A.131 of 1990 before this Tribunal. Both the above applications were disposed of by this Tribunal with the following observations :-

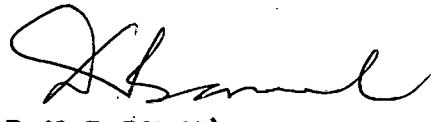
"We therefore, dispose of the application with direction to the respondents to hold the Review Selection Committee Meeting to consider the

case of the applicant without the adverse remarks entered in his ACRs during the period from 26.12.80 to 31.12.81, 1.4.81 to 31.3.82 and 26.12.82 to 31.3.83, if it has not already been held. If the Review DPC is held and the applicant's case is considered without any adverse remarks he shall be assessed and after assessment he would be put with other successful candidates as on those dates. This shall be done as early as possible at any rate within a period of 4 months from the date of receipt of this order. Mr. P. Bora has informed us that the applicant has been recommended for selection for the year 1998. If that is so, this order will not stand in the way in appointing him."

2. Heard Mr. M.Deka, learned counsel appearing on behalf of the applicant, Mr. B.C. Pathak, learned Addl. C.G.S.C. for respondent Nos. 1 and 2 and Mr. P.Bora, learned Government Advocate, Manipur for respondent No.3. The present applications relate to the year 1989 to 1994 and 1997. The claim of the applicants is similar to the earlier applications. Therefore, we dispose of these applications also with direction to the respondents that if the Review Selection Committee finds that the applicant was eligible for promotion on earlier date, then the present applications have become infructuous, else, if he was not successful in the earlier period the case of the applicant may be considered for the period mentioned in the present applications without taking into consideration the adverse remarks.

With the above observations the applications are disposed of. Considering the facts and circumstances of the case we, however, make no order as to costs.


(G.L. SANGLYINE)
Administrative Member


(D.N. BARUAH)
Vice-Chairman

ORIGINAL

Application fee of Rs. 50/-
Paid vide Bank Draft

Postal Order No. 035578

Dated 15-12-94

INDEX OF DOCUMENTS:

O.A 10/95-

1. ANNEXURE -A/1-(a), (b), & (c).
2. Determination of Inter-se-seniority lists of M.C.S. Officers .
2. ANNEXURE-A/2.
A copy of representation addressed to the Chief Secretary, Govt. of Manipur for promotion to the I.A.S.
3. ANNEXURE-A/3.
A copy of representation addressed to the Adviser/Chief Secretary, Govt. of Manipur for promotion to the I.A.S.
4. ANNEXURE -A/4 & A/4(A).
A copy of representation addressed to His Excellency, the Governor of Manipur for promotion to the IAS in respect of Mr. Raghunath Prasad, M.C.S. now Director (Rehabilitation), Manipur .

PRESENTED BY THE
PETITIONER (APPLICANT)
12/1/95
(RAGHUNATH PRASAD)

Central Administrative Tribunal
केन्द्रीय प्रशासनिक आयोग

12 JAN 1995

Guwahati Bench
গুৱাহাটী বেঞ্চ

Recd copy
Hdpt Secy
13/1/95

FORM I
(Rule 4)

C .T.NO.

Application under Section 19 of the Administrative
Tribunal's Act, 1985

Use in Tribunal's Office

DATE OF FILLING 16-1-95-
OR
DATE OF RECEIPT
BY POST
REGISTRATION NO. OA 10/95-

Signature
Registrar

THE CENTRAL ADMINISTRATIVE TRIBUNAL, GAUHATI

BETWEEN

Shri Raghunath Prasad.
AND

Applicant

- RESPONDENTS
1. Chairman, Union Public Service
Commission, Delpur House,
New Delhi.
 2. Secretary, Ministry of Home Affairs,
Deptt. of Personnel & A.R.,
Govt. of India, Central Secretariat,
New Delhi.
 3. Chief Secretary, Govt. of Manipur,
Imphal.
 4. Chief Secretary, Govt. of Tripura,
Agartala.
 5. Mr. R.K. Angousana Singh, Promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.
 6. Mr. Ng. Woleng promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.
 7. Mr. L.M. Haokip, promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.
 8. Mr. S. Jerol, promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.
 9. Smt. C. Kipgen, promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.
 10. Mr. A. Dwijamani Singh, promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.
 11. Mr. Kh. Dinamani Singh, promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.
 12. Mr. S. Kritivash Sharma, promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.
 13. Mr. R.K. Nimai Singh, promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.
 14. Mr. H. Imocha Singh, promoted to IAS.
C/O Chief Secretary, Govt. of Manipur, Imphal.

DETAILS OF APPLICATION

Particulars of the applicant:

- (i) Name of the applicant - Sri Raghunath Prasad, MCS.
- (ii) Name of Father - Late Sri Motilal Prasad.
- (iii) Designation and office in which employed - Director of Rehabilitation, Govt. of Manipur.
- (iv) Office address - Directorate of Rehabilitation, Wangkhei Angom Leikai, Imphal.
- (v) Address for service of all notices - Sri Raghunath Prasad, Qtr. No. 10, Type-V G, Lamphelpat, Imphal, Manipur. Pin - 795004.

Particulars of the respondent:

1. Chairman, Union Public Service Commission, Dhokpur House, New Delhi.
2. Secretary, Ministry of Home Affairs, Department of Personnel & A.R. Govt. of India, Central Secretariat, New Delhi.
3. Chief Secretary, Govt. of Manipur, Imphal.
4. Chief Secretary, Govt. of Tripura, Agartala.
5. Mr. R.K. Angousana Singh, promoted to IAS. C/O, Chief Secretary, Govt. of Manipur.
6. Mr. Ng. Woleng -do- C/O, Chief Secretary, Govt. of Manipur.
7. Mr. L.M. Haokip -do- C/O, Chief Secretary, Govt. of Manipur.
8. Mr. S. Jerol -do- C/O, Chief Secretary, Govt. of Manipur.
9. Smt. C. Kipgen -do- C/O, Chief Secretary, Govt. of Manipur.
10. Mr. A. Dwijamani Singh, -do- C/O Chief Secretary, Govt. of Manipur.
11. Mr. Kh. Dinamani Singh -do- C/O Chief Secretary, Govt. of Manipur.
12. Mr. S. Kritivash Sharma -do- C/O, Chief Secretary, Govt. of Manipur.
13. Mr. R.K. Nimai Singh -do- C/O, Chief Secretary, Govt. of Manipur.
14. Mr. H. Imocha Singh -do- C/O, Chief Secretary, Govt. of Manipur.

Contd/- 3.

3. The particulars of the order against which application is made

The application is against the following orders:-

The Govt. of India, Ministry of Home Affairs, Department of Personnel Notifications issued from 1989 to 1994 pertaining to the Officers at Sp.No.5 to 14 above .

4. Jurisdiction of the Tribunal:

The applicant declares that the subject matters of the order against which he wants redressal is within the jurisdiction of the Tribunal .

5. Limitation:

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

6. Facts of the case .

The facts of the case are given below:-

That the respondents No.1 to 4 committed discrimination and favouritism while preparing the select lists for promotion to the IAS prepared from 1989 to 1994 and did not select the applicant for promotion to the IAS .

That, the present application is against the notifications of the Govt.of India,Ministry of Home Affairs,Department of Personnel & A.R. against the select lists prepared from the Year 1989 to 1994 in which all the Ist 4(four) respondents appear to have been present and against the notifications issued by Govt.of India,Ministry of Home Affairs,Department of Personnel & A.R. from 1989 to 1994,whereby the respondent No.2 appointed on promotion respondents No.5 to 14 .

That, the respondents No.5 to 14 are very much junior to the applicant who joined the Manipur Civil Service on 10-3-69

Contd/-4

as a direct recruit and he was selected by the Union Public Service Commission, New Delhi through I.A.S., etc. Exams. held in 1967. The respondents No. 5 to 14 joined the Manipur Civil Service on or after 19-5-75 as a promotee or direct recruit vide the seniority list at ANNEXURE-A/1 (Sl.No. 36, 37, 42, 44, 47, 48, 53 and no seniority list has been supplied by the DP in respect of Sri R.K.Nimai Singh and Sri H.Imocha Singh).

That a number of representations have been made to the Govt. of Manipur for promoting this humble applicant to the I.A.S. A letter addressed to the Chief Secretary, Govt. of Manipur for promotion to the IAS is placed at ANNEXURE- A/2 .

Another representation issued to the Advisor/Chief Secretary, Govt. of Manipur for promotion to the IAS is placed at Annexure -A/3 .

A representation addressed to His Excellency, the Governor of Manipur for promotion to the IAS is placed at Annexure- A/4 .

That the selection and the appointment of the respondents Sl.No. 5 to 14 to the IAS is illegal and unconstitutional .

Relief(s) sought

In view of the facts mentioned in para 6 above , the applicant prays for the following relief(s):

- (a) That, the select list from 1989 to 1994 be quashed.
- (b) That, all notifications issued by the respondent No.2 from 1989 to 1994, promoting the respondents No.5 to 14 be quashed .
- (c) That, the applicant be made senior to the respondents No.5 to 14 with all consequential benefits like seniority, pay, rank, promotion, etc.
- (d) That records from the respondents No. 1 to 14 be called and copies of the proceedings of the Selection Committees as well as notification be furnished to this applicant for seeking full justice .
- (e) That , a sum of Rs.10.00 lakhs be paid as damage to this applicant .

Contd/-5.

16

8. Interim order, if prayed for:

Pending final decision on the application, the applicant be appointed as Commissioner to the Govt. of Manipur as his juniors like Mr. N. Luikham and Mr. A. Saratchandra Singh were appointed as Commissioners to the Govt. of Manipur, till disposal of this case. The quash GOI Notifications No. 11039/76-AIS(I)-A dt. 3rd June, 1977 and No. 28013/20/76-AIS(I) dt. 5.10.79, being un-constitutional.

9. Details of the remedies exhausted:

The representation dt. 6th July, 1993 to the Chief Secretary, Govt. of Manipur is already pending. Further, a representation dt. 24th January, 1994 addressed to the Advisor/Chief Secretary, Govt. of Manipur is already pending. Furthermore, a representation addressed to His Excellency, the Governor of Manipur dt. 6th June, 1994 is already pending.

10. Matter not pending with any other court, etc.

This matter, i.e., for quashing the select list from 1989 to 1994 as well as quashing of notifications issued by the respondent No. 2 from 1989 to 1994 is not pending before any court of law or any other Bench of the Tribunal, except, O.A. 17(C)90 in which none of the above mentioned respondents No. 5 to 14 appear.

11. Particulars of Bank Draft/Postal Order in respect of the Application Fee :

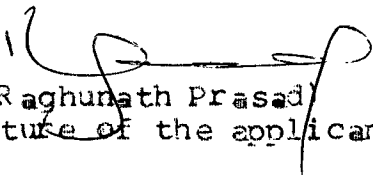
1. Name of the Bank on which drawn - Imphal Secretariat
Branch of State
Bank of India. ISSUED ON
2. Demand Draft No. 035578 S.B.T. GUWAHATI

12. Details of Index : DT. 15.12.94.

An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of enclosures - (1) Annexure -A/1.
in verification: (2) Annexure -A/2.
(3) Annexure -A/3.
(4) Annexure -A/4.

I, shri Raghunath Prasad, M.C.S, S/O (Late) Shri Motilal Prasad, age 45 working as Director of Rehabilitation, Manipur resident of Qtr.No. 10 Type - V G, Lamphelpat, Imphal, Manipur, do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.


(Raghunath Prasad)
Signature of the applicant;

Place, Imphal

Dated the 15th DECEMBER 1994.

To,

The Registrar,
Central Administrative Tribunal,
Gauhati.

TRUE COPY

ANNEXURE -A/1.

GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONAL & ADMINISTRATIVE
REFORMS(PERSONNEL DIVISION)

NO. 23/10/78-DP .

Imphal, the 5th August, 1980.

To

All M.C.S. Officers (by name and designation)

Sub: -Determination of inter-Seniority
of M.C.S. Officers.

Sir,

I am directed to say that as per rule 28(iii) of the M.C.S. Rules, 1965 (as amended from time to time), "the relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion under rule 5". Accordingly a tentative seniority list of all direct recruits and of promotees in the M.C.S. fixed at the ratio of 50% for direct recruits and 50% for promotees according to the rotation of vacancies is circulated to you all. It is requested that objections, if any, as to the manner fixation etc., may kindly be sent to this Department latest by 31-8-80 failing which it will be presumed that you have nothing to say in the matter and agreed to your seniority position.

Yours faithfully,

Sd/-A.B. Singh
Under Secretary to the Govt. of
Manipur.

TENTATIVE SENIORITY LIST OF M.C.S. OFFICERS

ANNEXURE (a)

Sl.No.	Name of Officers	Date of Birth	Date of appointment to M.C.S. or equivalent post.	Date of appointment to Recruitment M.C.S.	Method of Recruitment	Remarks
1.	2.	3.	4.	5.	6.	7.
1.	Shri R.K. Hirendra Singh	1.10.31		7-4-67	Initial constitution.	
2.	* Ch. Ibohah Singh	1-3-29	29.9.60	7-4-67	-do-	
3.	* E. Sonamani Singh	1.4.29	1.11.62	7-4-67	-do-	Now IAS
4.	* L. S. Phangjom	10-3-40	25.8.62	7-4-67	-do-	Now IAS
5.	* K.K. Nayar	21.3.39	12.2.64	12.2.69	Direct Recruit.	
6.	* Ksh. Dhananjay Singh	1-9-29	19.9.65	7-4-67	Initial Constitution.	
7.	* R. Prasad	12.11.45	19-3-67	10-3-69	Direct Recruit.	
8.	* N. Luikham	21.12.33	15.9.65	19-5-70	Recruit.	
9.	* S. Sarat Singh	25.10.34	19-	19-5-70	Promotee	Now IAS
10.	* M. Goejendra Singh	1.6.24	1-2-56	19-5-70	Promotee	
11.	* A. Saratchandra Singh	1.6.36	19-5-70	19-5-70	Promotee	
12.	* R.K. Modhusana Singh	2.1.35	13-9-67	19-5-70	Promotee	
13.	* Ph. Gourachandra Singh	1-3-32	19-5-78	19-5-70	Promotee	
14.	* L. Gangte	1.9.50	6.3.75	6.3.75	Direct Recruit.	

P.T.O.

Annexure - A/1 (b)

1.	2.	3.	4.	5.	6.
15.	Shri P. Saratchandra Singh	1.3.50	6.3.75	6.3.75	Direct Recruit.
16.	" L. Fawna	17.12.27	19.5.70	20.5.75	Promotee
17.	" Ch. Birendra Singh	1.3.48	6.3.75	6.3.75	Direct recruit.
18.	" T. Ngaitte	1.1.33	15.5.70	20.5.75	Promotee
19.	" Henry K. Hani	1.1.49	6.3.75	6.3.75	Direct recruit.
20.	" H. Angahal Singh	1.9.29	19.5.70	20.5.75	Promotee
21.	" H. Devasekhar Sharma	1.10.50	6.3.75	6.3.75	Direct recruit.
22.	" K. K. Huch	16.12.35	19.5.70	20.5.75	Promotee.
23.	" Md. Abou Satter	1.3.51	6.3.75	6.3.75	Direct recruit.
24.	" Y. Gopal Singh	1.3.30	19.5.70	20.5.75	Promotee.
25.	" A. R. Khan	1.3.52	6.3.75	6.3.75	Direct recruit.
26.	" R. A. Singh	30.4.23	19.5.70	20.5.75	Promotee.
27.	" P. Bharat Singh	1.3.49	6.3.75	6.3.75	Direct recruit.
28.	" K. Kamini Singh	10.1.24	19.5.75	20.5.75	Promotee.
29.	" A. Ibomcha Singh	1.3.52	6.3.75	6.3.75	Direct recruit.
30.	" S. Ningthemjao Singh	1.4.33	19.5.70	20.5.75	Promotee.
31.	" S. Budhachandra Singh	1.3.50	6.3.75	6.3.75	Direct recruit.
32.	" J. K. Gangte	1.1.33	19.5.70	20.5.75	Promotee.
34.	" Ng. Luikham	1.6.48	6.3.75	6.3.75	-
35.	" M. Palmei	1.11.30	22.1.71	20.5.75	Promotee.
36.	" R. K. Angousana Singh	2.3.48	6.3.75	6.3.75	Direct recruit.
37.	" Ng. Woleng	26.1.37	22.1.71	20.5.75	Promotee
38.	" L. M. Haokip	1.11.43	6.3.75	6.3.75	Direct recruit.

P. T. O.

21

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1.	2.	3.	4.	5.	6.	7.
39.	Shri N. Sangai Singh	1.4.27	22.1.71	20.5.75	Promotee.	
40.	" T.L. Singson	1.3.43	6.3.75	6.3.75	Direct recruit.	
41.	" Y. Nimaichand Singh	17.11.30	7.8.75	7.8.75	Promotee	
42.	" S. Jerol	1.1.45	6.3.75	6.3.75	Direct recruitment.	
43.	" Y. Saratchandra Singh	2.1.32	21.8.72	20.5.75	Promotee.	
44.	" Smt. Kipgen	1.2.49	6.3.75	6.3.75	Direct recruit.	
45.	" N. Fombi Singh	1.5.37	5.3.73	20.5.75	Promotee.	
46.	" M. Kalachand Singh	1.1.45	6.3.75	6.3.75	Direct recruit.	
47.	" A. Dwijamani Singh	1.4.37	5.3.73	20.5.75	Promotee.	
48.	" Kh. Dinamani Singh	1.3.47	6.3.75	20.5.75	Promotee.	
49.	" B. Das Gupta	1.4.29	5.3.73	20.5.75	Promotee.	
50.	" K. Gourmani Singh	1.5.23	5.3.73	20.5.75	Promotee.	
51.	" A. Birhari Singh	1.4.22	5.3.73	20.5.75	Promotee	
52.	" A.W. Veorei	1.1.32	21.8.72	20.5.75	Promotee	
53.	" S. Kritivash Sharma	1.3.44	7.8.75	7.8.75	Promotee.	
54.	" N. Ibotombi Singh	1.8.35	7.8.75	7.8.75	Promotee .	

GOVERNMENT OF MANIPUR
DIRECTORATE OF REHABILITATION: MANIPURNo. 3/67/91-DR(Pt):
To

Imphal, the 6th July, 1993.

The Chief Secretary,
Government of Manipur, Imphal

Subject:- Promotion to the I.A.S.

Sir,

It has come as a shock and surprise to me that both Sri A.Dwijamani Singh and Sri N.Tombi Singh have been promoted to the IAS, thereby eliminating me for the said promotion. It is so painful and outrageous that I cannot describe it as words as both the said Officers are my juniors and I have been continuously being superseded in promotion to the IAS since 1978 when Mr. N.Luikham, who retired as the Commissioner to the Govt. of Manipur, was promoted to the IAS, superseding me in promotion.

It is so humiliating to see that even after rendering 25 years of continuous service to the Govt., I am maltreated and not promoted to the IAS while my juniors, even after rendering 5 to 10 years of service have been promoted to the IAS. I hereby request you once again to kindly consider my case for promotion to the IAS sympathetically and according to rules of natural justice. I trust in you and once again request you to promote me to the IAS, as the past Selection Committee failed in doing justice to me.

Yours faithfully,

Sd/-

(Raghunath Prasad, M.C.S.)
Director of Rehabilitation,
Manipur

TRUE COPY

12 23
ANNEXURE-A/3.

MOST IMMEDIATE
BY SDB. MESSENGER

GOVERNMENT OF MANIPUR
DIRECTORATE OF REHABILITATION
M A N I P U R

NO. 3/67/91-DR(Pt):
To ,

Imphal, the 24th Jan., 1994.

The Advisor/Chief Secretary,
Government of Manipur, Imphal.

Subject:- Promotion to the I.A.S. and Transfer and posting
as Secretary to the Govt. of Manipur in respect of
Sri R. Prasad, M.C.S .

Sir,

I am to bring to your kind notice that I belong to
the backward class, under the category of 'Rauniyar' caste, re-
cognised by the Mandal Commission, Govt. of Bihar (my original State
being Bihar) and the Govt. of India .

All the Governments both at the Centre and at the
State, are laying down great emphasis on Social justice. I have
completed 24 years of service as Direct M.C.S. Officer under the
Govt. of Manipur (I joined M.C. on 10th March, 1969). However, till
now neither I have been promoted to the IAS, which is long, long
over due, nor I have been given posting as Secretary to the Govt.
of Manipur, which speaks volumes about both implicit and explicit
discrimination in service and social justice against me, which
kindly be corrected immediately by both promoting me to the IAS
as well as appointing me as Secretary to the Govt. of Manipur, by
creating a post of Ex-cadre Secretary to the Govt. of Manipur.

Yours faithfully,

Sd/-

(R. Prasad),
Director of Rehabilitation,
Manipur

13
MOST IMMEDIATEImphal,
The 6th June, 1994 .

To

His Excellency,
The Governor of Manipur, Imphal.

Sub: -Promotion to the I.A.S. in respect of
Mr. Raghunath Prasad, MCS, now Director
(Rehabilitation), Manipur.

His Excellency,

I am to bring to your Excellency's kind notice that in spite of my long experience in service and high qualifications I have been denied promotion to the IAS, while my juniors numbering more than 30 have been allowed promotion to the IAS, thereby superseding me in service, which has caused great mental anguish and pecuniary losses to me. This has also down-graded me in the eyes of my juniors causing great frustration and dis-appointment to me.

May, I mention here that, I joined MCS on 10th March '69, as Direct Recruit Officer through the U.P.S.C., New Delhi.

May I further mention here that the type of ACRs written under the State Govt. is based not on merit but on personal prejudice or personal favours or personal liking and disliking, i.e. is based on extraneous considerations. Thus is in violation of principle of natural justice and equity. As such, a full-mechanism for writing of ACR may be devised or it may be replaced by an open assessment of the Officer without any string of confidentiality and a copy of the same should be given to the Assessed Officer. This assessment must be on merit only. But extraneous considerations should not be allowed to creep into.

I, therefore, humbly request your Excellency to rectify all the injustices done to me during the past 25 years of my service under the Govt. of Manipur and allow me promotion to the IAS on the basis of my highest merit, longest experience and highest qualifications. The DP's observations under No. 4/18/2000 dated 11.11.2000 are biased and motivated (copy enclosed).

Yours faithfully,

Sd/-

(Raghunath Prasad),
Director of Rehabilitation,
Manipur

TRUE COPY

ANNEXURE-A/4(A)

NO. 4/18/90-MCS/DP
GOVERNMENT OF MANIPUR
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL DIVISION)

To

Imphal, the 18th February, 1994.

Shri Raghunath Prasad, MCS,
Director of Rehabilitation,
Govt. of Manipur.

Subject: -Promotion to the IAS and transfer and posting
as Secretary to the Govt. of Manipur in respect
of Shri R. Prasad, MCS-

ir,

I am directed to refer to your representation dated
14-1-1994 addressed to His Excellency, the Governor of Manipur,
Imphal on the above subject and to inform you that your request
had been under active consideration but the same cannot be
entertained at this stage under the following conditions:-

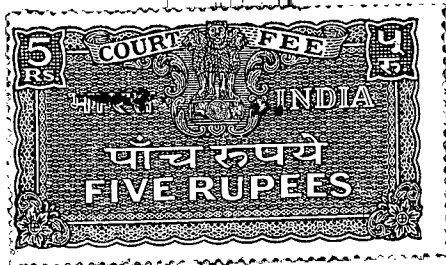
- (1) There is no injustice or discrimination involved in
the process of selection and your plea for receiving
special consideration on the basis of belonging to a
backward class in Bihar, has no support in the IAS
promotion Regulations. The only way for you to get
into the IAS is to compete your performance with the
rests of eligible junior Officers .
- (2) Your last request for being appointed as Secretary
to the Government of Manipur is also without merit,
because there is no post of Secretary in the MCS
cadre .

Yours faithfully,
Sd/-

(Kh. Tuleswar Singh)
Under Secretary(DP), Govt. of Manipur.

Copy to:-

- 1) The Secretary, Governor, Manipur Raj Bhavan, Imphal
for kind information of His Excellency, the
Governor of Manipur .
- 2) The Relevant File concerned .



15

PRESENTED BY - *22*
H. P. C. SINGH
(N. P. C. SINGH)
ADVOCATE

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

O.A. NO. 10 of 1995.

In the matter of -

Affidavit-in-opposition on behalf
of the Respondent No.3 — in
answer to the application filed
by the Petitioner in the case cited
above.

AND

In the matter of -

Sri Raghunath Prasad

- APPLICANT

- Versus -

The Union of India

and others.

- RESPONDENT

... 2/-

*2 undertakings to serve
a copy of the affidavit
- in official & the petition
H. P. C. SINGH
24/4/95.*

(18)
27

(2)

AFFIDAVIT - IN - OPPOSITION ON BEHALF OF
THE RESPONDENT NO.3 (CHIEF SECRETARY:MANIPUR)

I, Kh. Tuleswar Singh, Under Secretary to the Government of Manipur in the Department of Personnel and Administrative Reforms (Personnel Division) do hereby solemnly affirm as under:-

1. That, I am the Under Secretary(D.P.) to the Government of Manipur, dealing with the records pertaining to the subject matter of the present case. I have perused a copy of the application filed by the applicant, Sri Raghunath Prasad and also the official records relating to the case. I have thus made myself acquainted with the facts and circumstances of the case. I am competent and authorised to swear this affidavit on behalf of the Respondent No.3.

2. That, save and except, those which are specifically admitted by me in this affidavit, I deny all the allegations and contentions made by the applicant in the application under reply.

PARA-WISE REPLY

3. That, as regards the averments made in paragraph No.1 and 2 I have nothing to say.

... 3/-

17
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(3)

4. That, with reference to the averments made in paragraph No.3, 4 and 5 of the application, I state that during the period from 1989 to 1994, the following Notifications were issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Deptt. of Personnel and Training appointing by promotion officers of the Manipur Civil Service as members of the Indian Administrative Service(hereinafter I.A.S. for short) under Sub-Rule (1) of Rule 8 of the I.A.S.(Recruitment) Rules, 1954 read with Sub-Regulation(1) of Regulation 9 of the I.A.S. (Appointment by Promotion) Regulations, 1955 and allocated them to the Joint Cadre of Manipur - Tripura. The brief particulars of the said Notifications are as under :-

1. Notification No.F.No.-14015/18/89-A.I.S(1)
dated 8th January, 1991
- for promotion of Sri R.K.
Angousana (Respondent No.5)
to the I.A.S.
2. Notification No.F.No.-14015/18/89-A.I.S(1)
dated 6th February, 1991
- for promotion of Sri Ng.Woleng
(Respondent No.6) to the I.A.S.
3. Notification No.F.No.-14015/27/90-A.I.S(1)
dated 21st February, 1992
- for promotion of Sri L.M. Haokip
(Respondent No.7) to the I.A.S.

... 4/-

(4)

4. Notification No.F.-14015/27/90-A.I.S(1)
dated 12th March, 1992
- for promotion of Sri Jerol (Respondent No.8) to the I.A.S.
5. Notification No.F.-14015/22/92-A.I.S(1)
dated 25th February, 1993
- for promotion of Sri A. Dwijamani Singh (Respondent No.10) now expired to the I.A.S.
6. Notification No.F.-14015/5/92-A.I.S.(1)
dated 31st December, 1993
- for promotion of Sri Kh. Dinamani Singh (Respondent No.11) to the I.A.S.
7. Notification No.F.-14015/50/92-A.I.S.(1)
dated 3rd March, 1994
- for promotion of Sri Kritibash Sharma (Respondent No.12) to the I.A.S.
8. Notification No.F.-14015/5/92-A.I.S.(1)
dated 3-3-1994
- for promotion of Smt. C. Kipgen (Respondent No.9) to the I.A.S.
9. Notification No.F.-14015/3/94-A.I.S.(1)
dated 15th September, 1994
- for the promotion of
(i) Sri H. Imocha Singh and
(ii) Sri R.K. Nimai Singh to the I.A.S.

... 5/-

(5)

The present application is dated 15th December, 1994. I therefore, submit that the present application in so far as it concerns or seeks to challenge the Notifications from Sl.No. 1 to 5 above relating to the promotion of Respondents No.5 to 8 and 10 to the I.A.S. is time barred under S. 21 of the Administrative Tribunal Act, 1985. I accordingly deny the averment of the petitioner that the application is made within the time limitation prescribed under S. 21 of the Administrative Tribunal Act, 1985.

5. That, with reference to paragraph No. 6 of the application, ⁹vehemently deny, ²the allegation of the applicant that, the Respondents 1 to 4 committed, discrimination and favoritism while preparing the select list during 1989 to 1994 for promotion to the I.A.S. I submit that the allegations is totally false, baseless and not substantiated.

... 6/-

[Signature]
 DIRECTOR OF AGRICULTURE
 DEPARTMENT OF AGRICULTURE, WASHINGTON, D.C.

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(6)

I further submit that the preparation of the "Select List" were done strictly in accordance with the provisions of Regulation 5, 6 and 7 of the I.A.S. (Appointment by Promotion) Regulation, 1955 by a Committee constituted under Regulation 3 of the said Regulation, 1955 and the appointments to the I.A.S. were also made strictly in accordance with all the relevant rules and Regulations.

I further state that when the list of eligible officers were sent up during the said years, the name of the applicant was always included by giving his due seniority position in the list, but each time the Selection Committee while making an overall relative assessment of the service records of those eligible officers - found the merit grading of the applicant very low and as such his name could not be included in the "Select List". This was the sole reason for not including him in the "Select List" as better candidates with better merit grading had to be accommodated.

As regards the allegations of the applicant for promoting his juniors, I state that appointment to I.A.S. is by selection based on Seniority cum merit.

... 7/-

JR
... 7/-

(7)

I also state that the representations of the applicant were absolutely without substance.

6. That, as regards paragraph No.7 of the application, I submit that the reliefs sought for by the applicant are not only baseless but also fantastic. The applicant is not entitled to any one of the reliefs claimed.

7. That, as regards the contentions made in paragraph No.8 of the application, I submit that the interim relief claimed is absolutely unreasonable and baseless.

8. That, with reference to paragraph 9 of the application, I state that, as submitted above the representations of the applicant mentioned in ^{the} paragraph is absolutely without any substance.

9. That, I have nothing to comment to the averments made in paragraph 10, 11, 12 and 13 of the application.

10. That, I submit that, the application under reply is without substance. There is absolutely no cause of action for filing the present application. The application is also time barred as submitted ⁱⁿ paragraph 4 above.

It is prayed that the application be dismissed.

... 8/-

(8)

VERIFICATION

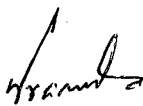
I, Kh. Tuleswar Singh, Under Secretary(D.P.), do hereby verify that the statements made in paragraph 1 to 8 above, are true to my knowledge derived from official records and those in the remaining paragraphs 9 and 10 are my humble submission to the Hon'ble Tribunal.

Verified at Imphal on 22nd
day day of April, 1995.

✓ Kh. Tuleswar Singh

(Kh. Tuleswar Singh)
Under Secretary(D.P.),
Government of Manipur,
DEPONENT.

Drawn by

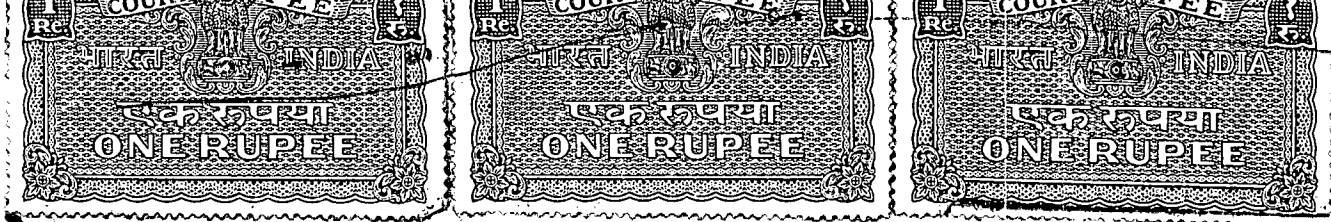

(N.P.C SINGH)
ADVOCATE.

Solemnly affirmed before me this the 22nd
day of April, 1995. The declarant is
identified by Kh. Tuleswar Singh
/pers. not to be taken

I certify that I read over and explained
the contents to the declarant and that the
declarant seemed perfectly to understand
them.


22/4/95

REGISTRAR OF ADVOCATES
IMPHAL DISTRICT, MANIPUR



23 -

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Central Administrative Tribunal
Guwahati Bench
4 DEC 1995
11741

O.A. NO. 10 OF 1995.

Rejoinder Affidavit on behalf of the Applicant
in answer to the Affidavit -in-opposition on
behalf of the Respondent No.3 (Chief Secretary, Manipur)
in the case cited above

AND

In the matter of -

Sri Raghunath Prasad, MCS
- APPLICANT

Vrs.

The Union of India
and Others
- RESPONDENT

RP
1.12.95
S.C.J.

AS
4/12/95

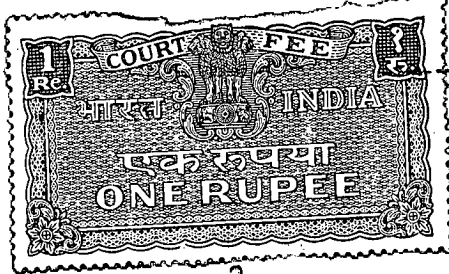
REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT

I, Sri Raghunath Prasad, MCS at present Director
of Rehabilitation, Govt. of Manipur, resident of Qtr. No.
10 Type-V/G, Lamphelpat, Imphal - 795004, Manipur, do
hereby solemnly affirm as under :-

1. That save and except those which are specifically
admitted by me in this Rejoinder Affidavit, I deny all -

P.T.O.

COMMISSIONER OF AFFIDAVIT
GUWAHATI BENCH: CENTRAL BENCH



allegations, and contentions made by the Respondent in his Affidavit-in-opposition .

2. That, as regards the averments made in para-1, 2 and 3 of the Affidavit-in-opposition, I have nothing to say.

3. That, with reference to averments made in Para - 4 of the Affidavit-in-opposition, it is submitted that copies of the Notifications under Sl.No.1-9 have not been made available to the Applicant by the Respondent No.3. ~~It shows how~~ secretive and malicious and malafide the Respondent No. 3 is and Hon'ble Tribunal may kindly direct the Respondent No.3 to furnish copies of the Notifications which promoted Respondents No.5 to 14 from MCS to IAS vide my Application under OA No.10/95 .

That, the present application is not time-barred and the Hon'ble Tribunal, to whom this humble Applicant has prayed for justice and equity, has inherent powers to do justice and grant relief to this victims of injustice, oppression and suppression, committed by the authorities of Government of Manipur .

4. That, as regards para - 5 of the Affidavit-in-opposition, it is a fact that the Respondents 1- 4 committed favouritism while preparing the Select List during 1989-94.

P.T.O.

That, the preparation of the " Select Lists " were not done according to justice and equity, but were done in exercise of colourful authority .

That, the Sub-Rule - 5 of the IAS(Appointment by Promotion) Regulations 1955 is itself un-constitutional so far Sub-Section -IV - V are concerned. The same are reproduced:-

- 5(4) The Selection Committee shall classify the eligible Officers as ' Outstanding', ' Very good', 'Good' or 'Unfit' as the case may be, on an overall relative assessment of their Service records - Substituted vide Notification No. 11039/6/76-AIS(I)-A . dated the 3rd June, 1977 .
- 5(5) -The List shall be prepared by including the required number of names, first from amongst the Officers finally classified ' Outstanding' then from amongst those similarly classified as ' Very Good' and thereafter amongst those similarly classified as ' Good' and the order of names Inter-se within each category shall be in the order of their seniority in the State Civil Service - Vide Notification No. 28013/20/76 -AIS(I), dt. 5-10-79 .

It is prayed that the above 2 -Notifications dt. 3rd June '77 and 5th October, '79 be quashed being ultra-vires of the constitution of India.

That, the name of the Applicant was deliberately omitted from the ' Select List' as the Applicant is not a local man and is an outsider coming from Bihar. The whole -

P.T.O.

system of merit grading has been designed to deny promotion to the Applicant and the very basis of merit grading is arbitrary and whimsical and therefore ultra-vires of the Constitution of India and needs to be quashed.

That, promotion of my juniors to the IAS has been done under influence and under colourful exercise of authorities and not based on Seniority-cum-merit, I excel all my juniors. I possess Ist-Class Hon's in History from Patna University, very high 2nd Class (58%) in Masters Degree in History from Delhi University and I possess a Degree in LLB from Manipur University. As a student I have been to the U.S.A. for 1-year under American Field Service International Scholarship and before joining the MCS, I was working as Probationary Officer, SBI, at Bhilai, M.P.

The very basis of so-called merit, drummed up by the Respondent is bogus, and as it is based on writing of ACRs. There is no mechanism to assess performance of an Officer and hence ACRs are return arbitrarily and it is based on sweetwill, whims, fancy, fear frown and favour of the Officer, writing the ACRs.

There is no correct system of writing ACRs. Writing of ACRs which should be purely on performance and transparent has become a heven for mass manipulation and nepotism and favouritism.

P.T.O.

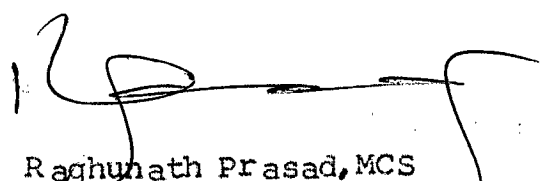
Actually the system of ACRs even militates against the Constitution of India and should be replaced by a system of open assessment of performance of Officer and since there is no full-proof mechanism to assess performance of an officer, promotion should be based purely on seniority and not on so-called merit, which is nothing but favouritism and nepotism. Following the system of promotion on the basis of seniority which was in-vogue before the Notification dt. 3rd June, 1977 is a lesser evil, if we call it an evil at all, but to follow the so-called merit system is a greater evil, which generates rotten administration under which everybody suffered.

5. That, as regards para -6 of the Affidavit-in-opposition, the Applicant is entitled to claim all the reliefs.
6. That as regards para -7 of the Affidavit-in-opposition, the relief claimed is reasonable and has basis.
7. That, as regards para -8 of the Affidavit-in-opposition, the representation mentioned in the Application is full of substance.
8. That, as regards para -9 of the Affidavit-in-opposition, I have no comment.
9. That, as regards para -10 of the Affidavit-in-opposition, the filing of the present application of the Applicant is not time-barred.

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

I, Sri Raghunath Prasad, MCS, at present
Director of Rehabilitation, Govt. of Manipur, resident
of Qtr. No. 10 Type-V/G, Lamphelpat, Imphal, do hereby
verify the statements made in PARAGRAPHS 1 TO 9
are true to my knowledge .

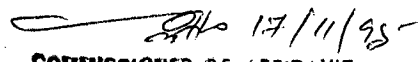
Verified at Imphal on -
- 17th day of ^{NOV.} May, 1995 -



Raghunath Prasad, MCS
At present, Director of Rehabilitation,
Manipur.
Qtr. No. 10 Type-V/G, Lamphelpat,
Imphal

Solemnly affirmed before me this the 17th
day of Nov. 1995. The declarant is
identified by 11:15 A.M.
/personally known to me.

I certify that I read over and explained
the contents to the declarant and that the
declarant seemed perfectly to understand
them.


COMMISSIONER OF AFFIDAVIT
GAUMATI HIGH COURT : IMPHAL BENCH