

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 68/95

R.A/C.P No.

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SECTION OFFICER (Judl.)

*Subh
12/11/8*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.5

O.A.No. 68/95

Misc.Peth?

C.P. No.

R.Appl:

.....S. K. Bhattacharyya.....APPLICANT'S
frs.

.....U.C.I. & Ors.....RESPONDENT'S

Mr. J.L. Sarkar, Mr. A.K.C. FOR THE APPLICANTS

.....

.....

Mr. A.K. Choudhury, Addl. C.G.S.C. FOR THE RESPONDENTS
case.

OFFICE NOTE - - - - - DATE - - - - - ORDER - - - - -

Application is in
and within time
F. of Rs. 50/-
deposited vide
IPO/BD No. 883845
dated 28.1.95

R.M. 39/31/95
W. Regd. No. 10
P.A. 100

31.3.95 Mr. J.L. Sarkar for the applicant.
Mr. A.K. Choudhury, Addl. C.G.S.C. for the
respondents.

Notice before admission to the respondents
to show cause as to why the application
should not be admitted. Mr. Choudhury,
Addl. C.G.S.C. is requested to seek instruc-
tion from the respondents on the following
points :

i. Whether the letter of the Joint Director
NEPA, Umsaw dt. 29.12.94 was placed
before the Ministry of Environment and
Forests, New-Delhi and the letter of the
said Ministry dated 30.1.95 referred to
in the office order dated 13.2.95 has
been passed after considering the above
mentioned letter from NEPA?

ii. What was the basis on which the Ministry
has directed that the applicant to be
relieved? A copy of the letter of the
Ministry dated 30.1.95 may be produced
for that purpose.

Contd....

31.3.95 Show cause returnable on 11.4.95.

Notice to be issued immediately to Respondent No. 2. No interim ~~order~~ order at this stage.

Replies are due
on 5.4.95 & time
extended to 15.3.95.
Dated 6.4.95

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Member

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Vice-Chairman

trd

*Per
11/4/95*

24.4.95

At the request of Mr. A. K. Choudhury Addl. C.G.S.C. time to file show cause reply extended by 3 weeks and the application is adjourned for admission to 22.5.95.

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Vice-Chairman

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Member

*Per
17/5/95*

17.5.95
Written statement
show cause on behalf
of the Respondent No. 3.
Submitted by A. K. Choudhury
Addl. C.G.S.C.

*Per
17/5/95*

19.5.95
Brought for self hearing by the
applicant received at flag 'A'

*Per
19/5/95*

22- 5-95 Mr. J.L.Sarkar learned counsel for the applicant has filed a leave note for to-day and is absent. We however see no good reason as to why the other advocate Mr. M.Chanda who is also on record should not have been present.

The applicant is present in person and desires to address us. Earlier he has submitted a written argument dated 17-5-95 by post praying for pleading the case in person. Hence we have heard him and also heard Mr. A.K.Choudhury Addl.C.G.S.C. who at the moment has received instructions only from respondent No.2.

On 31-3-95 we had sought clarifications on the two queries mentioned in that order from the respondents. The respondents No.1 who are concerned have not chosen to submit any reply so far in answer to those queries. Respondent No.2 has filed a show cause reply in which he has mainly referred to the instructions received from the Ministry. That does not help in proceeding further with the matter. We have given an anxious consideration to the grievance of the applicant in view of our recommendatory observations in the earlier order of O.A.43/94 dated 3-10-94. At the stage when the previous order we passed the parent department i.e. Police Academy had objection to the continuation of the deputation of the applicant with the Ministry of Environment and Forests at Shillong office. After that order the Ministry of Home Affairs, N.E. Police Academy by letter dated 29-12-94 have indicated that they have no objection for absorption of the applicant as LDC in the Regional department. However by letter dated 30-1-95 the Ministry of Environment and Forests informed the Police Academy through respondent No.2 that the applicant may be released from the

22-5-95 regional office and to direct him to report to his parent department. That was followed by the office order issued by the Ministry dated 13-2-95 which is impugned in this O.A. whereby the applicant was relieved from the regional office with immediate effect.

The order dated 13-2-95 became effective when it was served on the applicant on 14-2-95 as stated by him. Unless therefore, the applicant can be directed to be reinstated that cannot be stayed as that would not serve any purpose. At the same time having regard to detailed discussion in our previous order in O.A.43/94 we are not able to appreciate as to why and on what ground the Ministry has now turned down the request of the applicant for absorption in the regional office. In that context the letter of Chief Conservator of Forests (G) dated 30-10-91 may be mentioned which indicated that eventual absorption of the applicant was under contemplation. We expected the respondents to point out to us the reasons that prompted the Ministry of Home to reject the request of the applicant for absorption. As the respondent No.1 has not responded, we have no choice left but to admit the application so that the question can be examined at the hearing of the matter.

The application is admitted. Fresh notice of the O.A. to be issued to respondent No.1. Mr.A.K.Choudhury Addl.C.G.S.C. accepts notice of the O.A. on behalf of respondent Nos. 2 & 3. Hence fresh notice is not required to be issued to the said respondents. All the respondents may file their written statement within 8 weeks from to-day. No interim order is however

contd-

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O.A.68/95

22-5-95 passed to-day. It is left open to the applicant to resume duty in his parent department without prejudice to his claim for absorption in the Regional Office which is the subject matter of the instant O.A. The pendency of the O.A. will not preclude the parent department of the applicant to extend him the benefits to which ^{he} may have become entitled in the department. It will not also preclude the Regional Office to look into the grievance of the applicant in respect of increments and arrears of pay if any. The applicant will be at liberty to pursue ^{those} his grievances before the appropriate authorities of the respondents. It is made clear that if the applicant joins the parent department in pursuance of the impugned order that will be subject to the final result of this O.A. and the final order thereon.

Copy of the order be supplied to the applicant as well as to the learned Addl. C.G.S.C. Mr.A.K.Choudhury.

O.A. is adjourned to 24-7-95. The applicant takes note of the adjourned date.

Requisite copy of fresh notice not yet received.

Copy of order issued to be copied on parties vide no. 2301-02 d. 26.5.95.

25/5/


Vice-Chairman

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Member

Please 'A' may kindly be seen. The applicant Mr. etc. ^{Mr. etc.} ~~Attache~~ seems to appear in person in the case. Submits to find & order.

12/7 Notice duly served
on R. no. 2 & 3 is issued
on the basis of order d. 31.3.95

(6) OA 68/95

✓ 21-7-95
w/s on behalf of
Respondent No. 2
Resps. Nos. 2 & 3

18.10.95 Hearing concluded. Judgement delivered in the open court. The O.A. is partly allowed in terms of order. No order as to costs.

P.D.

1) Notice duly served
on exp. nos. 2 & 3.

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Member

hsc

Vice-Chairman

2) W/ Statement - hrs sum
of W on behalf of ab
Resps. Nos. 2 & 3.

trd

21/7

25.7/8)

w/s on behalf of
Respondent No. 1 has been
notified.

P.D.

6-9-95

Counter ~~Reply~~ of
w/s of Respondent No. 2
has been filed.

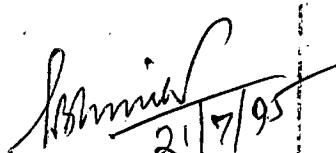
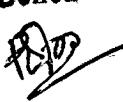
P.D.

20.11.95

copy of Judg/Order add.
18.10.95 issued to all
concerned sides d/No.
4954-57 dt. 20.11.95

gk.

O.A. 68/95.

OFFICE NOTE	Date	COURT'S ORDER
21-7-95	24-7-95	Mr. M. Chanda for the applicant. Applicant is present.
Shri S.K. Bhattacharya applicant, has filed an application (At play A) with a prayer for consideration of the points which are mention in the petition.		Applicant desires to address us. We have refused him permission to do so as his advocate is present who has not so far withdrawn his appearance. Mr. M. Chanda states that the applicant has not yet joined the parent department. It will be open to him to do so without prejudice to the rights and contentions in the O.A. and subject to the final result of this O.A. It is further stated that the applicant has already approached the appropriate authorities for increments, arrears of pay etc. and the matter is under consideration. It is now stated that the amounts of increments have already been paid. Liberty to the applicant to apply for amendment in case he will have any grievance in respect of those claims after the matter is decided by the respondents. We have made above directions as the respondents have not yet file show cause reply. The reply of res- pondent No. 1 is still awaited. Adjourned to 11-9-95 for further orders.
 Deputy Registrar (J) Central Administrative Tribunal Guwahati Bench 		
Order d. 24.7.95 Case 6 associated & Cause No. 340 - D. 1-8-95 25-7	1m	
25-7-95 W/S on behalf of respondent No. 1 has been filed. 		 Vice-Chairman  Member
6-9-95 Counter reply of the W/S of Respondent No. 2 has been filed 		

OFFICE NOTE

Date

COURT'S ORDER

11-9-95

Mr. J.L. Sarkar and Mr. M. Chanda withdrew their appearance for the applicant. Applicant is present in person and states that he will conduct the case himself. Mr. A.K. Choudhury Addl.C.G.S.C for the respondents. At the request of the applicant O.A. to be listed for hearing on 16-10-95.

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Vice-Chairman

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Member

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11. 10. 95

16.10.95

The applicant in person.

Mr. A.K. Choudhury, learned Addl. C.G.S.C., for the respondents.

Adjourned to tomorrow, 17.10.95

for hearing.

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Vice-Chairman*6*
Member*BB*
nkm

Final order
communicated on
20.11.95

18.10.95

order typed at P. 6 of 05.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 68 of 1995.

Date of decision, 18.10.1995

Shri Susanta Kumar Bhattacharjee

PETITIONER(S)

Applicant in person.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. A.K.Choudhury, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

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

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

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

Judgement delivered by Hon'ble Vice-Chairman.

M.G.Chaudhuri

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 68 of 1995.

Date of decision : This the day of 18th October, 1995.

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

The Hon'ble Shri G.L.Sanglyine, Member (A).

Shri Susanta Kumar Bhattacharjee,
Lower Division Clerk,
Ministry of Environment & Forests,
Regional Office (N.E.R.),
Shillong-3 (Meghalaya)

... Applicant

Applicant in person.

-versus-

1. Union of India (Through the Secretary,
Ministry of Environment & Forest)
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New-Delhi-110 003).

2. Chief Conservator of Forest,
Ministry of Environment & Forests,
Regional Office (NER), Upland Road,
Laitumkhrah, Shillong-793003.

3. Director,
North Eastern Police Academy,
Government of India,
Umsaw, Barapani, Meghalaya

.... Respondents

ORDER

CHAUDHARI J. (V.C.).

This is a second round of litigation as despite our earlier order in O.A. 43/94 dated 3.10.94 the applicant could not secure his absorption in the office of the Chief Conservator of Forests (Ministry of Environment and Forest) at Shillong. We are unhappy at the casual approach to the matter on the part of the Ministry of Environment and Forest who have not appreciated the spirit behind the

[Signature]

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observations made by us in our earlier order dated 3.10.94 to give a sympathetic consideration to the request of the applicant. Our observations were based on strong grounds and since theoretically it lay within the power of the executive authorities to take necessary steps we were not able to make a positive direction. The Ministry was therefore expected to seriously and anxiously make an endeavour to carry out as far as possible the expectation expressed by us rather than frustrate the same. We are conscious of the fact that an expectation expressed by the Tribunal may not be possible to be given effect to if there arise any legal or other hurdles in the way which however must be shown to be valid and compelling. It ought not to be just ignored. In the instant case no explanation has been offered by the respondents to show as to for what compelling reasons they could not follow the previous order in its spirit. Indeed on 31.3.95 we had directed the respondents to enlighten us on this aspect by producing the relevant record. That also has not been taken seriously nor responded to. The anxiety on the part of the Tribunal to resolve the question involved has not been reciprocated by the respondents. The written statement of the respondents does not reflect that any genuine effort was made to consider the case of the applicant sympathetically with an open mind as was expected. It is under these circumstances that we have to deal with this application.

2. Detailed facts have been set out in our order dated 3.10.94 relevant to that date. The necessary facts

WBC

may therefore be briefly stated. The applicant was appointed as Lower Division Clerk with effect from 16.1.86 in the North Eastern Police Academy, Barapani (Umsaw) under the Ministry of Home Affairs. His services were lent to the Regional Office of the Ministry of Environment and Forests at Shillong under the Chief Conservator of Forests and he was posted as Lower Division Clerk on deputation basis with effect from 15.6.89 in the department. His period of deputation was extended from time to time totally for 5 years and more. During that period he had also opportunity to officiate as Upper Division Clerk and in fact he was appointed to that post on deputation basis after a selection for stated duration. With that long service in the department the applicant desired to be permanently absorbed in the borrowing department. Initially his parent department was willing to spare him but the matter had not been finalised as recruitment rules were ~~in the borrowing department were~~ in the process of being framed and these were framed in the year 1992. Thereafter the applicant was advised by the Regional Office to show willingness for absorption as LDC. He accepted the reversion as LDC from UDC. Thereafter the parent department took somersault and by letter dated 11.11.93 requested for his repatriation. It was at that stage that after taking into account the relevant facts we had ~~left~~ ~~left~~ ~~left~~ the respondents to sympathetically consider the absorption of the applicant in the borrowing department as that appeared to us to be well deserved step in totality of the circumstances.

3. After that order the parent department i.e. North Eastern Police Academy issued a No Objection Certificate for permanent absorption of the applicant in



the borrowing department vide letter No. NFPA/PF(C)/1/86/Vol-I/6458 dt. 29.12.94 in response to the letter of the Deputy Conservator of Forests (C), Ministry of Environment and Forests, Shillong No. 6-25-47/E/RO-NE/1367 dt. 1.12.94. From the written statement of the Police Academy it is clear that the said department had acted in due deference to the suggestion made by this Tribunal in its previous order. Despite that however a cryptic Office Order has been issued by the Ministry of Environment and Forests, North Eastern Regional Office bearing No. 11-5-89/E-RO-NE/2117-51 dated 13.2.95 relieving the applicant with immediate effect from the said office and directing him to report to duty to the Director, North Eastern Police Academy immediately. The applicant has challenged this order in the instant O.A. filed on 30.3.95 and prays that the said order may be set aside and he may be directed to be absorbed as LDC in the office of the Chief Conservator of Forests, NER Office. By an interim order dated 22.2.95 while declining to grant interim relief we had left it open to the applicant to join in his parent department without prejudice to his claim for absorption in the Regional Office of the Environment and Forests that question being the subject matter of the O.A. The applicant states that he has accordingly joined the parent department but as that is without prejudice to the O.A. as stated in the interim direction that does not preclude us from examining the question of absorption in the Environment and Forests department.

4. It is true that as a normal rule a deputationist from one department to another cannot claim as a matter

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of right to be absorbed in the borrowing department. The deputation is governed by the relevant rules and lasts so long as the two departments concerned and the Government servant are willing to continue the deputation. Ordinarily the deputationist will not be heard to say that he does not want to go back to his parent department. There is thus no vested right in a deputationist to be absorbed in the borrowing department. The instant case however cannot be looked at strictly with this approach and as the circumstances ~~would~~ justify making exception to the said rule.

5. Now historically speaking at the request of the Chief Conservator of Forests the applicant was relieved by the parent department on 14.6.89 to be posted as LDC on deputation with the office of the Chief Conservator of Forests. The parent Department issued the No Objection Certificate on 14.6.89 for placing the services of the applicant at the disposal of the department of Chief Conservator of Forests, Regional Office, Shillong and the certificate contained the following statement :

"This office has no objection for placing his services in the department of CCF (Central), Regional Office, Shillong :

1. Beyond three years and final absorption in The C.C.F. (Central), Shillong, office in any capacity.
2. To promote him in the higher grade"

Thus at the inception itself the parent department had indicated that it would not have any objection for the final absorption of the applicant in the Forest Department. At the cost of repetition it may

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be stated that it appears from the certificate that the deputation was sought by the Forest Department itself. While being on deputation as LDC the applicant was permitted to officiate as UDC with effect from 14.1.92 for a period of 3 months on adhoc basis in the office of CCF (C) vide order dated 10.3.92. Later on upon the recommendation of the Selection Committee of the Ministry of Environment and Forests, North Eastern Regional Office dated 9.6.92 and with the approval of the competent authority he was appointed as UDC in the pay scale of Rs. 1200-30-1560-EB-40-2040 in the Ministry of Environment and Forests, North Eastern Regional Office, Shillong with effect from 15.12.1992 on deputation basis till 13.3.93 or until further orders whichever was earlier. This event took place after the recruitment rules were brought into force in the year 1992.

6. Prior to the officiation of the applicant as UDC and much earlier to the framing of the recruitment rules the question of absorption of the applicant in the Forest Department for which he had made a request ~~for consideration~~ ^{arose} ~~the~~ technical officer intimated the Deputy Conservator of Forests in the Regional Office by letter dated 2.5.91 that the question of absorption of staff will be considered after finalisation of recruitment rules. An Office Order was issued on 30.10.91 by the CCF (C) which has some significance. In that order it was stated thus:

"Shri S.K.Bhattacharjee, LDC, on deputation to this office is allowed to continue on deputation till finalisation of the recruitment rules and eventual absorption of said Shri S.K.Bhattacharjee, in the services of this office as per Govt. of India, Ministry of Environment & Forests, letter No. 3-5/91-RO(HQ), dated 2.5.91. This order

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issues after taking into consideration the No Objection of his parent department as contained in that department's letter No. NEPA/PF(C)/1/86/Vol.I/1789 dated 14.6.89" (emphasis laid).

37. The recruitment rules of the Ministry of Environment and Forests came into force in October 1992 under the Notification issued by the Govt. of India. In order to understand the method of recruitment reference has to be made to the schedule annexed to the said rules. The rules are called " Regional Offices of the Ministry of Environment and Forests (Group 'C' and Group 'D' posts) Recruitment Rules, 1992".

Entry in Col. No. 11 relating to LDC in the schedule provides for 75% by direct recruitment failing which by transfer on deputation/transfer and 25% by promotion from amongst Group 'D' employees. The applicant fulfills the qualifications prescribed in Col. No. 8. The communication addressed by the Ministry of Environment and Forests to the Regional Offices bearing D.O. No. 4-1/89-RO(HQ) dt. 30.12.92 indicated the policy of recruitment to be followed under the rules. Amongst other things it provided :

"The persons who are working on deputation of L.D.C. and Steno 'D' may be considered for permanent absorption as per Col No. 11 of the Recruitment Rules subject to the willingness of their parent department".

In order to avail of this policy under which absorption as LDC was contemplated the applicant intimated by his application dated 17.9.93 his willingness for reversion to the post of LDC as he had at that time been functioning as UDC. The relevant statements in that application read as follows :

"Since I am at present working as UDC and since absorption is permissible only in the post of LDC, I am given to understand that my absorption in the LDC post of this Regional Office would be done if I seek reversion to the LDC post since there is no provision in

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the R/R for absorption in the UDC post"

"If my absorption in the LDC post of your Regional Office with effect from the date of coming into force of the Recruitment Rules 1992 is ordered, this application may kindly be treated as my willingness for reversion to the LDC post in order to facilitate my permanent absorption in your Regional Office for which I am representing for quite long".

That goes to show that the applicant had given up the advantage of adhoc promotion of UDC with a view to get absorption in the Forest Department which he was contemplating since his deputation. Pursuant to the said application Office Order dated 12.10.93 was issued by the Deputy Conservator of Forests(C) reverting the applicant to the post of LDC. It is pertinent to note that the order is based upon the above application of the applicant dated 17.9.93 and not on administrative ground. When these two documents are read together it becomes abundantly clear that the reversion of the applicant was a step taken to facilitate his permanent absorption in the Forest Department.

8. As nothing transpired thereafter in the matter of absorption the applicant submitted a representation on 18.11.93 requesting to take early steps for his absorption as LDC in the Regional Forest Office. After the order of reversion was passed on 12.10.93 the Deputy Inspector General of Forests (FF) conveyed to the Chief Conservator of Forests by letter dated 24.10.93 his approval for extension of deputation period of the applicant for the 5th year with effect from 15.6.93 to 14.6.94 in the Regional Office. The application of the applicant dated 17.9.93, the order of reversion passed on that basis and the action of the

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Forest Department in approving the extension of the deputation period clearly go to show that even on 24.10.93, when the applicant could have been easily repatriated without extending his deputation period particularly when he had already been reverted as LDC, the Forest Department was still interested in retaining him in the Regional Office which is a pointer to the fact that his permanent absorption was in contemplation.

¶ It was at that stage as stated earlier that the Police Academy turned round and asked the Forest Department by letter dated 11.11.93 to take necessary action to repatriate the applicant as soon as his tenure of deputation was over i.e. 14.6.94. it was stated that the Academy had a very limited staff making the administration very difficult and moreover the Ministry had issued directions to fill up the vacancies immediately. Now as already seen initially on 14.6.89 the Police Academy had indicated No Objection for final absorption in the Forest Department. At no stage thereafter till 11.11.93 the said department had indicated to the Forest Department that their administration was suffering for want of adequate staff and the applicant should be repatriated. On the other hand they agreed to annual extension of the period of deputation till 14.6.94. The reasons stated in this letter therefore do not appear convincing. It is clear from the letter of the CCF dt. 14.5.93 addressed to the Ministry (annexed to written statement of respondent No. 1) that extension of the deputation period of the applicant till 14.6.94 was desired. What was further stated in the letter is significant and reads as follows:

letter

Shri S.K.Bhattacharjee has been working in this office for last 4 (four) years and he has gained considerable experience in regard to affairs of this office. Therefore, it is recommended that his further extension of one year be favourably considered and order communicated to this office before 15.6.93".

10. In the aforesaid background when both the departments had acted in a manner consistent with the ultimate object of absorption of the applicant in the Forest Department and the recommendation of the Chief Conservator of Forests for further extension of the deputation period after appreciating the services of the applicant, it was necessary for the respondents to show effectively as to why thereafter the Forest Department was not inclined to absorb him in that department. The written statement of respondent No. 1 declared by the Deputy Conservator of Forests, Ministry of Environment and Forests, NER Office indeed contains a very strange statement in paragraph 6. It is stated thus :

"I beg to state that the Hon'ble Tribunal by Judgement dated 3rd October, 1994 in O.A. No. 43/94 dismissed the application of Shri Bhattacharjee, the interim order of stay was vacated and it was left to the respondents to take appropriate decision. Since the Ministry did not receive any application of Shri Bhattacharjee for his extension of tenure or of his absorption in the Ministry, it was decided to relieve the applicant from the Regional Office, Shillong".

This statement obviously is the product of non-application of mind to the facts and records of the case. As has already ^{been} noted the question of absorption of the applicant had arisen way back in 1991 as per letter dated 2.4.91 of the Technical Officer. Office Order dated 30.10.91 issued by the CCF referred to the eventual absorption of the applicant. More pertinently by his application dated 17.9.93 the applicant had

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indicated that he was interested in being absorbed in the Forest Department and clearly stated that he had been requesting for his permanent absorption as LDC in the Regional Office. By application dated 18.11.93 he had made a specific request to take early steps for his absorption. It is therefore difficult to understand as to how the respondent No. 1 can say that there was no application made by the applicant for his absorption. The written statement of respondent No. 1 therefore does not reveal any valid ground to have denied absorption to the applicant. The said written statement also contains a vague statement in paragraph 7 reading thus :

"In the present case, since the direct recruitment of LDCs through SSC, Gauhati was possible the question of absorption of the deputationist does not arise".

The declarant totally missed the point that no question of direct recruitment was involved and the question was whether the applicant could be absorbed or not under the recruitment rules. He has not dealt with that aspect at all. On the contrary his statement is inconsistent with the policy instruction which was issued by the Ministry on 30.12.1992 under which the case of the applicant who had been working on deputation as LDC had to be considered for permanent absorption as per Col. 11 of the recruitment rules. What is surprising is that the said letter dated 30.12.92 had been addressed to none other than K.R.Lyngdoh, Dy. Chief Conservator of Forests(C) who himself has declared the written statement containing above statements contrary to it. That goes to show that the said officer has just filed the written statement as a matter of formality without applying his mind to the relevant facts and material. That is why we have said earlier that the

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approach of the respondent No. 1 has been very casual. The written statement of the respondent No. 1 does not disclose any valid ground on which the applicant could be denied absorption.

11. Turning to the written statement of respondent No. 2 filed on behalf of Chief Conservator of Forests it is also declared by the same officer, namely, K.R. Lyngdoh. That also does not afford any valid ground to deny absorption to the applicant. It is rather purported to be pointed out that filling up of the post from the Central/State Govt. Department is not obligatory. It is also denied that the applicant has any right for permanent absorption. These are too superficial contentions made without application of mind to the facts and circumstances of the case and it is not enough to disclose any valid reasons for which the respondents should have denied the absorption.

12. Lastly turning to the written statement filed by the respondent No. 3 (the parent department of the applicant, namely, Police Academy) after referring to the fact of deputation and its extension and letter dated 11.11.93 it has been stated therein that after the earlier decision of this Tribunal the department has granted No Objection Certificate on 29.12.94. The said department has not set out any ground to oppose the absorption and could not have done so having decided to issue the No Objection Certificate.

13. Thus the impugned order does not have any leg to stand. It does not disclose as to what was the hurdle in the way of the Forest Department to absorb the applicant. Despite opportunity being given no material is produced to justify the said action save and except

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to suggest that whether to absorb the deputationist or not is a prerogative of the borrowing department. Nothing has been shown as to for what specific reason the respondents did not consider absorbing the applicant in the Forest Department even after the previous order of the Tribunal.

14. The legal aspect as indicated above on which the respondents appear to rely is in the instant case countered by equitable considerations and that cannot be lightly overlooked. At the cost of repetition it may be mentioned that as far back on 2.5.91 there was reference to the absorption of the applicant. The letter of Chief Conservator of Forests dated 30.10.91 had referred to the eventual absorption of the applicant. The order of reversion was passed on the basis of the application of the applicant wherein the whole purport was relating to absorption. The respondent did not inform the applicant at the time of passing the order of reversion nor have they stated in the said order that the step taken by the applicant to seek reversion was not related to the question of absorption. The lame attempt made by Mr. Lyngdoh now in the written statement to take such a stand thus would appear to be an after thought. The Environment and Forests Department where the applicant was on deputation had impliedly assured the applicant that after framing of the recruitment rules his case for permanent absorption will be considered. The said respondents were therefore estopped from refusing to do so unless they were able to disclose a valid ground for which the applicant was disentitled to be considered for absorption. Since they have failed to show any such ground they cannot be allowed to back out from that assurance particularly when the applicant had altered his position to his own disadvantage by accepting

will

reversion in the hope of being considered for permanent absorption as was the impression given to him by the Forest Department. Apart from accepting the reversion as stated in his application dated 18.11.93 he has settled himself with his family at Shillong and also got married. His wife is an employee of a Govt. of India Undertaking at Shillong. He had thus made mental preparation for permanent stay at Shillong on the premise that he would be absorbed in the Forest Department. There is nothing disclosed by the respondents to outweigh these considerations.

15. It is true that under the policy decision dated 30.12.92 willingness of the parent department was necessary to carry out permanent absorption. The parent department had not indicated its objection to applicant's absorption till 11.11.93 and therefore there was no hurdle in the way of the respondents to absorb him till 11.11.93 after the recruitment rules had been brought into force in October, 1992. It is not explained as to why respondents should not have acted in consonance with the policy instructions dt. 30.12.92. It is only after 11.11.93 till 24.12.94 that there was a clog which however stood removed with the No Objection Certificate issued by the respondent No. 3 on 29.12.94. Thereafter there was occasion to consider the permanent absorption of the applicant in the Forest Department which exercise however has not been carried out with proper application of mind.

16. The written statements indicate that between the previous order of the Tribunal and filing of the instant O.A. the respondents have purported to fill up

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one general post of LDC that was available against which the applicant could have been absorbed having regard to his experience and length of deputation. It is stated in the written statement of respondent No. 2 that there were two posts of LDC out of which one was reserved for Scheduled Tribe and another was general post but both the posts have since been filled up and there is no vacancy in the cadre of LDC. The said respondents have not chosen to give any particulars about the manner in which the post was filled up. It is difficult to erase the impression that it might have been ^{so} ~~done~~ to set at naught the claim of the applicant for absorption. The respondents should have been aware of the earlier order of the Tribunal which had required them to consider the question of absorption of the applicant seriously. In the written statement when it is stated that earlier application was dismissed by this Tribunal and interim stay was vacated it shows that nobody had bothered to read the contents of the judgement and its spirit. It is really sad and ~~had~~ led to failure of justice. The applicant in his rejoinder has contended that the post was filled up in great haste on 3.4.95 even after the show cause notice was issued by this Tribunal on 31.3.95 and that that person was made to join on 3.4.95 although the letter of appointment was issued on 10.4.95. If he believes that the said action has been mala fide and taken only to deprive his absorption for some extraneous reasons the applicant in the circumstances cannot be blamed for carrying that belief. The contention of the applicant in the rejoinder is that the impugned order is non-speaking order and arbitrary and his repatriation is unjustified thus has substance in it. It is not the

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case of the respondent Nos. 1 & 2 that now it is not altogether possible to absorb the applicant.

17. It appears that there is a post of UDC vacant in the Forest Department. It may be possible to consider accommodating the applicant in that event on adhoc basis if necessary by giving him deemed absorption as LDC from a retrospective date. That can overcome the difficulty of the post of LDC having been filled in by the respondents.

18. The applicant has joined his parent department as we declined to grant interim stay. The question of his absorption can be considered without prejudice to his working in his parent department.

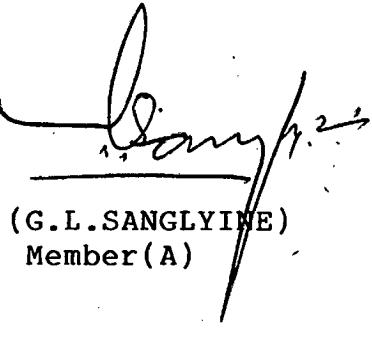
In the light of the above discussion we are constrained to make a positive direction to the respondents 1 & 2 to consider absorption of the applicant in the Environment and Forest Department Regional Office at Shillong as LDC. We direct the said respondents that notwithstanding the impugned order which has stood exhausted, they shall consider the question of permanent absorption of the applicant in the light of the above discussion and if he is so absorbed seek his return from the department of Police Academy which has already indicated its no objection. Till this exercise is completed the applicant may continue to work in the parent department and will be entitled to get such benefits as may accrue without prejudice to the

... absorption

full

absorption in the Forest Department. The respondents Nos. 1 & 2 are directed to consider the case of absorption of the applicant within a period of two months from the communication of this order and they shall convey the decision to the applicant immediately thereafter.

The O.A. is partly allowed in terms of the aforesaid order and is disposed of. No order as to costs.


(G.L.SANGLYINE)

Member (A)


(M.G.CHAUDHARI)

Vice-Chairman

trd

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

28

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

O.A. No. 195.

Shri Susanta Kr. Bhattacharjee.

-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 No Objection Certificate dt.14.6.89 issued by NEPA.	16
2.	'B'	Copy of order dtd.10.3.92.	17
3.	'C'	Copy of order dtd.15.1.93.	18
4.	'D'	Copy of letter dtd.2.5.91.	19
5.	'E'	Copy of order dtd.30.10.91.	20
6.	'F'	Copy of appeal dtd.17.9.93.	21 - 22.
7.	'G'	Copy of office order dtd. 12.10.93.	23
8.	'H'	Copy of representation dtd. 18.4.93.	24 - 25
9.	'I'	Copy of letter dtd.24.10.93.	26
10.	'J'	Copy of letter dtd.30.4.93.	27 - 28
11.	'K'	Copy of letter dtd.3.10.94	29
12.	'L'	Copy of order dtd.3.10.94 in OA No.43/94 of CAT/Guahati.	30 - 40
13.	'M'	Copy of letter dtd.29.12.94.	41
14.	'N'	Copy of letter dtd.30.12.92.	42
15.	'O'	Copy of order dtd.13.2.95.	43
		Received copy. 16/3/95 P) Letter dated 20.4.95	44
		...	

Received copy.
A. K. Choudhury SC
Addl C. J. S.
30/3/95

Filed by the applicant
through Mr. Choudhury
30.3.95. P.W.

1. Particulars of the applicant :

Shri Susanta Kr. Bhattacharjee.
Lower Division Clerk,
Ministry of Environment & Forests,
Regional Office (N.E.R.),
Shillong - 3, Meghalaya.

2. Particulars of the Respondents:

1. Union of India (through the Secretary,

Ministry of Environment & Forest)

Paryavaran Bhawan, CGO Complex,

Lodhi Road, New Delhi - 110 003.)

2. Chief Conservator of Forest,

Ministry of Environment & Forests,

Regional Office (NER), Upland Road,

Laitumukhrah, Shillong - 793 003.

3. Director.

North Eastern Police Academy,

Government of India,

Umsaw, Barapani, Meghalaya.

3. Particulars for which the application is made:

The application is made for absorption of the applicant in the office of the Chief Conservator of Forests, Ministry of Environment & Forests, Regional Office (N.E.R.), Upland Road, Laitumukhrah, Shillong - 3, as Lower Division Clerk.

contd..3.

4. Jurisdiction :

The applicant declares that the subject matter of the order 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 was initially appointed as Lower Division Clerk with effect from 01.08.1980 in the Directorate of Census Operations, Arunachal Pradesh, Home Ministry purely on temporary adhoc basis in connection with 1981 Census Operations. The applicant was thereafter looking for a job of personnel nature. He qualified in the Clerks Grade Examination (Special) conducted by Staff Selection Commission. He secured appointment as Lower Division Clerk with effect from 16.01.1986 in the North Eastern Police Academy (for short N.E.P.A.), Barapani (Umsaw) under the Ministry of Home Affairs. The initial appointment was with usual terms as temporary terminable by one month's notice on either side.

3. That the Regional Office in the Ministry of Environment and Forests was opened in Shillong sometime in 1987 and the applicant was appointed in that office as Lower Division Clerk on deputation basis with effect from 15.06.1989. The Regional Office is known as the Office of the Chief Conservator of Forests, N.E.R., Ministry of Environment & Forests, Shillong.

A copy of the No Objection Certificate dated 14.6.1989 issued by the N.E.P.A. is enclosed as Annexure A.

4. That the applicant has been working on deputation basis in the said Regional Office of the Chief Conservator of Forests with periodical extension of his deputation. He has expressed his willingness for permanent absorption in the said Regional Office and this received sympathetic consideration of the Regional Office.

5. That by an order dated 10.3.1992 the applicant has been permitted to officiate as Upper Division Clerk with effect from 14.1.1992 for a period of 3 months. Thereafter he was continued to officiate as Upper Division Clerk by periodical orders. His promotion for Upper Division Clerk got the recommendation of Selection Committee of Environment & Forests, N.E.R. and consequent upon that and with the approval of the competent authority the applicant was appointed as Upper Division Clerk in the pay scale of Rs.1200-2040/- in the said

contd..5.

Regional Office with effect from 15.12.1992 on deputation basis till June, 1993 or until further orders whichever is earlier. This was issued under order dated 5.1.1993 from the Regional Office, Shillong.

Copy of the order dated 10.3.1992 and 15.1.1993 are enclosed as Annexure - 'B' and 'C' respectively.

6. That as stated above the Environment Ministry was sympathetic on the request of the applicant for his absorption in the said Regional Office. The New Delhi office of the Ministry has written letter dated 02.05.1991 stating that the question of absorption of the applicant would be considered after finalisation of Recruitment Rules. Thereafter the Chief Conservator of Forests, N.E. Regional Office issued Office Order dated 30.10.91 continuing the deputation of the applicant taking into consideration the No Objection Certificate of the parent department of applicant.

Copy of letters dated 2.5.1991 and order dated 10.10.91 are enclosed as Annexure 'D' and 'E' respectively.

7. That the Recruitment Rules have been framed in the year 1992 and according to the said Recruitment Rules, absorption of deputationist was permissible only in the post of Lower Division Clerk. The New Delhi office by D.O. letter dated 30.12.92 to Dy. Chief

Conservator of Forests, Regional Office, Shillong, advised the Regional Office that the persons who are working on deputation as Lower Division Clerk and Stenographer 'D' may be considered for permanent absorption as per Column No. 13 of the Recruitment Rules, subject to the willingness of their parent department. After the said letter, the applicant was advised by Regional Office to submit his willingness for absorption as Lower Division Clerk by seeking reversion to Lower Division Clerk because Recruitment Rules provided for absorption of deputationist as Lower Division Clerk only. Thereafter the applicant submitted appeal dated 17.09.1993 indicating his willingness to reversion as Lower Division Clerk in order to facilitate his permanent absorption in the Regional Office.

Copy of the appeal dated 17.09.1993 is enclosed as Annexure 'F'.

8. That by an Office Order dated 12.10.1993, the applicant was reverted to the post of Lower Division Clerk with effect from 01.10.1993 with reference to his representation dated 17.09.1993 but no order for his absorption in the Regional Office was issued.

Copy of the Office Order dated 12.10.1993 is enclosed as Annexure 'G'.

9. That the applicant thereafter submitted representation dated 18.11.93 requesting for his absorption.

Copy of the representation dated 18.11.1993
is enclosed as Annexure 'H'.

10. That the Deputy Inspector General of Forests of the Ministry of Environment & Forests, Government of India, by his letter dated 24.10.1993 to Chief Conservator of Forests (C) conveyed the extension of deputation period from 15.06.1993 to 31.3.1994 and not upto 14.06.1994. On enquiry the applicant came to know that he would be reverted to his parent department, namely the N.E.P.A.

Copy of the letter dated 24.10.93 is enclosed as Annexure 'I'.

11. That the applicant begs to state that he had the legitimate expectation of being absorbed in the said Regional Office of the Ministry of Environment & Forests at Shillong. He had accordingly settled at Shillong with his family and has got married and his wife is an employee of the Central Government Undertaking at Shillong. He has agreed to be reverted as Lower Division Clerk from Upper Division Clerk in compliance with the desires of the department to fulfill requirements of Rules. If he is not absorbed and repatriated to his parent department, it will cause grave injustice and irreparable loss to the applicant.

12. That the matter of absorption was also under reference with Ministry of Home Affairs, Office of the

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Copy of the letter dated 11.11.93 is
enclosed as Annexure - K.

15. That the Hon'ble Tribunal was pleased to decide the matter in O.A. No.43/94 by an order dated 3.10.94. The applicant craves for the liberty to refer to the said order at the time of hearing.

Copy of the order dated 3.10.94 in O.A. No. 43/94 is enclosed as Annexure - L.

16. That consequent upon the order dated 3.10.94 of the Hon'ble Tribunal the office of the Respondent No.2 (borrowing department) wrote to the office of the Respondent No.3 i.e. parent department. The parent department i.e. the North Eastern Police Academy by their letter dated 29.12.94 has informed the office of the Respondent No. 2 that they have no objection in absorbing the applicant in the office of the Respondent No.2.

Copy of the letter dated 29.12.94 is enclosed as Annexure - M.

17. That the Government of India, Ministry of Environment and Forests, New Delhi, under D.O. letter dated 30.12.92 had advised that persons who are working on deputation of L.D.C. and Steno may be considered for permanent absorption as per Column 11 of the Recruitment Rules subject to willingness of their parent department.

Copy of the letter dated 30.12.92 is enclosed
as Annexure - N.

18. That it is stated that the parent department of the applicant had from the initial stage given no objection certificate and was looking for absorption of the applicant in the borrowing department. Due to the long deputation of the applicant, employees including junior employees of the applicant have been promoted as Upper Division Clerk in the parent department. The applicant has come to know that by letter ~~dated~~ No. NEPA/PF(C)/1/86-Vol-I/383 dated 14.5.92 the parent department had requested the borrowing department (i.e. Respondent Nos. 1 and 2) either to absorb or release the applicant. After that ~~when~~ the letter dated 11.11.93 was issued by the parent department. It is stated that the parent department has no objection for absorption of the applicant in the borrowing department and the same has been intimated by letter dated 29.12.94. The Rules also provide for recruitment by deputation.

19. That the applicant begs to state that as per the rules the applicant is the only person who is eligible for recruitment. There is no scope of recruitment by promotion from Group 'D' post, as no eligible candidate is available for promotion. One post has already been allotted to reserved candidate. There are only two posts. One post is filled up by reserved candidate and the other is filled up by the applicant.

20. That the applicant has fallen sick w.e.f. 13.2.95 and is under treatment of registered medical practitioner at Shillong and is absent from office on medical ground. On 14.2.95 he received office order dated 13.02.95. By the said order dated 13.2.95 the applicant has been ordered to be relieved from the borrowing office with direction to report to parent department. The order dated 13.2.95 indicates reference to Ministry of Forest, New Delhi's letter dated 30.1.95. The applicant does not know the contents of the letter. The applicant prays that the respondents may be asked to produce the said letter dated 30.1.95.

The applicant submits that under the Recruitment Rules the applicant has the right and scope for absorption in the office of the Respondent No. 1 and 2. The order dated 13.2.95 has been passed without considering the facts and rules.

Copy of the order dated 13.2.95 is enclosed as
Annexure - 'O'

21. That the applicant begs to state that he has received the order dated 13.2.95 on 14.2.95 while in sickbed. He has not handed over charges and has not relinquished office. He is submitting this application while in sick bed for cause of justice.

7. Relief sought for :

In the facts and circumstances explained above the applicant prays for the following relief :-

1. The order dated 13.2.95 issued from the office of the Chief Conservator of Forests, N.E. Region, Shillong, be set aside and quashed.
2. The applicant should be absorbed as Lower Division Clerk in the Office of the Chief Conservator of Forests, N.E.R., Ministry of Environment & Forests, Shillong.
3. The applicant should not be released from the said office.

The above reliefs sought for on the following amongst other -

- G R O U N D S -

1. For that the applicant ought to have been absorbed after the long deputation.
2. For that the rules also stipulate absorption by transfer on deputation.
3. For that the applicant has right to be absorbed in the said office against existing vacancy.
4. For that after acceptance of his reversion as L.D.C. Respondents are estopped from reverting him back to his parent department.

5. For that the Respondents are bound by law of Promissory Estoppel to absorb the applicant in the post of Lower Division Clerk.
6. For that reverting back of the applicant to the parent Department in the facts and circumstances would be arbitrary and violative of Article 14 and 16 of the Constitution of India.
7. For that when the parent department had communicated no objection for absorption, the applicant should be absorbed.

8. Interim relief prayed for :

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

The applicant be allowed to continue as Lower Division Clerk in the Office of the Chief Conservator of Forests, N.E.R., Regional Office, Ministry of Environment & Forests, Shillong, and the operation of the order dated 13.2.95, 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.

10. The applicant declares that he has submitted representation and has not yet received any favourable result. There is no remedy under any rule and this Hon'ble Tribunal is the only remedy.

11. Particulars of Postal Order :

Postal Order No. : 883845
Date : 26-3-95
Issued by P.O. : Maligaon Rly. HQ.,
Guwahati - 11.

Payable at : Guwahati.

12. Index:

An Index showing list of enclosures is enclosed.

13. Documents :

As per Index.

contd.. 15.

IN VERIFICATION.

I, Shri Susanta Kr. Bhattacharjee,
son of Late S.B. Bhattacharjee, resident of
Shillong, Meghalaya, aged about 39 years, do
hereby verify that the statements made in
paragraphs 1 to 13 are true to my knowledge
and that I have not suppressed any material
facts.

Shillong,

Dated : 14.3.95.

Susanta Kumar Bhattacharjee

SIGNATURE.

Government of India
Ministry of Home Affairs
North Eastern Police Academy.
Barapani : 793 103.

NO. NEPA/PP(C)/1/86/VOL.I/1789. Dated : 14/6/1989.

' NO OBJECTION CERTIFICATE '

Certified that Shri S.K. Bhattacharjee, LDC,
NEPA, has been serving continuously for 9 (Nine) years
as LDC (Since 1st August, 1980) in the Central

Government Establishment in a regular line. He has been
released from this establishment w.e.f. 14.6.89 (A.N.)
with the direction to report for duty in the office of
the Chief Conservator of Forests (Central), Regional
Office, Shillong - 4, as LDC on deputation as per
their letter No. 4-1/89-RO(HQ), dated 30-5-89.

This office has no objection for placing
his services in the department of CCF (Central),
Regional Office, Shillong,

- (1) Beyond three years and final absorption in the
C.C.F.(Central), Shillong, office in any capacity.
- (2) To promote him in the higher grade.

Sd/-

(R P HANNA)
Asstt Director (I) &
Head of Office.

*Attested
R. P. Hanra*

UPLAND ROAD, LAITUMKHRAH
SHILLONG - 793 003.

NO. RO-NE/1-18-89/PF/

Dated the 10-3-92.

OFFICE ORDER

Shri S.K. Bhattacharjee, LDC, is permitted to officiate as U.D.C. w.e.f. 14-1-92 for a period of three months. (Due to repatriation of Smti R. Rampai, UDC, from that post). He is appointed on ad-hoc basis without prejudice to his seniors, and he shall have, no claim on the post, for regular appointment and this will not count towards his seniority in the grade/for promotion and confirmation etc.

(S S PATNAIK)
CHIEF CONSERVATOR OF FORESTS (C)

Memo No. RO-NE/1-18-89/PF/ Dated Shillong, The 1992.

Copy for information to :

1. The Asstt. Inspector General of Forests (HQ), Govt of India, Min of Env & Forests. Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-3.
2. The Pay and Accounts Officer, Govt. of India, Min of Env & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-3.
3. Shri S.K. Bhattacharjee.
4. Personal file of the person concerned.
5. Office Order file.

Sd/-
(S S PATNAIK)
CHIEF CONSERVATOR OF FORESTS(C).

After 1st ed
Whitman
Adm

Government of India.
Ministry of Environment & Forests,
NORTH Eastern Regional Office

Upland Road
Laitumkhrah
Shillong-793003.

No. 6-25-47/92/E-RO-NE Dated the 5th Jan. 93.

OFFICE ORDER

Consequent upon the recommendations of the Selection Committee, Ministry of Environment & Forests, North Eastern Regional Office, Shillong dated 9th June 92 and with the approval of the competent authority, Shri S.K. Bhattacharjee, LDC of the North Eastern Police Academy, Barapani, presently on deputation as LDC in the Ministry of Environment & Forests, North Eastern Regional Office, Shillong is appointed as UDC in the pay scale of Rs.1200-30-1560-EB-40-2040/- in the Ministry of Environment & Forests, North Eastern Regional Office, Shillong with effect from 15th Dec. 92(FN) on deputation basis till 13th June 1993 or until further orders whichever is earlier.

2. He shall draw a basic pay of Rs.1200/- plus other allowances admissible under the rules.

(K R LYNGDOH)
DEPUTY CONSERVATOR OF FORESTS(CENTRAL)

DISTRIBUTION

1. The Asstt. Inspector General of Forests RO(HQ) Ministry of Environment & Forests, Paryavaran Bhavan CGO Complex, Lodhi Road, New Delhi - 110 003.
2. The Pay & Accounts Officer, Ministry of Environment & Forests, Paryavaran Bhavan, CGO Complex, Lodhi Road New Delhi - 110 003.
3. The Director, North Eastern Police Academy Umsaw, Barapani - 793 123.
4. Shri S.K. Bhattacharjee, U D C M/E&F RO Shillong
5. Accounts Section M/E&F RO Shillong
6. P/F
7. Estt. Section.

Sd/-

(K R LYNGDOH)
DEPUTY CONSERVATOR OF FORESTS(CENTRAL)

*Approved
Shillong
AD*

(TRUE COPY)
GOVT. OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS
PARYAVARAN BHAVAN, CGO COMPLEX.
LODI ROAD, NEW DELHI - 110 003.

No. 3-5/91-RO(HQ)

Dated 2nd May, 1991.

To

The Deputy Conservator of Forests(C)
Regional Office(NEZ),
Upland Road, Laitumkhrah,
SHILLONG.

SUBJECT : ABSORPTION OF STAFF AT LOWEST LEVEL - REQUEST
FROM SHRI S K BHATTACHARYA REGARDING.

Sir,

I am directed to refer to your D.O. No.
RO/NE/A/PF/SKB/ dated 19-4-1991 on the subject cited
above and to say that the question of absorption of
staff will be considered after finalisation of
Recruitment Rules,

Yours faithfully,

SD/- (SHIV CHARAN SINGH)
TECHNICAL OFFICER.

*Shiv Charan Singh
Technical Officer*

Annexure - E.

NO. RO-NE/A/PF/
GOVERNMENT OF INDIA.
MINISTRY OF ENVIRONMENT & FORESTS
NORTH EASTERN REGIONAL OFFICE.

UPLAND ROAD, LAITUMKHRAH
SHILLONG-793003.

S-HRI K RAJASEKHAR, IFS,
CHIEF CONSERVATOR OF FORESTS(CENTRAL). Dated the 30-10-91.

OFFICE ORDER

Shri S K Bhattacharjee, LDC, on deputation to this office is allowed to continue on deputation till finalisation of the recruitment rules and eventual absorption of said Shri S K Bhattacharjee, in the services of this office as per Govt. of India, Ministry of Environment & Forests, letter No.3-5/91-RO(HQ), dated 2-5-91. This order issues after taking into consideration the No Objection of his parent department as contained in that department's letter No.NEPA/PF(C)/1/86/VOL.I/1789 dated 14-6-89.

Sd/-

(K. RAJASEKHAR)
CHIEF CONSERVATOR OF FORESTS(C)

A H exted
Chh
ASU

(TRUE COPY)

To

The Chief Conservator of Forests(Central),
Govt. of India, Min of Env & Forests,
Regional Office (NER), Upland Road,
Laitumkhrah, Shillong-3.

(Through Proper Channel)

Sub : Application for reversion to the post of LDC
for facilitating permanent absorption of Shri
S K Bhattacharjee, presently UDC, to the post of
LDC, in the Regional Office, Min of Env & Forests,
Govt. of India, Shillong.

Respected Sir,

For quite some time past, I had been requesting for
my permanent absorption as LDC in your Regional Office. My
representation was supported by No Objection Certificate to
my absorption to your Regional Office, issued by my parent
department, the North Eastern Police Academy, Ministry of
Home Affairs, Govt of India, Barapani (Meghalaya).

2. Keeping in view the outstanding track record of my
service in your Regional Office on deputation, now running
5(five) years, you were pleased to recommend my case to the
Ministry for my permanent absorption in your Regional Office.
In this connection a reference is invited to your office
order No.RO-NE/A/PF/749(a), dated 30-10-1991, in which it
was ordered that I may be retained on deputation till my
eventual absorption after finalisation of Recruitment Rules.

3. Recruitment Rules-1992, issued by the Govt. of India
provides for absorption of deputationist only in the LDC post
provided the parent department of the deputationist issues
NOC to his absorption as stated in para 2 above. My parent
deptt has issued the necessary NOC long back.

contd...

*Attested
Chhota
ADW*

4. Since I am at present working as UDC and since absorption is permissible only in the post of LDC, I am given to understand that my absorption in the LDC post of this Regional Office would be done if I seek reversion to the LDC post since there is no provision in the R/R for absorption in the UDC post.

5. It is mentioned here that I was working as LDC on deputation in your Regional Office since June 1989 till my temporary promotion to the post of UDC in your office in 1992. I am thus the seniormost LDC in your R.O. when considered from my joining your Regional Office. I am also a Staff Selection Commission's qualified candidate for LD post.

6. One post of LDC in your R.O. is still lying vacant against which I may be absorbed w.e.f. the date when the Recruitment Rules-1992 came into effect in consideration of my seniority in the LDC Cadre and uninterrupted service in that post.

7. If my absorption in the LDC post of your Regional Office with effect from the date of coming into force of the Recruitment Rules-1992 is ordered, this application may kindly be treated as my willingness for reversion to the LDC post in order to facilitate my permanent absorption in your Regional Office for which I am representing for quite long.

With high regards,

Yours faithfully,

Sd/- (S K BHATTACHARJEE)
UDC. 17/9/93.

*Approved
W. H. N.*

(TRUE COPY)
GOVT. OF INDIA.
MINISTRY OF ENVIRONMENT & FORESTS
REGIONAL OFFICE(NER), UPLAND ROAD
LAITUMKHRAH, SHILLONG - 793 003.

No. 6-25-47/92/E-RO-NE/514-20 Dated the 12th Oct 1993.

OFFICE ORDER

With reference to his representation dated 17-9-93 regarding reversion to the post of LDC, Shri S K Bhattacharjee presently working as UDC(Ad-hoc) in the Ministry of Environment and Forests North Eastern Regional Office, Shillong, is hereby reverted to the post of LDC in the pay scale of Rs.950-20-1150-EB-25-1500/- with effect from 1-10-93.

He shall draw a basic pay of Rs.1150/- plus other allowances admissible under the rules till his EB is released.

Sd/- (K R LYNGDOH)
DEPUTY CONSERVATOR OF FORESTS
(CENTRAL)

Copy forwarded to :

1. The Asstt. Inspector General of Forests, RO, HQ, Govt. of India, Min of Env & Forests,
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-3.
2. The Pay and Accounts Officer,
Govt of India, Min of Env & Forests,
Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi-3.
3. The Director,
North Eastern Police Academy,
Govt. of India, Min of Home Affairs,
Umsaw, Barapani, (Meghalaya).
4. Shri S K Bhattacharjee.
5. Accounts Section (Local).
6. Personal File of the person concerned.
7. Estt. Section. (Local).

(K R LYNGDEH)
DEPUTY CONSERVATOR OF FORESTS(C)

*Attestd
Dhaka
paw*

To

The Chief Conservator of Forests, (Central),
Govt of India, Ministry of Env & Forests
Regional Office (NER), Upland Road,
Laitumkhrah, Shillong-3 (Meghalaya).

(Through Proper Channel)

Respected Sir,

Some time in 1987 the Regional Office of Ministry of Env & Forests at Shillong was set up and in June 1989 I was appointed on deputation from my parent office, the North Eastern Police Academy, Barapani, Meghalaya. The North Eastern Police Academy is a Central Govt Office.

2. At the time I came to this Regional Office at Shillong, I was working as LDC and subsequently January 1992 I was promoted UDC on ad-hoc basis while still on deputation in your Regional Office.

3. During my tenure on deputation to your Regional Office which has now run into 5(five) years on periodical extension I represented on more than one occasions for my absorption in your Regional Office. My parent office namely the NEPA, Barapani had also issued a NOC to my absorption and promotion etc. in your Regional Office vide NEPA's letter No.NEPA/PF(C)/1/86/VOL.I/1789 dated 14-6-89.

4. On my representation for my absorption in your Regional Office you too were also pleased to order my retention on deputation till my eventual absorption in your Regional Office, Shillong, with reference to Ministry's letter No.3-5/91-RO(HQ) dated 2-5-91.

5. In view of all these facts in favour of my possible absorption in your Regional Office, Shillong, I settled

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*Amrit
Bhawna
H.W.*

myself at Shillong with my family and have got married a few months back. My wife is an employee of a Govt. of India undertaking at Shillong.

6. In September 1993 while working as UDC, I was asked to seek reversion to the post of LDC to facilitate my absorption in your Regional Office as per the Recruitment Rules issued by the Ministry. I accordingly, sought the reversion to facilitate my absorption in your Regional Office and I was accordingly reverted to the post of LDC. In this connection a reference may be made to my representation dated 17/9/93 may kindly be referred to.

7. In view of the facts and circumstances stated in the foregoing paragraphs I beg most respectfully to request you kindly to take early steps for my absorption as LDC in your Regional Office Shillong, to facilitate which I have been reverted to the LDC post under your order No. 6-25-47/92/ER-RO-NE/514-20 dated 17/10/93, and also in consideration of the facts that I have settled with my family at Shillong and my wife also serves in a Central Govt Undertakings at Shillong.

With high regards,

Yours faithfully,

Sd/- (S K BHATTACHARJEE)
Min of Env & Forests,
Regional Office, (NER),
Shillong-3, (Meghalaya.)

*After Fed
Omkar
ASW*

No. 4-1/89-RO(HQ)

Government of India
Ministry of Environment & Forests.

Paryavaran Bhavan,
CGO Complex, Lodi Road,
New Delhi - 110 003.

Dated the 24th October, 1992. (1992)

To

The Chief Conservator of Forests(C),
Regional Office (NEZ),
Upland Road, Laitumkhrah,
Shillong - 793 003.

Sub :- Extension of deputation in respect of
Shri S.K. Bhattacharjee, UDC (Substantive
LDC) for the fifth year w.e.f. 15.6.93 to
14.6.94.

...

Sir,

I am directed to refer to your letter No.
6-25-47/92-B-RO-NE/211, dated 14.5.1993, on the subject
cited above and to convey the approval of extension of
deputation period for 5th year w.e.f. 15.6.93 to 14.6.94
in respect of Shri S.K. Bhattacharjee, L.D.C., Regional
Office, Shillong.

Yours faithfully,

Sd/-

(C.S. Vedant)
DY. Inspector General of Forests(FF)

Attest
W. S. Vedant
AIV

(COPY)

GOVT. OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS
ARUNACHAL PRADESH,
SHILLONG - 793 003. (MEGHALAYA).

No. ARA/20011/1/PF.

Shillong, 30 April 1993.

To

The Scientist SD &
Head of Office,
North Eastern Regional Office,
Govt. of India, Ministry of Env & Forests,
Upland Road, Laitumkhrah, Shillong-3.

Sub : ABSORPTION OF DEPUTATIONIST LDC IN THE SAME POST
IN THE BORROWING DEPARTMENT.

REF : YOUR LETTER NO. RO-NE/PF/REC/117, DT. 27.4.93.

Sir,

I acknowledge the receipt of your above quoted letter with thanks and to give my opinion as follows :-

1. I have gone through the notified recruitment rule which is effective from 30th October, 1992 onwards. The Recruitment Rule provides that 75% vacancies, should be filled up by direct recruitment and 25% by promotion from amongst Group 'D' employees having qualification of Matriculation or equivalent examination from a recognised Board/University. There is also a provision to fill up the vacancies by transfer on deputation/transfer which means by absorption of existing deputationists under Col 11 and 12. Now it is to be decided by the Competent Authority whether 1st preference should go to the direct recruitment as 75% vacancies to be filled by direct recruitment, and failing by direct recruitment transfer on deputation/transfer to a resorted to. To give a fair play, generally, persons who are already on deputation and allowed to continue, pending final absorption, should be absorbed first in order to protect their seniority and past service. There is no specific rule regarding method of absorption. The recruitment rule should provide necessary direction/method

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*A. H. K. S.
O. M. S.
D. W.*

for absorption. The said recruitment rule already provided necessary provision for permanent absorption and this has also been approved by your Ministry under his D.O. letter dated 30-12-92.

2. Normally, if there are only two vacancies to be filled up in a particular year or a period, not more than one post may be filled up by direct recruitment and the other post should go to the promotee/deputation as per provision in the Recruitment Rule.

3. Hence, the existing person may be absorbed first from the date not earlier than the date of notification, if his initial deputation is approved by a competent authority, so that his seniority and past services are protected as already indicated above. If the present deputationist is holding lien in his parent department, then the consent of the lending department need to be obtained. But, if the deputationist is a quasi-permanent Central Govt. Employee, it is not obligatory for such consent, but a copy of the absorption order need to be endorsed to the lending department for information.

Thanking you in anticipation.

Yours faithfully,

Ad/-(N Sen Majumder)
Asstt. Director of Census Operations
Arunachal Pradesh, Shillong-3.

*Ad/-(N Sen Majumder)
Asstt. Director of Census Operations
Arunachal Pradesh, Shillong-3.*

Government of India
Ministry of Home Affairs.
North Eastern Police Academy
Umsaw, 793 123, Barapani, Meghalaya.

No. NEPA/PF(C)/1/86/Vol-I/5761. Dtd. 11.11.93.

To

Dr V.T. Darlong,
Scientist - SD &
Head of Office,
Ministry of Environment &
Forests, Upland Road,
Laitumkhrah,
S H I L L O N G - 3.

Sub :- Repatriation of Shri S K Bhattacharjee,
L.D.C.

Sir,

Kindly refer to this office letter

No. NEPA/PF(C)/1/86/Vol-I/3287 dtd. 03/08/93,
regarding repatriation of Shri S K Bhattacharjee,
L.D.C. of this Academy, presently on deputation
with your Department.

In this connection, I may mention here
that this Academy has a very limited staff making the
administration difficult without adequate staff. Moreover
the Ministry has issued directions to fill up the vacancies
immediately.

In view of the above, I have been directed to
request you to take necessary action to repatriate Shri
S K Bhattacharjee, as soon as his extended tenure of
deputation is over i.e. 14/6/94.

Yours faithfully,
Sd/- (T Chandrasekharan)
Joint Director.

Attest
Dinesh
P.W.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 43 of 1994.

Date of Order : This the 3rd Day of October, 1994.

Justice Shri M.G.Chaudhari, Vice-Chairman.

Shri G.L. Sanglyine, Member (Administrative).

Shri Susanta Kr. Bhattacharjee,
Lower Division Clerk,
Ministry of Environment & Forests,
Regional Office (NEB),
Shillong-3, Meghalaya.

... Applicant

By Advocates Shri J.L.Sarkar, M.Chanda
& Smt S.Deka.

- Versus -

1. Union of India (through the Secretary,
Ministry of Environment & Forest,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi-110003.

2. Chief Conservator of Forest,
Ministry of Environment & Forest,
Regional Office (NEZ), Upland Road,
Laitumkhrah, Shillong-793003; ... Respondents.

By Advocate Mr G.Sarma, Addl.C.G.S.C.

ORDER

CHAUDHARI J (V.C)

The applicant was appointed as Lower Division Clerk with effect from 16.1.1986 in the North Eastern Police Academy, Borapani (Umsaw) under the Ministry of Home Affairs. His services were lends to the Regional Office in the Ministry of Environment and Forest at Shillong under Respondent No.2 and he was posted as Lower Division

Attested
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A.W.



contd... 2/-

Clerk on deputation basis with effect from 15.6.1989 in that department. His period of deputation was extended from time to time. During the course of his deputation the applicant expressed his willingness to be permanently absorbed in the borrowing department. In that department he has also opportunity to officiate as Upper Division Clerk for a period of 3 months from 14.1.1992 and periodically thereafter. Not only that but on the recommendation of the Selection Committee of the Environment and Forest, N.E.R and consequent upon the approval of the competent authority he was appointed as Upper Division Clerk in the pay scale of Rs.1200-2040/- with effect from 15.12.1992 till June, 1993. That appointment however was also on deputation basis. The question of absorption of the applicant in the borrowing department was being sympathetically considered by the department but no decision was taken as the recruitment rules were under finalisation. That was the position prior to the year 1992. 2. The recruitment rules were framed in the year 1992. In the light of those rules the applicant was advised by the Regional Office to submit his willingness for absorption as Lower Division Clerk by seeking reversion to that post as it was interpreted that he being a deputationist he could be absorbed only in the post of Lower Division Clerk. According to the applicant all the ^{while} ~~time~~ he was being given to understand that his eventual absorption in the department of Environment and Forest will be sympathetically considered. In order to facilitate that to happen he gave his willingness to be reverted as Lower Division Clerk. However, according

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*H.C. 100
JULY 11 1992*

to the applicant he is entitled to be absorbed in the Regional Office of Ministry of Environment and Forest at Shillong. In that connection he points out that there are two vacancies in the post of Lower Division Clerk in the Regional Office out of which one post is reserved for Scheduled Tribe candidate and the other is general post.

Although the reserved post has been filled up and since the applicant is continuing to work in the post by virtue of extension of his deputation ^{submits that he} ought to be absorbed as Lower Division Clerk in the Regional Office and then considered for promotion to the post of Upper Division Clerk in due course. The deputation of the applicant which has continued ever since 15.6.89 was to expire on 31.3.94 at the end of 5th year of deputation. The applicant filed his application on 9.3.1994 praying that he should be directed to be absorbed as Lower Division Clerk in the office of the Chief Conservator of Forest, N.E.R., Ministry of Environment and Forest, Shillong i.e. respondent No.2 and that he should not be released from the said office. An interim order was passed on 23.3.94 directing the respondents to allow the applicant to continue in the post of Lower Division Clerk with respondent No.2 after 31.3.94 till the disposal of the application. By virtue of that order the applicant is continuing to work in that post.

3. It is clear from the letter of the Police Academy i.e. the parent department of the applicant that initially on 14.6.1989 they had given their no objection for placing the service of the applicant with respondent No.2 on deputation beyond 3 years and to ^{be} finally absorbed in that office in any capacity and for his promotion to higher grade. The Ministry of Environment and Forest informed the applicant on 2.5.91 that the question of absorption of staff will be considered after finalisation of Recruitment

Appended
Order
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Rules. On 30.10.91 the Chief Conservator of Forest (C) had even issued a letter that the applicant was allowed to continue on deputation with respondent No.2 till finalisation of the Recruitment Rules and eventual absorption in the service of that office as per letter of the Government of India, Ministry of Environment and Forest dated 2.5.91 and that the order was being issued after taking into consideration the no objection of his parent department as conveyed by letter dated 14.6.1989. Meanwhile the Recruitment Rules were framed in the year 1992.

4. On 17.9.93 the applicant applied for reversion to the post of Lower Division Clerk on the basis of that he was given to understand that his absorption in that post in the Regional Office would be done if he seeks reversion to the post of Lower Division Clerk since there was no provision in the Recruitment Rules for absorption in the post of Upper Division Clerk. He was willing to accept reversion to the post of Lower Division Clerk in order to facilitate his permanent absorption in the Regional office for which he had been represented for quite long time. Thereafter on 12.10.1993 order of his reversion to the post of Lower Division Clerk in the pay scale of Rs.950- 20-1150-E8-1500/- with effect from 1.10.93 came to be issued by the Deputy Conservator of Forest (C) on 12th October, 1993. The pay of the applicant was fixed at Rs.1150/- (basic). The applicant then requested for his early absorption as Lower Division Clerk in the office of the respondent No.2 by his representation dated 19.11.93 addressed to the Chief Conservator of Forests (C). Earlier by order dated 24.10.93 the extension of deputation of

Amritpal Singh
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the applicant for the 5th year with effect from 15.6.93 to 31.3.94 in the post of Lower Division Clerk in the Regional office, Shillong was approved. The net result of the aforesaid developments is that by virtue of the order dated 12th October, 1993 (Annexure-G) the applicant stands reverted to the post of Lower Division Clerk and he apprehends that on expiry of the period of deputation on 31.3.1994 he would be repatriated to his parent department. That position becomes clear from the letter of the Police Academy dated 11.11.1993 (Annexure-1 to the written statement) that necessary action was requested to be taken by respondent No.2 to repatriate the applicant as soon as his extended tenure of deputation is over on 14.6.1994. That fact seems to have been mentioned as the 5th year of deputation would be over on that day although by order dated 24.3.93 the deputation was extended only upto 31.3.1994.

5. Mr Sarkar submitted that by reason of the no objection initially given by the parent department and at no point of time till 11.11.93 it being indicated that department would require repatriation of the applicant and as the question of his absorption in the Ministry of Environment and Forest with respondent No.2 was being sympathetically considered and was kept in abeyance awaiting framing of Recruitment Rules a legitimate expectation had been created in the mind of the applicant that he would be absorbed in the office of the respondent No.2 and will not be required to go back to his parent department. The learned counsel referring to the averments of the applicant that in that hope he has made arrangement for permanent settlement at Shillong with his family



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and also got married at Shillong where his wife is an employee of the Central Government Undertaking at Shillong and if he is not absorbed and repatriated to his parent department that will cause grave injustice and irreparable loss to him and submitted that the respondents are now estopped ~~state~~ from refusing to absorb him with the respondent No.2. The learned counsel further submitted that since there is one post vacant in which he can be absorbed there is no reason for the respondents not to consider his absorption in the Ministry of Environment and Forest Regional Office, Shillong. Mr Sarkar submitted that the parent department has all along eversince 1989 gave no objection for extension of the deputation of the applicant with the respondent No.2 and that also goes to show that ^{they would have had} no objection to the absorption of the applicant in the borrowing department had it been done prior to 11.11.93. He submitted that the letter of the Police Academy i.e. the parent department of the applicant dated 11.11.93 may not therefore be taken as a legitimate ~~objection~~ action of that department to absorb the applicant in the office of the respondent No.2. Mr Sarkar also emphasise the fact that in the borrowing department the applicant was ~~has~~ officiated in the higher post of Upper Division Clerk and all throughout the service of the applicant has been satisfactory. For all these reasons Mr Sarkar submitted that the relief asked for by the applicant is fully justified and may be granted to him. Mr Sarkar also submitted that the applicant can be absorbed within the framework of the Recruitment Rules 1992.

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6. Mr G.Sarma, the learned counsel for the respondents reiterated the preliminary objection taken in the written statement that as the parent department i.e. the Police Academy has not been joined as a party to this application the application is not in a proper form and thus is not maintainable. On merits he submitted that the applicant cannot refuse to be repatriated on the period of deputation being over and he has no legal right of getting permanently absorbed in the office of the Ministry of Environment and Forest and consequently the relief sought by him is misconceived of fact and illconceived of law and this was to be rejected.

7. We find that although the deputation of the applicant was with the consent of the parent department initially and continued for a period of five years without objection during which period the applicant also officiated in higher post, the applicant was always told that the question of his absorption with the respondent No.2 under the Ministry of Environment and Forest will be considered only after the Recruitment Rules were framed. Although that may have given rise to an expectation in the mind of the applicant that since the department was sympathetic and the parent department was not objecting in all probability he would be absorbed with respondent No.2, However, since the understanding given was qualified as above that ^{did not} attract the principle of promissory estoppel against respondents. It is not therefore possible to hold that as a matter of right because of that conduct of the respondents the applicant has become entitled to ^{be} absorbed in the office of the respondent No.2.



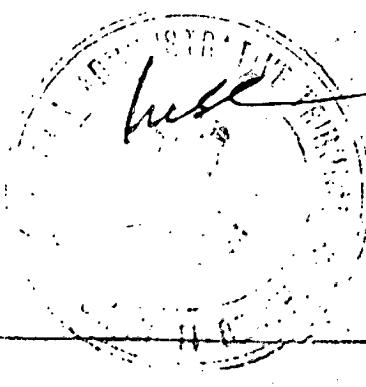
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8. Turning to the Recruitment Rules, which the respondent No.2 also appears to have been accepted to provide for situations like that of the applicant who belonging to Group 'C' for facilitating his absorption further provide that subject to the educational qualification prescribed 75% of Lower Division Clerks in the Ministry of Environment and Forest shall be filled up by direct recruitment failing which by transfer on deputation/transfer and 25% by promotion from amongst Group 'D' employees having the requisite qualifications as prescribed on seniority basis failing which by transfer on deputation. Unless, therefore the case of the applicant falls under these criteria he would not be able to claim absorption even in the post of Lower Division Clerk in the Ministry of Environment and Forest which is not his parent department. Admittedly there were two vacant posts of Lower Division Clerk available in the department of the respondent No.2 and one of them has already been allotted to reserved candidate and leaves only one vacancy. If the proportion of 75% and 25% is to be applied it is possible to say that post may be filled in under Clause 2 column 11 of the schedule to the Recruitment Rules which provides for two ^{modes} for filling up that vacancy. Firstly, candidates from amongst Group 'D' employees of that very department have to be considered for promotion and given that post and only if such a candidate is not available then that can be filled in by transfer on deputation. The instructing officer of the respondent No.2 conveyed through Mr G. Sarma that at present there is no candidate eligible for promotion from amongst the Group 'D' employees having the necessary qualification. That avenue therefore, is open

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Other
Bhawan
P.W.D.



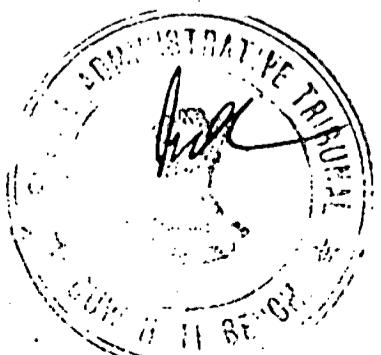
for applicant being considered by transfer on deputation for the purpose of absorbing him as Lower Division Clerk. He fulfills the educational qualifications that are prescribed in clause 2 column 11 of the schedule, he being Pre-University Science qualified and having typing speed in English about 30 words as stated by him and not denied by the respondents. However, whether he should be extended benefit of that provision is to be decided by the respondents. It may also be stated that by order dated 22.8.90 the applicant was given quasi permanent status in the post of Lower Division Clerk with effect from 16.1.89 by his parent department i.e. Police Academy. Having regard to the length of service the applicant has put in with the department of respondent No.2 and the no objection of the parent department atleast from 1989 until the Recruitment Rules came into force we have no reason to assume that the respondents will not sympathetically consider his case under clause 2 of column 11 of the schedule to the Recruitment Rules if it is permissible since there would seem a difficulty in their way in doing so straightaway which arises by reason of the letter of the Police Academy dated 11.11.93 in which they have shown their unwillingness to continue the applicant further on deputation and have expressed the need for his repatriation. It is stated in that letter (Annexure-1 to the written statement) that the Academy has a very limited staff making the administration difficult without adequate staff and the Ministry has issued directions to fill up the vacancies immediately and therefore necessary action to repatriate the applicant may be taken as soon as his

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extended tenure of deputation is over i.e. on 14.6.94. Mr Sarker very fairly stated that he cannot stretch his argument to contend that willingness or no objection of the parent department even though the applicant was given the status of quasi permanent appointee would not be necessary for making his absorption effective in the Ministry of Environment and Forest in the department or respondent No.2. At this stage the objection to the maintainability of the application taken by the respondents and reiterated by Mr Sarma assumes importance. Obviously we cannot ^{give} make any direction to the Police Academy behind their back yet we would leave it for the department to consider whether they can give their no objection for the absorption of the applicant in the post of Lower Division Clerk with respondent No.2 in the event of respondents being inclined to extend the benefit of clause 2 column 11 of the schedule to the Recruitment Rules to the applicant. All that we can say is that having regard to the circumstances interalia that the applicant has worked for 5 years albeit on deputation in the office of the respondent No.2, nothing adverse has been shown against him, he has worked in higher post from time to time while on deputation with respondent No.2, he had reason to legitimately expect that he would be eventually absorbed in the office of the respondent No.2 and had in that belief made preparation for his permanent settlement at Shillong that the respondents as well as the parent department of the applicant will keep an open mind to consider his case sympathetically. ^{that the decision} We would like to make it clear it will entirely rest

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*AKHIL
White
K.W.*

with the respondents and the Police Academy. Subject to the above observations as we are not satisfied that any relief by way of an effective order can be granted to the applicant we are constrained to dismiss the application.

9. In the result, the application is dismissed. There will be no order as to costs.

10. The interim order of stay is vacated but it is left to the respondents not to require the applicant to go back to his parent department immediately or atleast till the parent department reconsiders his case in the light of the observations made above, which we do hope will be done as expeditiously as possible. Here again we are to add that it is left to the discretion of the department as well as the respondents depending upon the exigencies of the situation in both the departments to take appropriate decision. If necessary the respondents may apprise the parent department with their own views in the matter and seek its views.



Sd/- M.G.CHAUDHARI
VICE CHAIRMAN
Sd/- G.L.SANGLYINE
MEMBER (ADMN)

TRUE COPY
প্রতিসিদ্ধি

Section Officer (J)
আদম্বাদ ক্রান্তী প্রতিপক্ষ ইন্সুল
Central Administrative Tribunal
কেন্দ্ৰীয় ক্রান্তী প্রতিপক্ষ ইন্সুল
Guwahati, Assam, 781005
প্ৰক্ৰিয়াকৰণ, প্ৰক্ৰিয়াকৰণ

16/11/94
11/11/94

Accepted
Chhota
Adv

Annexure - M.

No. NFPA/PF(C)/1/86/Vol-I/6458. Dt.Umsaw, the 29/12/94.

To

The Dy. Conservator of Forests.
Govt. of India.
Min. of Env. & Forests, Regional Office,
(NER), Shillong.

Sub : No Objection Certificate in view of
observation made by CAT - Release of
Shri S.K.Bhattacharjee, LDC - Reg.

Ref : Your letter No. 6-25-47/E/RO-NE/1367
dt. 1-12-94.

Sir,

I am to invite a reference to your above,
quoted letter and directed to inform you that this
office has no objection in absorbing Shri S.K.
Bhattacharjee, LDC, in your department.

Necessary arrangement may therefore be made
to formally absorb him with intimation to this office
so that he can be struck off from our strength.

Yours faithfully,

Sd/-Jt. Director.
N.E.P.A.
Umsaw.

A. H. Patel
(Signature)
Adv.

S. K. SEHRAWAT.
AIGF(RO)

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
PARYAVARAN BHAVAN, CGO COMPLEX
LODI ROAD, NEW DELHI-110 003.

D.O.No. 4-1/89-RO(HQ)

Dated the 30th December, 1992.

Dear Shri Lyngdoh,

I am to invite your office letter No.7-4-92/E-RO-NE/636, dated 26.11.1992, regarding method of recruitment of Group 'C' & 'D' in Regional Offices. Direct recruitment of Group 'C' i.e. L.D.C., Hindi Typist & Steno 'D' means through Staff Selection Commission. The recruitment of drivers & peons through local Employment Exchange. The persons who are working on deputation of L.D.C. and Steno 'D' may be considered for permanent absorption as per col. No.1 of the Recruitment Rules, subject to the willingness of their parent department.

Yours sincerely,

Sd/- (S. K. SEHRAWAT)

Shri K. R. Lyngdoh,
Deputy Conservator of Forests(C),
Regional Office (NEZ),
Upland Road, Laitumkhrah,
SHILLONG-793 003.

*Attacted
Wb
AW*

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS
NORTH EASTERN REGIONAL OFFICE

43-
Telegram : PARYAVARAN

Telephone : (O) 227673, 227929, 227585
XO
UPLAND ROAD, LAITUMKHRAH
SHILLONG 793 003

NO. 11-5-89/E-R-NE./21/7-51

Date the 13.02.1995

OFFICE ORDER

With reference to Ministry of Environment & Forests, New Delhi letter No. 4-1/89-HQ/HQ) Part-II, dated 30th January, 1995, Shri S.K.Bhattacharjee, LDC in the Ministry of Environment & Forests, North Eastern Regional Office, Shillong is relieved with immediate effect.

(K.R. Lyngdoh)
Deputy Conservator of Forests (C)

Distribution:

1. Shri Lakhwinder Singh, Deputy Inspector General of Forests, Regional Office(HQ), Ministry of Environment & Forests, Paryavaran Bhawan, CGC Complex, Lodi Road, New Delhi-110 003.
2. The Director, North Eastern Police Academy, Govt. of India, Ministry of Home Affairs, Umsaw, Barapani.
3. Shri S.K.Bhattacharjee, LDC. He is directed to report for duty to the Director NEPA immediately.
4. Accounts Section, R.O. Shillong.
5. Estt. section, R.O. Shillong.

(K.R. Lyngdoh)
Deputy Conservator of Forests (C)

Attested
Shillong
2/2/95

44
Keep in file
CAT
24.4.95
11

Govt of India
Ministry of Home Affairs
North Eastern Police Academy
Umsaw 793 123 :BARAPANI: Meghalaya

No. NEPA/PF(C)/1/86/Vol-I/298-300 Dt. 20/4/85

To

The Deputy Registrar
Central Administrative Tribunal
Guwahati Bench
Guwahati 781 005
A S S A M

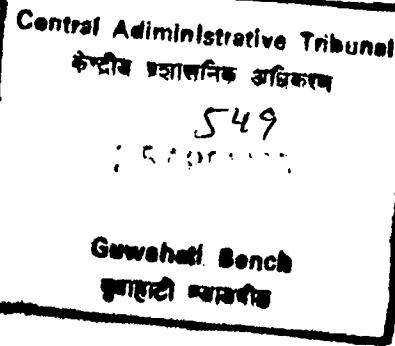
Sir,

While referring the CAT OA No. 68/95/1555
Dt 6/4/95, I am to state as follows :

The above letter along with its enclosures was received by this office only on 17/4/95 and hence the delay in offering parawise comments. In this connection our office telegram of 18th April refers (copy enclosed).

However, our parawise comments on the issue are as follows :

6. 1. No comments.
2. As per the records available in this office, Shri S K Bhattacharjee was appointed temporarily as LDC w.e.f. 16/1/86 in the scale of pay of Rs. 260-400/- PM (Pre-revised) vide order No. NEPA/PF(C)/1/86/6070-74 Dt 25/2/86.
3. Shri S K Bhattacharjee was released from this office on deputation to the Chief Conservator of Forest, NER, Ministry of Environment, Shillong, vide this office order No. NEPA/PF(C)/1/86/Vol-I/1745-50 Dt. 12/6/89 for a period of one year initially w.e.f. 14/6/89.
4. The period of deputation terms in respect of Shri S K Bhattacharjee was extended by the borrowing department from time to time with the consent of this department. However, it was made clear to the borrowing department that Shri S K Bhattacharjee should be either absorbed in the borrowing department after completion of 3 years of deputation terms or repatriated to this department on or before 13/6/92 vide this office letter No. NEPA/PF(C)/1/86/Vol-I/2670 Dt 22/8/91 which was followed by another letter No. NEPA/PF(C)/1/86/Vol-I/383 Dt. 19/5/92. However, a No Objection Certificate was issued by this office to the effect that that there is no objection for his deputation beyond 3 years and final absorption in that office in any capacity or to promote him in higher grade.



CC (fwd)

24/4

25/4

25/4

5. No comments.

6. No comments.

7. No comments.

8. No comments.

9. No comments.

10. No comments.

11. No comments.

12. No comments.

13. No comments.

14. Since the decision on repatriation or permanent absorption of Shri S K Bhattacharjee, LDC, was not forthcoming, a letter was issued to the borrowing department requesting to repatriate Shri S K Bhattacharjee vide letter No. NEPA/PF(C)/1/86/Vol-I/5761 Dt. 11/11/93.

15. No comments.

16. Basing on the Hon'ble Tribunal Judgement dated 3/10/94, a 'No Objection Certificate' was issued for permanent absorption of Shri S K Bhattacharjee in the borrowing department vide this office letter No. NEPA/PF(C)/1/86/Vol-I/6458 Dated 29/12/94. This was in consequence to the letter No. 6-25-47/E-RO-NE/1367 Dt 1/12/94 of Deputy Conservator of Forests (C), Ministry of Environment & Forests, Shillong.

17. No comments.

18. Due to long deputation of Shri S K Bhattacharjee one of the employees junior to Shri S K Bhattacharjee was promoted to the post of UDC purely on adhoc basis in the interest of office works. Although letter No. mentioned in para 18 is correct the date is wrong which should have been 19/5/92 and not 14/5/92.

19. No comments.

20. No comments.

21. No comments.

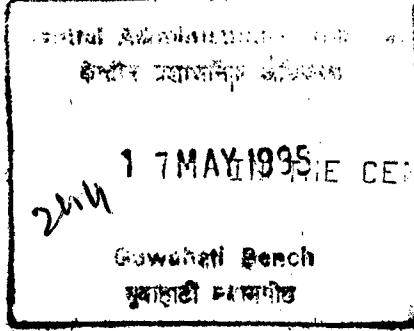
Yours faithfully,

T. Chandrasekharan
(T Chandrasekharan)
Jt Director/4195

Copy to :

Shri A K Chaudry
Addl Central Govt Standing Counsel
CAT, Guwahati Bench, Guwahati

(T Chandrasekharan)
(T Chandrasekharan)
Jt Director



73

T. N. Chandrasekharan
Addl. Central Govt. Standing Counsel.

THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

In the matter of : -

O.A. No.68 of 1995

Susanta Kumar Bhattacharjee,

... Applicant

- Vs -

Union of India & others

... Respondents

Written statement show cause on behalf of the Respondent No.3.

I, T. Chandrasekharan, Joint Director, North Eastern Police Academy, Umaw, Barapani, do hereby solemnly affirm and say as follows : -

- 1) That the answering respondents has no comments to the statements made in paragraph 6(1) of the application.
- 2) That with reference to the statements made in paragraph 6(2) of the application the answering respondent begs to state that as per the records available in this office, Shri S.K. Bhattacharjee was appointed temporarily as LDC with effect from 16-1-86 in the scale of pay of Rs.260-400/-PM (Pre-revised) vide order No. NEPA/PF(C)/1/86/6070-74, dtd. 25-2-86.
- 3) That with reference to the statements made in paragraph 6(3) of the application the answering respondent begs to state that the applicant was released from this office on deputation to the Chief Conservator of Forest, NER, Ministry of Environment, Shillong, vide this office order No. NEPA/PF(C)/1/86/Vol-I/1745-50, dtd. 12-6-89 for a period of one year initially with effect from 14-6-89.

(Signature)
T. N. Chandrasekharan
Adv.
17.5.95

Contd... p/2

4) That with reference to the statements made in paragraph 6(4) of the application of the answering respondent beg to state that the period of deputation terms in respect of Shri S.K. Bhattacharjee was extended by the borrowing department from time to time with the consent of this department. However, it was made clear to the borrowing department that Shri S.K. Bhattacharjee should be either absorbed in the borrowing department after completion of 3 years of deputation terms or repatriated to this department on or before 13-6-92 vide this office letter No. NEPA/PF(c)/1/86/Vol-I/2670, dtd. 22-8-91 which was followed by another letter No. NEPA/PF(c)/1/86/Vol-I/393, dtd. 19-5-92. However, a No Objection Certificate was issued by this office to the effect that there is no objection for his deputation beyond 3 years and final absorption in that office in any capacity or to promote him in higher grade.

5) That the answering respondents have no comments to the statements made in paragraph 6(5) to 6(13) of the application.

6) That with reference to the statements made in paragraph 6(14) of the application the answering respondent begs to state that since the decision on repatriation or permanent absorption of Shri S.K. Bhattacharjee, LDC was not forthcoming, a letter was issued to the borrowing department requesting to repatriate, Shri S.K. Bhattacharjee vide letter No. NEPA/PF(c)/1/86/Vol-I/5761, dtd. ~~11-11-93~~. 11-11-93.

7) That the answering respondents have no comments to the statements made in paragraph 6(15) of the application.

8) That with reference to the statements made in paragraph 6(16) of the application the answering respondent begs to state that basing on the Hon'ble Tribunal Judgement dated 3-10-94, a 'No Objection Certificate' was issued for permanent absorption of Shri S.K. Bhattacharjee in the borrowing department vide this office letter No. NEPA/PF(c)/1/86/Vol-I/6458, dtd. 29-12-94. This was in consequence to the letter No. 6-25-47/E-RO-NE/1367, Dated 1-12-94 of Deputy Conservator of Forests (C), Ministry of Environment and Forests, Shillong.

48
X

(3)

9) That the answering respondents have no comments to the statements made in paragraph 6(17) of the application.

10) That with reference to the statements made in paragraph 6(18) of the application the answering respondent begs to state that due to long deputation of Shri S.M. Bhattacharjee one of the employees junior to Shri S.M. Bhattacharjee was promoted to the post of UDC purely on adhoc basis in the interest of office works. Although letter No. mentioned in para 18 is correct the date is wrong which should have been 19-5-92 and not 14-5-92.

11) That the answering respondents have no comments to the statements made in paragraph 6(19), 6(20) and 6(21) of the application.

VERIFICATION

I, T. Chandrasekharan, Joint Director, North Eastern Police Academy, Umseaw, Barapani, do hereby declare that the statements made in this written statement are true to my knowledge derived from the records of the case.

I sign this Verification on this the 15th day
of May 1975 at Umseaw, Barapani.

REFFERENT

T. Chandrasekharan
Joint Director
N.E. Police Academy
Umseaw Meghalaya

21 JUL 1995

Guwahati Bench
গুৱাহাটী বৰাবৰোৱাIN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

49

File No. 1
H.K. ChoudhuryAddl. Central Govt.
Standing Counsel
12.7.95

In the matter of :-

O.A. No.68 of 1995

S.K. Bhattacharjee

...Applicant

- Vs -

Union of India & others

... Respondent

Written statement on behalf of Respondent No.2

Most Respectfully sheweth

- 1) That the Respondent have no comments to the statements made in paragraph 6(1) of the application.
- 2) That the statements made in paragraph 6(2) of the application are admitted.
- 3) That with reference to the statements made in paragraph 6(3) of the application I beg to state that the Regional Office in the Ministry of Environment and Forests was opened in Shillong in 1986.

Rest of the contents of the para are admitted.

- 4) That with reference to the statements made in paragraph 6(4) of the application I beg to state that the applicant has been working from 15-6-89 in this office. Originally he had come on deputation from North Eastern Police Academy for 3 years. He was granted extension from time to time the last being upto 31-3-94. It is admitted that his request for permanent absorption in Regional Office was considered sympathetically and references were made to Government of India in the Ministry of Environment and Forests from time to time.

- 5) That the statements made in paragraphs 6(5) and 6(6) are admitted.

Rupach.
Deputy Conservator of Forests (Central)
Regional Office (North-East)
Shillong

Contd..p/2-

6) That with reference to the statements made in paragraph 6(7) of the application I beg to state that it is accepted that the Recruitment Rules for LDC's posts were finalised by the Ministry in 1992 (Notification dated 30-10-92). It is also accepted that one of the modes of Recruitment was through transfer from other Deptts. (as per Col.11 of Recruitment Rules). This Office had never advised Shri Bhattacharjee to put an application for reversion to LDC's post. In fact his ad-hoc promotion to UDC's post was accepted till 30-9-93 and which was pointed out to him vide this office Letter No.RO-NE/93/SAL/46/844-45, dtd.29-9-93. It was clearly mentioned in this letter that his ad-hoc promotion as UDC is considered upto 30-9-93. It was also pointed out to the applicant that since he had expressed his desire to continue even as LDC till the decision regarding his permanent absorption by the Ministry he may submit his representation. Accordingly the representation dated 17-9-93 from Shri Bhattacharjee was received in this office on 5-10-93. In this representation he had requested that if he is absorbed permanently then it may be treated as willingness for his reversion to LDC's post. The order dated 12-10-93 reverting Shri Bhattacharjee to LDC's post does not make any mention of his permanent absorption. If Shri Bhattacharjee had represented that his willingness for reversion as LDC was subject to his permanent absorption order, then he should not have accepted the reversion as such and should have represented for his repatriation to his parent Organisation immediately. That he did accept the order as such without any pre-conditions in itself is sufficient proof of the fact that he simply wanted to continue somehow in this Regional Office till the decision by the Ministry of Environment and Forests in response to his representation for his permanent absorption.

7) That with reference to the statements made in paragraph 6(8) of the application I beg to state that since the applicant had put a pre-condition i.e. permanent absorption in this office for reversion to LDC's post and since no such order for his permanent absorption was issued, he should have opted for repatriation to his parent Department.

8) That the statements made in paragraph 6(9) are admitted.

9) That with reference to the statements made in paragraph 6(10) of the application I beg to state that admitted to the extent that vide letter dated 24-10-93 from the Deputy Inspector General

Dipak Ch.
Deputy Conservator of Forests (Central)
Regional Office (North-East)
Shillong

Contd..p/3-

of Forests to the Chief Conservator of Forests(C), the extension of deputation period upto 31-3-94 was granted to Shri Bhattacharjee. No Comments regarding rest of the statement made in para.

10) That with reference to the statements made in paragraph 6(11) of the application I beg to state that the contents of this para are totally denied. The applicant does not have any claim for permanent absorption in this office as he had come on deputation for a fixed tenure which was extended from time to time at the request of the applicant. His reversion to LDC's post was also because of the fact that his ad-hoc appointment to the post of UDC was approved till 30-9-93. The applicant accepted the reversion to the post of LDC's according to his own convenience so that his chances for absorption in this office would improve as the Recruitment Rules provided for permanent absorption only in LDC's post. By repatriating him to his parent department, no injustice or loss has been caused to the applicant.

11) That with reference to the statements made in paragraph 6(12) of the application I beg to state that this is a matter of opinion only given by the MHA in Office of the Directorate of Census Operation, Arunachal Pradesh, Shillong. No comments are therefore necessary. The applicant cannot claim permanent absorption as a matter of right.

12) That with reference to the statements made in paragraph 6(13) of the application I beg to state that it is accepted that there are 2 posts of LDC one for ST and one for General. Both the posts have since been filled up and there is no vacancy in the ~~xxx~~ Cadre of LDC.

13) That the statements made in paragraph 6(14) are admitted.

14) That with reference to the statements made in paragraph 6(15) of the application I beg to state that it is admitted that the Hon'ble Tribunal decided the matter in O.A. No.43/94 by an order dated 3-10-94 and dismissed the appeal filed by the applicant. Regarding rest of the contents of the paras, no comments are offered.

15) That with reference to the statements made in paragraph 6(16) of the application I beg to state that it is admitted that a copy of the Hon'ble Tribunal Judgement dated 3-10-94 was forwarded to the North Eastern Police Academy on 1-12-94. It was requested to them that in view of the letter dated 3-8-94 (wherein they have asked the repatriation of the applicant)

Contd..p/4-

Bhattacharjee
Deputy Conservator of Forests(Central)
Regional Office (North-East)
Shillong

they should let this office know the latest position. In response to this letter, the NEPA vide letter dated 29-12-94 conveyed this office their "No Objection" and permanent absorption of the applicant. It will thus be seen that within about 4 months the NEPA have changed their stand from immediate repatriation of Shri Bhattacharjee to "No Objection" to his permanent absorption, in this office.

16) That with reference to the statements made in paragraph 6(17) of the application I beg to state that the Recruitment Rules issued by Government of India in Ministry of Environment & Forests do provide for permanent absorption at the level of LDC as per col. 11 of Recruitment Rules. The consent of the parent department i.e. "No Objection" certificate for permanent absorption in the borrowing department does not imply that the permanent absorption must be done

17) That with reference to the statements made in paragraph 6(18) of the application I beg to state that it was at the request of the applicant that his deputation has been extended from time to time. The lending department had no doubt, vide their letter dated 14-5-92 requested this office either to absorb him permanently or to release him. Since the applicant was keen to continue at Shillong and made request from time to time to continue him, his deputation period was extended despite the above letter from his department. His department was also informed as and when the extension of deputation was granted to the applicant. It is admitted that the parent department vide their letter No.11/9/93 had requested this office to release Bhattacharjee after his extended period of deputation expired on 14-6-94. The request was repeated on 3-8-94, which was later changed to "No Objection" for permanent absorption vide NEPA's letter dated 29-12-94.

18) That with reference to the statements made in paragraph 6(19) of the application I beg to state that the contention of the applicant that he is the only candidate eligible for recruitment is absolutely baseless. Although there is no candidate from Group "D" employees in this office for promotion to LDC's post, the same can be filled up through direct recruitment. It may be pertinent to point out that filling up of the post through transfer from Central/State & Government Departments is not obligatory. The post vacated by Shri Bhattacharjee has since been filled up through direct recruitment and hence no post of LDC is now available.

Rajesh
Deputy Conservator of Forests (Central)
Forest Officer (North-East)

Contd...p/5-

19) That with reference to the statements made in paragraph 6(20) of the application I beg to state that a copy of the order dated 13-2-95 relieving Shri Bhattacharjee from this office is enclosed herewith alongwith letter dated 30-1-95 from the Ministry. It is denied that the applicant has any right for permanent absorption in this office and the order dated 13-2-95 is perfectly in terms with the Rules and Regulations.

20) That with reference to the statements made in paragraph 6(21) of the application I beg to state that since Shri Bhattacharjee was not handling any cash or confidential files there is no question of his giving a detailed charge note. Since Shri Bhattacharjee fell sick immediately on receipt of his repatriation orders from the Ministry in this office there was no other option but to relieve him unilaterally and fill up the post vacated by him. The post vacated by him has since been filled up.

21) That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

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

I, K.R. Lyngdoh, Dy. Conservator of Forests (C), Ministry of Environment Forests, North Eastern Regional Office, Shillong do hereby declare that the statements made in this written statements are true to my knowledge.

I sign this verification of this the 15th day of May 1995 at Shillong.

Lyngdoh.

DEPONENT:-

**Deputy Conservator of Forests (Central)
Regional Office (North East)
Shillong**

25/III/1995

306 Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

81
Filed by-
B K Chaudhury
Addl. C.G. Secy
29/7/95

In the matter of :-

G.A. No.68 of 1995

Susanta Kumar Bhattacharjee

.. Applicant

- Vs -

Union of India & others

... Respondents

on
Written statement for and/behalf of Respondent
No.1.

I, K.R. Lyngdoh, Deputy Conservator of Forests (C)
Ministry of Environment of Forests, North Eastern
Regional Office, Shillong do hereby solemnly affirm
and say as follows :-

1. That I am the Deputy Conservator of Forests (C), Ministry of Environment of Forests, North Eastern Regional Office, Shillong and Respondents No.2 in the above case. I have gone to a copy of the application and have understood the contents thereof. I have been authorised to file this written statement on behalf of the respondent No.1.
2. That I beg to state that Shri S.K. Bhattacharjee vide his application dated 10-5-1993 to the address of CCF, RO, Shillong requested for extension of his tenure for the fifth year w.e.f. 14-6-93 to 13-6-94 (copy enclosed) as Annexure- 'A'. No objection certificate was also given by his parent department for the proposed extension of deputation period from 15-6-93 to 14-6-94 (fifth year) (copy enclosed as Annexure- 'B'). The Chief Conservator of Forests, North Eastern Regional Office, Shillong vide his letter No.6-25-47/92/E-RO/NE/211, dtd. 14th May, 1993 (copy enclosed as Annexure- 'C') recommended the case of Shri S.K. Bhattacharjee for further extension of one year.

3. That I beg to state on the recommendation of the Chief Conservator of Forests, Shillong, the Ministry granted extension for the fifth year to Sh. S.K. Bhattacharjee with effect from 15-6-93 to 31-3-94 (copy enclosed as Annexure-D).

4. That I beg to state that the parent department of Shri Bhattacharjee vide their letter No. NEPA/PF(C)/1/86/Vol. I/ 5761, dtd. 11-11-93 (copy enclosed as Annexure-E) have requested the office of the ECF, Shillong to take necessary action to repatriate Shri Bhattacharjee as soon as his extended tenure of deputation is over.

5. That I beg to state that the Joint Director of the parent Department of the applicant vide his letter No. NEPA/PF(C)/ 86/ 2614, dated 3rd August, 1994 again requested the Deputy Conservator of Forests, Regional Office, Shillong to relieve the applicant after the case is finalised by the Hon'ble Tribunal.

6. That I beg to state that the Hon'ble Tribunal by Judgement dated 3rd October, 1994 in O.A. No. 43/94 dismissed the application of Shri Bhattacharjee, the interim order of stay was vacated and it was left to the respondents to take appropriate decision, Since the Ministry did not receive any application of Sh. Bhattacharjee for his extension of tenure or of his absorption in the Ministry, it was decided to relieve the applicant from the Regional Office, Shillong,

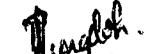
7. That I beg to state that the recruitment Rules framed for Group C and Group D posts in the Regional Office of the Ministry of Environment and Forests are having a provision of absorption of LDC by transfer. Prior to the absorption, the Regional Offices are required to exhaust direct recruitment methods through Regional SSC and failing in that account the absorption of the LDCs may be considered. In the present case, since the direct recruitment of LDCs through SSC, Gauhati was possible the question of absorption of the deputationist does not arise.

8. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

VERIFICATION

I, K.R. Lyngdoh, Deputy Conservator of Forests(C), Ministry of Environment Forests, North Eastern Regional Office, Shillong do hereby declare that the statements made in this written statements are true to my knowledge.

I sign this Verification of this the 19th day of July/95 at Shillong.


K.R. Lyngdoh
Deputy Conservator of Forests(C)
DEPONENT

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
NORTH EASTERN REGIONAL OFFICE

NO. 6-25-47/92/E-RO-NE/211

56-
S.C.A.T. 571
SNO. 15 (R)

SPEED POST.
Telegram : PARYAVARAN
Telephone : (O) 27673, 27929, 27569
S.C.A.T. 571
1076

UPLAND ROAD, LAITUMKHRAH
SHILLONG - 793 003

Date the 14/5/93

To

The Addl. Inspector General of Forests,
Govt of India, Min of Env & Forests,
Paryavaran Bhavan,
CGO Complex, Lodhi Road,
NEW DELHI - 110 003.

Sub:

EXTENSION OF DEPUTATION IN RESPECT OF SHRI S K
BHATTACHARJEE, UDC (SUBSTANTIVE LDC) FOR THE
FIFTH YEAR W.E.F. 15-6-1993 TO 14-6-1994.

Ref:

Ministry's letter No. 3-1/92-RO(HQ), dated 29-4-92.

Sir,

Shri S K Bhattacharjee, was appointed as LDC in this office on deputation basis w.e.f. 15-6-1989 for a period of three years. On expiry of his deputation period, further extension for one more year was allowed vide Ministry's Order No. 3-1/92-RO(HQ), dated 29-4-1992 which now expires on 15-6-93. Shri Bhattacharjee has now requested for extension of his deputation for another one year i.e., from 15-6-93 to 14-6-94.

Shri Bhattacharjee, LDC, is an employee of North Eastern Police Academy, Ministry of Home Affairs, Barapani, Meghalaya, and in a recent communication his parent department have also indicated No Objection in regard to the proposed extension for a further period of one year from 15-6-1993 to 14-6-1994.

19.5.93

Shri S K Bhattacharjee has been working in this office for last 4(four) years and he has gained considerable experience in regard to affairs of this office. Therefore, it is recommended that his further extension of one year be favourably considered and orders communicated to this office before 15-6-93.

Enclo: 1. Representation.

2. No Objection Certificate.

1076/93/RO(HQ)
1-6-93

Attached
A. K. Chatterjee

Yours faithfully,

Debala
(S S PATNAIK)
CHIEF CONSERVATOR OF FORE

Government of India
Ministry of Home Affairs
North Eastern Police Academy
Umsaw, 795 125, Barapani, Meghalaya

No. NEPA/1 F(C)/1/86/155

Dtd. 12/5/93

10

The Chief Conservator of Forests,
Govt. of India,
Ministry of Environment & Forests,
N E Regional Office,
Upland Road, Laitumkhrah,
S H I L L O N G - 2.

Sub :- Extension of deputation in respect of Shri S. K. Bhattacherjee, LDC, beyond 4th year, from 15/6/93 to 14/6/94.

ref :- Your letter No. 6-25-47/92/E-10-11E/
196, dtg. 11/5/95.

Sir,

Sir,
We have NO OBJECTION to the proposed extension of deputation period from 15/6/93 to 14/6/94 (5th year), subject to the approval of the concerned Ministry. A copy of continuation order may please be forwarded to this office for record.

Yours faithfully,

(G C Raiger)
Director



Alfred
W. Church ***

Dairy No. 462
Date 13/5/45
Govt. of India
Central Emp. for Forests
S. B. 1945

58
S.N. 17(2)

Annexure C 5

216

No. 4-1/89-PO(HQ)
Government of India
Ministry of Environment & Forests

PARYAVARAN BHAWAN,
CGO COMPLEX, LODI ROAD,
NEW DELHI-110 003.

Dated the 24th October, 1993.

To

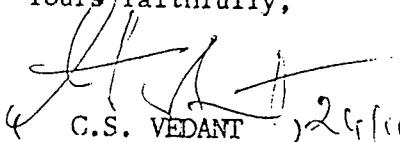
The Chief Conservator of Forests(C),
Regional Office(NEZ),
Upland Road, Laitumkhrah,
SHILLONG-793 003.

SUBJECT: EXTENSION OF DEPUTATION IN RESPECT OF SHRI S.K.BHATTACHARJEE, UDC
(SUBSTANTIVE LDC) FOR THE FIFTH YEAR W.E.F. 15.6.1993 TO
14.6.1994.

Sir,

I am directed to refer to your letter No.6-25-47/92/E-RO-NE/211, dated 14.5.1993, on the subject cited above and to convey the approval of extension of deputation period for 5th year w.e.f. 15.6.1993 to 31.3.1994 in respect of Shri S.K.Bhattacharjee, L.D.C., Regional Office, Shillong.

Yours faithfully,


C.S. VEDANT 24/10/93
DEPUTY INSPECTOR GENERAL OF FORESTS(FF)

O/C

Concurred
B.C.P.
S.D.M.

Government of India
Ministry of Home Affairs
North Eastern Police Academy
Umsaw, 793 125, Barapani, Meghalaya

NO. NEPA/RF(C)/1/86/Vol-I/3761. Dtd. 11.11.93

To : Dr V T Darlong,
Scientist- SD &
Head of Office,
Ministry of Environment &
Forests, Upland road,
Laitumkhrah,
S H I L L O N G - 2.

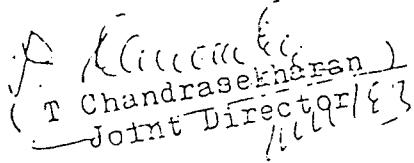
Sub :- Repatriation of Shri S K Bhattacharjee,
L.D.C.

Sir, Kindly refer to this office letter
No. NEPA/RF(C)/1/86/Vol-I/5287 dtd. 03/08/93,
regarding repatriation of Shri S K Bhattacharjee,
L.D.C. of this Academy, presently on deputation
with your Department.

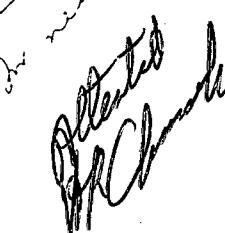
In this connection, I ^{only} mention here
that this Academy has a very limited staff making/LC
administration difficult without adequate staff.
Moreover the ministry has issued directions to fill
up the vacancies immediately.

In view of the above, I have been directed
to request you to take necessary action to repatriate
Shri S K Bhattacharjee, as soon as his extended tenure
of deputation is over i.e. 14/6/94.

Yours faithfully,


(T. Chandrasekhanan)
Joint Director/ES

DDO
12/11/93


P. Chack

12/11/93

893
12/11/93
D. 12/11/93

Annexure E

To

The Chief Conservator of Forests (Central),
Govt of India, Min of Env & Forests,
Upland Road, Laitumkhrah, Shillong-3.

(Through Proper Channel)

Sub: Extension of deputation period of Shri S K. Bhattacharjee, UDC
(Substantive LDC).

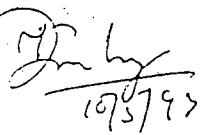
Respected Sir,

With due respect I am to inform you that my 4th year deputation term expires on 13-6-93. Since my deputation period expires soon, therefore, it is earnestly requested that my deputation period may kindly be extended for a further period of one year w.e.f. 14-6-93 to 13-6-94.

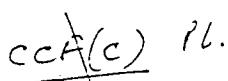
An early action is solicited.

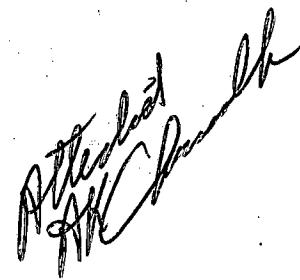
Yours faithfully,


(S K BHATTACHARJEE)


10/5/93

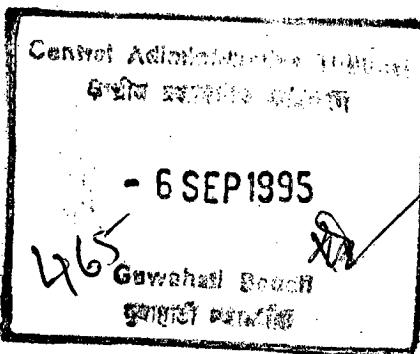

11.5.93


ccA(c) 16.


Attended
Officer

- 61 - 88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.



Dated the 6th September 1995.

In the matter of
O.A. No.68 of 1995
Shri S K Bhattacharjee
...Applicant.

-Vs-
Union of India and Others,
...Respondent.

Written Counter-Statement of the Applicant against the
counter statement dated 15-5-95 of Respondent No.2.

Most respectfully sheweth

1. That I, applicant in the case, reiterate my statement in para 6(1) of my application dated 14-3-95.
2. That the Respondent No.2 have admitted all my statements made in Paras 6(2) to 6(6) of my application dated 14-3-95 except only the year in which the Regional Office was established. I accept 1986 as the year in which the Regional Office was established.
3. That with reference to Para 6(6) of the counter-statement of the Respondent No.2, I respectfully submit to state that the Respondent No.2 has sought to distort facts, apparently as a diversionary ploy. It is pointed out that by his order dated 10-3-92 the Respondent No.2, appointed me to officiate as U.D.C. w.e.f. 14-1-92 on ad-hoc basis for three months only. Thereafter by order dated 5-1-93, the Respondent No.2 on the recommendation of the Selection Committee of his office and with the approval of the Competent

Authority appointed me as U.D.C. on 'deputation basis' till June 1993 or until further order whichever is earlier. It is pointed out that the Respondent No.2 by his subsequent order dated 5-1-93 issued on the recommendation of the Selection Committee of his office and with the approval of the Competent Authority, regularised my original ad-hoc promotion to one promotion on deputation basis. After my ad-hoc promotion was subsequently regularised by order dated 5-1-93 issued on the recommendation of the Selection Committee and with the approval of the Competent Authority, it is ~~not~~ factually wrong for the Respondent No.2 to say that I was promoted to the UDC post on ad-hoc basis. I do not remember to have received Respondent's letter dated 29-9-93. I submit to state that my appointment as UDC once regularised with the recommendation of the Selection Committee and with the approval of the Competent Authority ceased to be an ad-hoc appointment. It was a regular appointment. I was promoted UDC on 14-1-92 and continued to hold this post till 30-9-93 (one year and nine months) without any break. My reversion to LDC post w.e.f. 1-10-93 was as per my application dated 17-9-93 and was only for facilitating my permanent absorption in the Regional Office and for no other reasons. Even presuming but not admitting that my promotion as UDC was on ad-hoc basis, I qualified for regular appointment as UDC since I had put in one year and nine months of unbroken service and since the post of UDC is a regular post. It is also pointed out that the Respondent No.2 has tacitly admitted when he said that "It was also pointed out to the applicant that since he has expressed his desire to continue even as LDC till the decision regarding his permanent absorption by the Ministry, he may submit his representation. Accordingly, the

representation dated 17-9-93 from Shri Bhattacharjee was received in this office on 5-10-93". This admission clearly establishes that my reversion to LDC post was for my permanent absorption in the Regional Office. My application dated 17-9-93 clearly mentions paras 4 to 7 thereof that I was told that my absorption in the Regional Office in the LDC post would be made, if I seek reversion to the LDC post as absorption is permissible only in the LDC post. I clearly stated in my application dated 17-9-93 that if my absorption in the LDC post of the Regional Office is ordered, then only my application may be treated as my willingness for reversion to the LDC post. My willingness for my reversion to LDC post was categorically, clearly and singularly for my permanent absorption in the Regional Office, Shillong. The order dated 12-10-93 of the Respondent No.2 reverting me to the post of LDC w.e.f. 1-10-93 was issued solely the footing of my application dated 17-9-93 in which I had made my reversion conditional to my permanent absorption in the Regional Office in the LDC post. It is further pointed out in this connection that the order dated 12-10-93 of Respondent No.2 could not have taken retrospective effect of reversion from 1-10-93 as I have constructively and physically discharged the duties and responsibilities of UDC post upto 12-10-93. It is reiterated that my willingness for my reversion as LDC was only for my permanent absorption in the Regional Office and I accepted the reversion when ordered, fowthwith. There was no question at all of my seeking repatriation to my parent office. I repeateadly represented to the Regional Office for ordering my permanent absorption in the Regional Office in terms of my representation dated 17-9-93 and the order dated 12-10-93 of the Respondent No.2. But this produced no effects for

which I finally approached the Hon'ble Tribunal seeking legal redress. The contentions of Respondent No.2 that I accepted his order dated 12-10-93 without pre-condition is absolutely baseless; and is stoutly disputed. I accepted the order of reversion on the firm belief that I will be permanently absorbed in the Regional Office as LIC and not somehow to continue in that Regional Office, as surmised by Respondent No.2 to suit his purpose.

4. That with reference to the statement of Respondent No.2 made in Para 7 of his counter statement, I stoutly refute the right of Respondent No.2 to suggest that I should have opted for repatriation to my parent department when my reversion which was ordered for my permanent absorption in the Regional Office, was not acted upon by the Respondent No.2 in violation of the clear understanding that my permanent absorption in the Regional Office would be ordered if I seek reversion to the LIC post. Justice and fairness demand that Respondent No.2 honours his commitment to me instead of now advising me to seek repatriation to my parent office.

5. That the Respondent No.2 had admitted the statement made by me in para 6(9) of my application.

6. That with reference to statement of Respondent No.2 in para 9 of his counter statement, it is stated that the facts mentioned in para 6(10) made by me have also been admitted by Respondent No.2.

7. That with reference to the statement made by the Respondent No.2 in para 10 of his counter statement, I beg to stoutly refute his contentions, lock, stock and barrel. The Respondent No.2 by his order dated 12-10-93 issued with reference to my application dated 17-9-93 created

an inviolable right in my favour for my permanent absorption in the Regional Office, Shillong. It is firmly reiterated that, my reversion to the LDC post, was singularly to facilitate my permanent absorption in the said Regional Office as Recruitment Rules provided for permanent absorption only in the LDC posts. The Respondent No.2 has tacitly accepted this position in para 10 of his counter statement when he said, to quote him, "The applicant accepted the reversion to the post of LDC according to his own convenience so that his chances for absorption in this office would improve as the Recruitment Rules provided for permanent absorption only in the LDC posts." I solemnly reiterate that I had the most legitimate right of being permanently absorbed in the said Regional Office. This expectation was created by the Respondent's D.O. letter No. RO-NE/A/PF/SKB/ dated 19-4-91 to the Ministry and Ministry's letter No. 3-5/91-RO(HQ) dated 2-5-91 as well as Respondent's letter No. RO-NE/A/PF/749 dated 30-10-91. The fact that I have settled at Shillong with my family and have got married and that my wife is an employee of a Govt of India Undertakings at Shillong, in expectation of my permanent absorption in the said Regional Office was intimated by me to Respondent No.2 in more than one letters, the last such letter is dated 18-11-93. While I sought reversion to the LD post to facilitate my permanent absorption in the Regional Office, my repatriation to my parent department would not only be grave injustice to me but also will subject me to irreparable and lasting loss by un-settling my settled residence at Shillong. Repatriation will separate me from my wife and vice-versa and would cause consequent break in family life. This would amount to dissolution of the marriage itself since my wife

can not give up her job in the Central Govt Undertakings at Shillong. My residence is at Umpling which is more than 30 Kms from my parent office at Umsaw (Barapani). The transport cost from my residence to office and back to residence is in the neighbourhood of Rs.650-700/- a month. There is no direct transport communication from my residence to my parent office. A lot of journey breaks and catching of different types of transport are involved. I have to come out from my residence at about 7-30 in the morning and can not return to my residence before 8(eight) in the night. Thus my non-absorption in the Regional Office will not only defeat the ^{purpose} of my seeking reversion to LDC post but shall also subject me to a life long extra expenditure and family disruption which I sought to avoid at the cost of reversion to a lower post.

8. With reference to the statement of the Respondent No.2, in para 6 (11) in his counter statement, I beg to submit that the Respondent No.2 by his order dated 12-10-93 issued with reference to my application dated 17-9-93 has created an inviolable right, both legal and moral, in my favour for my permanent absorption in the Regional Office.

9. That with reference to the counter statement in para 6.(12) of the Respondent No.2, it is stated that one of the post of LDCs was general and I was holding the post till I moved the Hon'ble Tribunal for my permanent absorption against that post. Show Cause notice to Respondent No.2 was issued by the Hon'ble Tribunal on 31-3-95. Respondent No.2 who known about the Show Cause notice filling up the post, on 3-4-95 in emergent hurry to block my absorption even when my petition before the Hon'ble Tribunal lay subjudice. The appointment to the

*my
beliefs
informational
beliefs*

new recruit, done in extreme hurry, was issued on 10-4-95 (to the
but the new recruit was required to join on 3-4-95 when
the appointment letter itself had not been issued. I
submit to state that the Respondent No.2 developed ill-will
against me for my approaching the Hon'ble Tribunal and
filled up my post in unusual hurry to block my absorption
in his office..

10. The Respondent No.2 has admitted in para 13 of
his counter statement, fact stated by me in para 6(14)
of my application.

11. That with reference to Para 14 of the counter
statement of the Respondent No.2, it is pointed out that
the Hon'ble Tribunal gave their "anxious considerations"
to my grievance regarding my permanent absorption in the
Regional Office made their "recommendatory observations"
in their order on O.A. 43/94 dated 3-10-94, vide page
of the order dated 22-5-95 of the Hon'ble Tribunal. These
recommendatory observations commanded due respects both
by my parent office and the Regional Office but while
my parent office duly respected the Tribunal's observations,
the Regional Office did not. I emphatically submit to
state that the interpretation of the Tribunal's order
dated 3-10-94 by Respondent No.2 is wholly wrong and grossly
incorrect where the Hon'ble Tribunal themselves have said
that theirs were anxious consideration and "recommendatory
observations" regarding my permanent absorption in the
Regional Office.

12. That with reference to para 15 of the counter
statement, it is pointed out that way back in June 1989
my parent department gave their no-objection certificate
for placing my deputation services beyond three years

and final absorption in the Regional Office "in any capacity" and also their no-objection to promote me "in the higher grade" vide their no-objection certificate dated 14-6-89. Once again when the Hon'ble Tribunal in their O.A. No.43/94 dated 3-10-94 (Page 10) wanted my parent department to state whether they can give their no-objection for my permanent absorption in the post of LDC with Respondent No.2, my parent department reiterated their earlier no-objection which is in perfect conformity with their original no-objection certificate. The stand of my parent department in respect of my absorption in the Regional Office is fully consistent and perfect harmony. Even when Respondent No.2 extended my deputation beyond 14-6-93 for my eventual absorption in the Regional Office, my parent office did not object. This reaffirms consistency in the stand of my parent department. It is pointed out that the order dated 3-10-94 of the Hon'ble Tribunal was recommendatory in nature to my parent office as well as to the office of the Respondent No.2 in the matter of my permanent absorption in the office of Respondent No.2 and was incumbent on the Respondent No.2 to act in due honour of the Hon'ble Tribunal's recommendatory observations which he did not do.

13. That with reference to Para 16 of the counter statement of Respondent No.2, I beg to state that the Respondent No.2 by reverting me to the Lower Division Post with reference to my application dated 17-9-93 is now estopped from refusing to absorb me in his office. Respondent No.2 having ordered my reversion to LDC post to facilitate my permanent absorption is under promissory obligation to absorb me permanently in his office. He can not escape the obligation by his wilful opinion as done by him in para 16 of his counter statement.

14. That with reference to Para 17 of the counter statement of the Respondent No.2, it is pointed out that my parent office intimated its no-objection to my permanent absorption, even promotion in higher grade, in the office of the Respondent No.2 way back on 14-6-89 and my parent office in response to the recommendative order dated 3-10-94 of the Hon'ble Tribunal merely reiterated its earlier no-objection which is in absolute conformity with its consistent stand. My parent department has never changed its stand on the question of my permanent absorption even promotion to higher grade, in the office of Respondent No.2.

15. That with reference to Para 18 of the counter statement of the Respondent No.2, I beg to state that there being no candidate from Group-D employee in his office for promotion to LDC Post, I was the only eligible serving candidate for absorption in that post. The question of direct recruitment does not arise as long as my case waits final order of the Hon'ble Tribunal as already pointed out in para 9 of this application. I was holding the post till I move the Hon'ble Tribunal for my permanent absorption against that post. Show Cause notice to Respondent No.2 was issued by the Hon'ble Tribunal on 31-3-95. Respondent No.2 filled up the post on emergent hurry on 3-4-95 to block my case for permanent absorption in his office for which my petition before the Hon'ble Tribunal was subjudice. The person was required to join on 3-4-95 even before the issue of appointment letter to him. The fact of issue of appointment letter clearly establishes the malafides of the Respondent's No.2 to block my permanent absorption in his office. When the appointment letter to the new recruit was issued on 10-4-95, the new recruit could not have joined on 3-4-95. The attention of the Hon'ble Tribunal is most respectfully

invited to this action of the Respondent No.2.

16. That with reference to Para 19 of the counter statement of Respondent No.2, it is pointed out that despite my repeated requests, Ministry's letter dated 30-1-95 was not given to me. It is reiterated that order dated 13-2-95 of the Respondent No.2 was grossly arbitrary being non-speaking and that by ordering my repatriation to my parent department, Respondent No.2 acted arbitrarily and in malafides and his order dated 13-2-95 was visitiated by arbitrariness as well as his breach of commitment and obligation which he promissorily created by his own order dated 12-10-94 issued specifically with reference to my application dated 17-9-93. The order dated 12-10-95 of the Respondent No.2 refers only to my representation dated 17-9-95 and to no other issues and matter.

17. That with reference to Para 20 of the counter- statement of the Respondent No.2, it is brought to the notice of the Hon'ble Tribunal that Respondent No.2 served on me his order dated 13-2-95 on 14-2-95 in my sick bed in my residence during my leave on medical certificate of illness. The Respondent No.2 served his order to me on 14-2-95 after receipt of my application for leave in his office. The malafides should be obvious. Even though I was not holding any cash and confidential files which are handled by Cashier and P.A. to higher authorities, I held many files and important papers, etc. Under rules it was essential that a Memo of handing over and taking over was drawn up and the charge held by me formally handed over and taken over by my reliever. This was not done with the intention to somehow get rid of me and the post was hurriedly filled up on 3-4-95

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although appointment letter was issued on 10-4-95. It is obvious that Respondent No.2 acted in fit of great ire because of my seeking legal redress with the Hon'ble Tribunal.

18. That I submit most strongly that I am legally and morally entitled to all the reliefs sought by me in my application dated 14-3-95. I reassert that Respondent No. 1 & 2 are both estopped from reverting me to my parent department and that the Respondents both Nos 1 & 2, are bound by the law of Promissory Estoppel to absorb me in the Lower Division Post of the office of the Respondent No.2, i.e, in the Regional Office, MOEF, (NER), Shillong.

19. The issues:

- (a) Whether I represented from time to time to the Respondent No.2 for my permanent absorption in his office.
- (b) Whether my parent department gave its no-objection to my permanent absorption, once on 14-6-89 and again on 29-12-89. The second time in response to the Hon'ble Tribunal's order dated 3-10-94.
- (c) Whether Respondent No.2 promoted me to the post of UDC and regularised my promotion on the recommendation of his Selection Committee, and with the approval of the Competent Authority.
- (d) Whether Respondent No.2 recommended my permanent absorption in his office and whether in his office, order dated 30-10-91 he ordered that I should be retained on deputation till my eventual absorption in his office.

(e) Whether Recruitment Rules permitted absorption of a deputationist only in the post of LDC.

(f) Whether Respondent No.1 committed to absorb me after finalisation of the Recruitment Rules.

(g) Whether in Para 7 of my representation dated 17-9-93, I said if my absorption in the LDC post of the Regional Office is ordered with effect from the date of the Recruitment Rules come into force, only then my application may be treated as my willingness for reversion to LDC post "in order to facilitate my permanent absorption" in the Regional Office for which I had been representing for long.

(h) Whether my representation dated 17-9-93 mentioned commitment of the Respondent No.2 any my stipulation that reversion to LDC post was only to facilitate my permanent absorption and for no other reasons.

(i) Whether my reversion was ordered by Respondent No.2 in his order dated 12-10-94 singularly on the basis of my representation dated 17-9-93.

(j) Whether the Respondents are not estopped from reverting me back to my parent department.

(k) Whether the Respondents are not bound by the law of Promissory Estoppel to absorb me in the post of LDC in terms of my representation dated 17-9-93 and his order dated 12-10-93.

(l) Whether the order dated 30-1-95 of Respondent No.1 is not arbitrary, authoritarian and capricious and should not be declared void.

(m) Whether there exists vacancy in the UDC posts also to which promotion should be made only from the serving LDC and whether deputationist can be entertained only when no eligible serving LDC is available.

(n) Whether hurried recruitment of a person to my post was not malafide and intended to block my absorption. (It is pointed out that hurried recruitment of a person on 3-4-95 without appointment being given to him was clear instance of malafide on the part of Respondent No.2. The appointment letter to the new recruit was issued on 10-4-95 while the appointee was required to join on 3-4-95.)

19.

PRAYER.

In the facts and circumstances submitted in the foregoing paragraphs of his application and finding answers to the issues made out above, I pray for the following reliefs:-

(i) The order dated 13-2-95 issued by the Respondent No.2 reverting me to my parent department while I was on sick bed and on leave under medical certificate of illness be set aside and squashed.

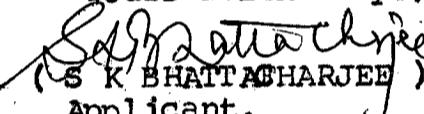
(ii) That I should be permanently absorbed in the LDC post w.e.f. the date of the finalisation of the Recruitment Rules and be allowed benefits of promotion to UDC from which I was asked to seek reversion to facilitate my permanent absorption in the Regional Office, Shillong (under Recruitment Rule post of UDC to which I was promoted should be filled up by eligible LDC of the department and where no eligible LDC of the department is available,

only then the post may be filled up by deputationist. This implies that I should be promoted to the post of UDC on my permanent absorption.

(iii) That fact of my joining the parent department as per option given to me by the Hon'ble Tribunal should not prejudice my case for my absorption in the Regional Office, Shillong, as ordered by the Hon'ble Tribunal themselves in their order dated 22-5-95 and dated 24-7-95.

And for the very kind order of the Hon'ble Tribunal of the reliefs sought for by me, I as duty bound, shall ever pray.

Yours faithfully,


(S K BHATTACHARJEE)
Applicant.

(OA 68/95)

600 1 OCT 1995

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

(75)

[Signature]

In the matter of
O.A. No. 68 of 95

S K Bhattacharjee
... Applicant,

- Vs -

Union of India & Others
... Respondents.

Written counter statement of the applicant against
statement submitted by Respondent No. 2 in July 1995
on behalf of Respondent No. 1.

With reference to the counter statement of
Respondent No. 2 submitted on behalf of Respondent
No. 1 (one), I, the applicant, beg most humbly and
respectfully to submit as under :-

1. I do not accept the statement of Respondent
No. 2 as being made by Respondent No. 1
although made on authorisation. In fact
Respondent No. 1 has made no statement. There
cannot be any proxy statement by one Respondent
for the other Respondent. Respondent No. 2
has already made his statement and the present
statement also made by Respondent No. 2 although
on authorisation of the Respondent No. 1, should
also be treated as the statement of Respondent
No. 2. In view of this position, the additional
points now brought out by the Respondent No. 2
are only his after-thought and cannot be
treated to have been made by Respondent No. 1

Contd....2..

S K Bhattacharjee

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and therefore ought to be neglected having not been made originally.

2. I beg to state that the question of my permanent absorption in the Regional Office at Shillong was under consideration of Respondent No. 1 since May 1991 on the basis of my applications submitted time to time for my absorption. A copy of Govt of India, Min of Env & Forests, letter No. 3-5/91-Ro(Hq), dated 2.5.91 is enclosed (Annexure 'A'). The extension of my deputation for the 5th time as mentioned in para 2 of the counter statement of Respondent No. 1 submitted by Respondent No. 2, was for the reason that my request for absorption was under consideration since 19.4.91 i.e. long before my 5th year deputation. My parent department also gave its no objection to my permanent absorption in the Regional Office, Min of Env & Forest, Shillong.

3. I beg to state that on the basis of the recommendation of the Chief Conservator of Forests (C) Shillong, the Ministry granted my extension for the 5th year pending my eventual absorption in the Regional Office at Shillong. It is mentioned in this connection that Respondent No. 2 recommended my case for absorption to Respondent No. 1 in the former's letter dated 3.1.93.

Contd....3...

S. M. S. A. Chatterjee

4. When my permanent absorption was not ordered despite my application dated 17-9-93, for my absorption and my reversion to LDC post, as a necessary step to facilitate my absorption I approached the Hon'ble Tribunal seeking legal redress. The Hon'ble Tribunal in their recommendatory Order dated 3.10.94 on page 10 left it to my parent department to decide whether they can give their no objection for my absorption in the LDC post in the Regional Office at Shillong. My parent department in reply to the Hon'ble Tribunal's query unconditionally give their no objection to my absorption in the Regional Office at Shillong. This no objection has all the effects of modifying their letter dated 11.11.93 and the no-objection given by my parent department with reference to Hon'ble Tribunal's query must be treated as absolute.

5. Respondent No. 2 on behalf of the Respondent No. 1 has not furnished to the Hon'ble Tribunal copy of my parent department letter dated 3-8-94 referred to by him in this paragraph. However the question of my relief or not can only arise after my case has been finalised by the Hon'ble Tribunal. Therefore, the letter dated 3.8.94 of my parent department goes out of contention since my case is pending with the Hon'ble Tribunal. Since my parent department has unequivocally given its no-objection to my absorption in response to Hon'ble Tribunal's

Contd....4..

Additional

query to it dated 3.10.94, their earlier letter dated 3.8.94 stands ipso facto withdrawn.

6. In respect of para 6 of the counter statement of Respondent No. 2 on behalf of Respondent No. 1, I beg to state that I had been representing for my absorption in the Regional Office, at Shillong, since 1991 as may be seen from letter No. RO/NE/A/PF/SKB dated 19.4.91 of Respondent No. 2 to the Respondent No. 1. I repeated my representations several times until the recruitment Rules were finalised on 30-10-92, when I was asked by Respondent No. 2 to seek reversion to the post of LDC to facilitate my absorption in the Regional Office, at Shillong. It is grave misstatement on the part of Respondent No. 2 to say that I did not represent for my permanent absorption. I had been representing for my absorption since May 1991. The attention of Hon'ble Tribunal is most respectfully invited to my last representation dated 17-9-93 to Respondent No. 2 seeking my permanent absorption and offering to accept reversion to LDC post to facilitate my absorption as well as order dated 12.10.93 of Respondent No. 2 reverting me to the post of as a necessary step for my absorption. It is pointed out to the Hon'ble Tribunal that being a subordinate employee, it was ~~not~~ neither open nor permissible for me to make direct representation to the Govt of India. I could represent only to the Head of Department/ Head of Office of the Regional Office at Shillong,

which I did several times. I was denied absorption by Respondent No. 1, in its letter dated 30.1.95 without assigning any reason and hence the denial was arbitrary, capricious and prompted by ill-will for my seeking legal redress in the Hon'ble Tribunal. Respondent No. 1 in its letter dated 30.1.95 has not indicated any of the reasons which Respondent No.2 has now stated and hence this can not be accepted as valid as no reasons whatsoever have been actually mentioned in the letter 30.1.95 of the Respondent No. 1. I most respectfully pray that the Hon'ble Tribunal may kindly themselves persue letter dated 30.1.95 of Respondent No. 1 and find for themselves whether the said letter contains any reason. It is further pointed out that the Regional Office recommended my case to Respondent No.1 for my absorption in the Regional Office, and hence my representation for my absorption must well be taken to have been made to the Govt. of India and the question of my not representing to the Respondent No. 1 does not arise as I could not, under rule, make direct representation to the Govt of India. In this connection, attention of the Hon'ble Tribunal to para 7 of their order dated 3-10-94 is most respectfully invited. Attention of the Hon'ble Tribunal is also most respectfully invited to their observation in para 4 of their order dated 22-5-95 in which mention has been made of the Chief Conservator

Contd... 6..

S. D. Datta Chatterjee

80

of Forests(C)'s letter dated 30.10.91 (copy enclosed, Annexure 'B') indicating that my eventual absorption was under contemplation. It is emphatically pointed out that Respondent No. 2 now representing Respondent No. 1 has carefully evaded reply to this part of the Hon'ble Tribunal's observations for the obvious reason that the Govt. of India order dated 30.1.95 was arbitrary having contained no reason for not accepting my absorption. It is again most humbly prayed that the Hon'ble Tribunal may kindly persue the letter dated 30.1.95 of Respondent No. 1 to see for itself whether it contains any reason for not accepting my permanent absorption. The reasons now stated by Respondent No. 2 are his afterthought only provided by his lawyer's brainwave and cannot be treated as the reasons for rejecting my permanent absorption as the letter dt. 30.1.95 of the Respondent No. 1 does not make mention of any reason at all.

7. I beg to state that Recruitment Rule does nowhere provide that prior to absorption, the Regional Office is required to exhaust direct recruitment method through Regional S.S.C. It is pointed out that I am a S.S.C. passed ^{There is at all} LDC and therefore ~~these~~ no question of recruitment through S.S.C. As per Ministry's D.O. No. 4-1/89 - Ro (Hg), dated 30.12.92 (copy enclosed-Annexure 'C') persons who are working on deputation as LDC and Steno 'D' may be considered for permanent absorption as per

Contd....7..

Adi Nath Chakraborty

Col. 11 of the recruitment rules subject only to the willingness of their parent department. In my case, my representation for absorption was affirmatively considered by Respondent No. 2 and recommended to Respondent No. 1 for my absorption. Respondent No. 1 agreed to absorb me after finalisation of recruitment rule provided which were being finalised then. My parent department also gave its willingness to my absorption. In this connection para 4 of the Hon'ble Tribunal's order dated 22.5.95 is most significant and ~~may kindly~~ be referred to. The Hon'ble Tribunal in para 4 of their order dated 22-5-95 has observed that the Tribunal expected the Respondents to point out to them the reasons that prompted the Ministry of the Env & Forests to reject the request of the applicant for absorption. Respondent No. 1 did not respond originally and finally also. Letter dated 30.1.95 of Respondent No. 1 does not indicate any reason for rejecting my case for absorption. It is therefore clear that the rejection of my case for absorption by the Ministry is arbitrary and prompted by ill-will for my seeking redressal of my grievance in the Hon'ble Tribunal. That letter dated 30.1.95 of Respondent No. 1 does not contain any reason which would be spoken by the letter itself when perused by the Hon'ble Tribunal. It is once again pointed out that I am a Staff Selection passed LDC and therefore direct

Contd....8..

Adarsh

recruitment through Staff Selection does not at all arise in my case.

8. I beg to state that having due regard^facts and circumstances of the case and under law of promissiory Estoppel, Respondents Nos. 1 & 2 are bound to absorb me in the Regional Office at Shillong in the LDC post with effect from the date of finalisation of the recruitment rules. My representation dated 17-9-93 (Copy enclosed - Annexure 'D') for reversion to LDC to facilitate my permanent absorption in the Regional Office at Shillong in the LDC post and the order dated 12-10-93 (Copy enclosed - Annexure 'E') of Respondent No. 2 issued singularly on the footing of my representation dated 17-9-93 cuts down all the pretexts and excuses now brought by Respondent No. 2 and makes my case irrefutable for my absorption in the Regional Office at Shillong, for which I have to approach the Hon'ble Tribunal seeking justice. In response to the Tribunal's query my parent department has unambiguously stated that it has no objection to my permanent absorption in the Environment and Forest, Ministry's Regional Office at Shillong. In view of the fact that Ministry's letter dated 30-1-95 makes no mention of any reasons whatsoever for rejection of my absorption, my absorption in the Ministry's Regional Office at Shillong, is an inescapable obligation which neither Respondent No. 1 nor Respondent No. 2 can avoid. I pray

Contd....9...

Subrahmanyam

(SB)

that the Hon'ble Tribunal would uphold justice by ordering my permanent absorption in the Ministry's Regional Office at Shillong. Very greatly wronged I had come to the Hon'ble Tribunal.

9. While serving in the post of LDC in the Regional Office on deputation, I was promoted to the post of UDC in that office pending my eventual permanent absorption. It is only to facilitate my permanent absorption that I was advised to seek reversion to the LDC post as a temporary measure since the recruitment rules provided for absorption only in the LDC post. It is on clear understanding that my permanent absorption would be ordered immediately after I have sought reversion to the LDC post and on such absorption I would be repromoted to the UDC as a man of the department, that I sought the reversion. It is seen from the Circular No. IB-7/94/RO-NE, dated 18.9.95 (Copy enclosed - Annexure 'E') of Respondent No. 2 that a UDC post is lying vacant and is being sought to be filled up by deputation from outside. It is therefore, clear that the Regional Office is well in a position to accommodate me in UDC post immediately after absorbing me as the LDC, as I ~~would~~ be then the seniormost S.S.C. passed LDC of the Regional Office to be promoted as a man of the department and the question of recruitment of any outside hand on deputation would not arise at all.

With respectful regards,

Yours faithfully,

(S. K. Bhattacharjee)
S. K. Bhattacharjee

Contd....10.

CA 68 of 1995.

S. K. Bhattacharjee

SM

I, Shri S K Bhattacharjee, Applicant
O.A. No. 68 of 1995 do hereby declare that
the statements made in this written statements
are true to the best of my knowledge and
belief.

I sign this Verification of this
the 11th day of October 1995.


(S K BHATTACHARJEE)

Applicant,
O.A. No. 68 of 1995.

(TRUE COPY)

Annexure - A

GOVT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
PARYAVARAN BHAVAN, -030 COMPLEX
LODI ROAD, NEW DELHI - 110003.

85

No.3-5/91-RO(HQ)

Dated 2nd May, 1991.

To

The Deputy Conservator of Forests(C)
Regional Office(NE2),
Upland Road, Laitumkhrah,
SHILLONG.

SUBJECT: ABSORPTION OF STAFF AT LOWEST LEVEL - REQUEST FROM
SHRI S K BHATTACHARYA REGARDING.

Sir,

I am directed to refer to your D.O. No.RO/NE/A/PF/SKB/
dated 19-4-1991 on the subject cited above and to say that the
question of absorption of staff will be considered after finalisation
of Recruitment Rules.

Yours faithfully,

SD/- (SHIV CHARAN SINGH)
TECHNICAL OFFICER



No. RO-NE/A/FF/
GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS
NORTH EASTERN REGIONAL OFFICE

SHRI K RAJASEKHAR, IFS,
CHIEF CONSERVATOR OF FORESTS(CENTRAL).

Annexure-B' 86
3

Telegram : PARYAVARAN
Telephone : (0) 27673, 27929, 27565
UPLAND ROAD, LAITUMKHRAH
SHILLONG - 793 003

Dated the 30-10-91.

OFFICE ORDER

Shri S K Bhattacharjee, IDC, on deputation to this office is allowed to continue on deputation till finalisation of the recruitment rules and eventual absorption of said Shri S K Bhattacharjee, in the services of this office as per Govt of India, Ministry of Environment & Forests, letter No. 3-5/91-RO(HQ), dated 2-5-91. This order issues after taking into consideration the No Objection of his parent department as contained in that department's letter No. NEPA/PP(C)/1/86/VOL.I/1789, dated 14-6-89.

(K RAJASEKHAR)
CHIEF CONSERVATOR OF FORESTS(C)

Annexure-C 87

S.K. SEHRAWAT
AIGF(RO)

नाम :
Telegram : 222 PAVARAN,
NEW DELHI

दूरध्वाप :
Telephone :
टेलेकॉम :
Telex : 0-62125 DOE IN

भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT & FORESTS

पर्यावरण भवन, नं. 2, ओ. कॉम्प्लेक्स,

PARYAVARAN BHAVAN, C.G.O. COMPLEX

लोडी रोड, नं. 110003

LODI ROAD, NEW DELHI-110003

D.O. No. 4-1/89-RO(HQ)

Dated the 30th December, 1992

Dear Shri Lyngdoh,

I am to invite your office letter No.7-4-92/E-RO-NE/636, dated 26.11.1992, regarding method of recruitment of Group 'C' & 'D' in Regional Offices. Direct recruitment of Group 'C' i.e. L.D.C., Hindi Typist & Steno'D' means through Staff Selection Commission. The recruitment of drivers & peons through local Employment Exchange. The persons who are working on deputation of L.D.C. and Steno'D' may be considered for permanent absorption as per col.No.11 of the Recruitment Rules. subject to the willingness of their parent department.

Yours sincerely,

S.K. SEHRAWAT

Shri K.R.Lyngdoh,
Deputy Conservator of Forests(C),
Regional Office(NEZ),
Upland Road, Laitunkhrah, ...
SHILLONG-793 003.

Min. of ... An Forests
M. ... Chittanag.

To (TRUE COPY)

Annexure-D

* Dated Shillong,
The 17/9/93.

The Chief Conservator of Forests (Central),
Govt of India, Min of Env & Forests,
Regional Office (NER), Upland Road,
Laitumkhrah, Shillong-3.

(Through Proper Channel)

Sub: Application for reversion to the post of LDC for facilitating permanent absorption of Shri S K Bhattacharjee, presently UDC, to the post of LDC, in the Regional Office, Min of Env & Forests, Govt of India, Shillong.

Respected Sir,

For quite some time past, I had been requesting for my permanent absorption as LDC in your Regional Office. My representation was supported by No Objection Certificate to my absorption to your Regional Office, issued by my parent department, the North Eastern Police Academy, Ministry of Home Affairs, Govt of India, Barapani (Meghalaya).

2. Keeping in view the outstanding track record of my service in your Regional Office on deputation, now running 5(five) years, you were pleased to recommend my case to the Ministry for my permanent absorption in your Regional Office. In this connection a reference is invited to your office order No. RO-NE/A/PF/749(a), dated 30-10-1991, in which it was ordered that I may be retained on deputation till my eventual absorption after finalisation of Recruitment Rules.

3. Recruitment Rules-1992, issued by the Govt of India provides for absorption of deputationist only in the LDC post provided the parent department of the deputationist issues NOC to his absorption as stated in para 2 above. My parent deptt has issued the necessary NOC long back.

4. Since I am at present working as UDC and since absorption is permissible only in the post of LDC, I am given to understand that my absorption in the LDC post of this Regional Office would be done if I seek reversion to the LDC post since there is no provision in the R/R for absorption in the UDC post.

(PTO)...2...

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116

5. It is mentioned here that I was working as LDC on deputation in your Regional Office since June 1989 till my temporary promotion to the post of UDC in your office in 1992. I am thus the seniormost LDC in your R.O. when considered from my joining your Regional Office. I am also a Staff Selection Commission's qualified candidate for LD post.

6. One post of LDC in your R.O. is still lying vacant against which I may be absorbed w.e.f. the date when the Recruitment Rules-1992 came into effect in consideration of my seniority in the LDC Cadre and uninterrupted service in that post.

7. If my absorption in the LDC post of your Regional Office with effect from the date of coming into force of the Recruitment Rules-1992 is ordered, this application may kindly be treated as my willingness for reversion to the ~~post~~ LDC post in order to facilitate my permanent absorption in your Regional Office for which I am representing for quite long.

With high regards,

Yours faithfully,

Sd/- (S K BHATTACHARJEE)
UDC. 17/9/93.

'D'

Dated 5th May
A.D. 1919/20.

OP
X

The Chief Conservator of Forests (Central)
Govt of India, Min. of Env & Forests,
Regional Office (C.P. A) Depl. of Forests,
Pilikhanwala, Shillong, S.P.-3.
(Through Proper Channel.)

Sub:- Application for revision to the post of
P.D.C. for facilitating permanent absorption
of Shri S. K. Bhattacharya, presently WDC,
to the post of LDC, in the Regional Office,
Min. of Env & Forests, Govt of India, Shillong.

Respected Sir,

For quite some time past, I had been
requesting for my permanent absorption as
LDC in your Regional Office. My representation
was supported by an objection certificate to my
absorption to your Regional Office, issued by
my parent department (the North Eastern Police
Academy, Ministry of Home Affairs, Govt of India,
Parapejje (Meghalaya)).

2. Keeping in view the outstanding track
record of my service in your Regional Office
on deputation, now running 5 (five) years, you
were pleased to recommend my case to the
Ministry for my permanent absorption in
your Regional Office. In this connection a
reference is invited to your office Order
No. R6-NR/A/PF/749 dated 30/10/91, in which it
was ordered that I may be retained on
deputation till my eventual absorption after
finalisation of Recruitment Rules.

(P.T.O) - - - 2.

3. Recruitment Rules-1992, issued by the Govt of Andhra, provides for absorption of deputationist only in the LDC post provided the parent department of the deputationist issues NOC to his absorption as stated in para 2 above. My parent deptt has issued the necessary NOC long back.

4. Since I am at present working as UDC and since absorption is permissible only in the post of LDC, I am given to understand that my absorption in the LDC post of this Regional Office would be done if I seek reversion to the LDC post since there is no provision in the R/R for absorption in the UDC post.

5. It is mentioned here that I was working as LDC on deputation in your Regional Office since June 1989 till my temporary promotion to the post of UDC in your office in 1992. I am thus the seniormost UDC in your R.O. When considered from my joining your Regional Office, I am also a Staff Selection Commission's qualified candidate for ID Post.

6. One post of LDC in your R.O. is still lying vacant against which I may be absorbed w.e.f. the date when the Recruitment Rules-1992 comes into effect in consideration of my seniority in the LDC cadre and uninterrupted service in that post.

7. If my absorption in the LDC post of your Regional Office with effect from the date of coming into effect force of the Recruitment Rules-1992 is ordered, this application may kindly be treated as my willingness for reversion to the LDC post in order to facilitate my permanent absorption in your Regional Office for which I am representing for quite long.

With high regards,

Yours faithfully
S.K. Bhattacharya
(S.K. BHATTACHARYA, EF)
UDC, 17/9/92

affixed
S.K. Bhattacharya
Govt. of India
Ministry of Environment & Forests
Regional Office
17/9/92

Annexure 'E'

91
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(TRUE COPY)
GOVT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
REGIONAL OFFICE(NER), UPLAND ROAD
LAITUMKHRAH, SHILLONG - 793 003.

No.6-25-47/92/E-RO-NE/514-20

Dated the 12th Oct 1993.

OFFICE ORDER

With reference to his representation dated 17-9-93 regarding reversion to the post of LDC, Shri S K Bhattacharjee presently working as UDC(Ad-hoc) in the Minis try of Environment and Forests North Eastern Regional Office, Shillong, is hereby reverted to the post of LDC in the pay scale of Rs.950-20-1150-EB-25-1500/- with effect from 1-10-93.

He shall draw a basic pay of Rs.1150/-plus other allowances admissible under the rules till his EB is released.

Sd/- (K R LYNGDOH)
DEPUTY CONSERVATOR OF FORESTS
(CENTRAL)

Copy forwarded to:

1. The Asstt. Inspector General of Forests, RO, HQ,
Govt of India, Min of Env & Forests,
Parivar Bhavan, CGO Complex, Lodhi Road, New Delhi-3.
2. The Pay and Accounts Officer,
Govt of India, Min of Env & Forests,
Parivar Bhavan, CGO Complex, Lodhi Road, New Delhi-3.
3. The Director,
North Eastern Police Academy,
Govt of India, Min of Home Affairs,
Umsaw, Barapani.(Meghalaya).
4. Shri S K Bhattacharjee.
5. Accounts Section(Local).
6. Personal File of the person concerned.
7. Estt. Section.(Local).

(K R LYNGDOH)
DEPUTY CONSERVATOR OF FORESTS(C)

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
NORTH EASTERN REGIONAL OFFICE

UPLAND ROAD
LAITUMKHIRAH:
SHILLONG - 793003

NO.13-7/94/E-RO-NE.

DATED: 18.09.1995

OFFICE MEMORANDUM

The Ministry of Environment & Forests, North Eastern Regional Office, Shillong proposes to fill up the following post(s) by transfer/deputation. Applications through proper channel are, therefore invited from officials of the Govt. of India, Ministry/Dept/Organisations/State Governments in accordance with the conditions given below:-

Sl. No.	Name of post and No. pay scale	No. of vacancy	Eligibility conditions
1.	U.D.C.(Upper Division Clerk-Rs.1200- 30-1560-EB-40-2040)	1(one)	Persons holding analogous posts on regular basis; or eight years regular service in a post in the pay scale of Rs.950-1500/-or equivalent.

The period of deputation will be 3(three) years. The period of deputation is liable to be curtailed by the appointing authority at its discretion without assigning any reason.

Application with full personal bio-data in Annexure-I of volunteers may be forwarded through proper channel along with C.R.Dossiers and Vigilance Clearance for the last 3 years. Only such applications as are accompanied with these requirements, will be considered. The pay of the officials selected will be considered according to normal rules.

Selection will be made after a test/interview. The last date of receipt of application is 27.10.1995.

(K.R.Lyngdoh)
Deputy Conservator of Forests(C)

Copy to:-

1. All the Chief Secretaries of North East.
2. All Central Government Offices, Shillong.
3. The Deputy Inspector General of Forests(HQ), New Delhi.
4. All the Principal Chief Conservator of Forests of Eastern Region.
5. All the Chief Conservator of Forests, Regional Offices/Lucknow/Bhubaneswar/Chandigarh/Bhopal/Bangalore.
6. Soldiers Board, Meghalaya, Shillong.

(K.R.Lyngdoh)
Deputy Conservator of Forests(C)

P
B

ANNEXURE I
BIO - DATA PROFORMA

1. Name of the Post applied for:
2. Name & Address (in block letters):
3. Date of Birth:
4. Date of retirement under Central/State Govt. Rules:
5. Educational Qualifications:
6. Whether conditions of eligibility as mentioned in the Circular have been satisfied (if any qualification has been treated as equivalent to the one prescribed in the rules, state the authority for the same):
 - (i) Qualification experience required:
 - (ii) Qualifications experience possessed by the officer:
7. Please state clearly whether in the light of entries by you above, you meet the requirements of the post:
8. Details of Employment, in chronological order (Enclose a separate sheet, duly authenticated by your signature, if the space below is insufficient).

Office Inst. Orgn.	Post held	From	To	Scale of pay & basic pay	Nature of duties

9. Nature of present employment i.e. adhoc or temporary or quasi-permanent or permanent.
10. In case the present employment is held on deputation/contract basis, please state-
 - (a) The date of initial appointment:
 - (b) Period of appointment on deputation/contract:
 - (c) Name of the present Office/Organisation to which you belong:
11. Additional details about present employment please state whether working under:-
 - (a) Central Government
 - (b) State Government
 - (c) Autonomous Organisations

(d) Government undertakings:
(e) Universities:
12. Total emoluments per month now drawn:
13. Additional information, if any, which you would like to mention in support of your suitability for the post.
Enclose a separate sheet, if the space is insufficient.
14. Whether belongs to SC|ST.:
15. Residential address of the candidate:
16. Remarks:

Date: _____ Signature of Candidate
Address:
Countersigned _____
(Employer)

Certificate to be given by the Head of the applicant.

1. It is certified that particulars furnished by the applicant is correct.
2. It is certified that no disciplinary case is either pending or contemplated against the applicant and he is clear from vigilance angle.

Head of Office