

50/600

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

13

(DESTRUCTION OF RECORD RULES, 1990)

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Disposed date-09/8/95

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O.A/T.A No. 83/95.....

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

E.P/M.A No. 73/95.....

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI 5

O.A.No. . 83 of 1995. . .

Misc. Petn.

C.P. No.

R. Appl.

Smt Madhumita Dey  
.....APPLICANT'S  
frs.  
Union of India & Ors.  
.....RESPONDENT'S  
Mr J.L.Sarkar & Mr M.Chanda.  
.....FOR THE APPLICANTS  
.....  
.....  
Mr G.Sarma, Addl.C.G.S.C  
.....FOR THE RESPONDENTS

OFFICE NOTE	DATE	ORDER
		<u>By urgent circulation:</u>
17.4.95 (vacation)		<p>Heard Mr M.Chanda for the applicant.</p> <p>Issue notice to the respondents to show cause as to why the application should not be admitted and interim relief as prayed be granted. Returnable on 25.4.1995. Notice be issued directly to respondents No.3 and 4 and the notice at this stage be served on Mr G.Sarma, Addl.C.G.S.C for respondent No. 1. The grievance of the applicant seems to be that the respondents have illegally reserved the one available vacancy in the post of Accounts Clerk for Scheduled Caste candidate and that has affected her chance of promotion. She therefore seeks that the said reservation be cancelled and the process for selection on the basis that the post is unreserved be initiated. In aid of that relief she seeks by way of interim relief a direction to the respondents not to act upon the selection proceedings held on 15.4.94 for filling up the post on the basis of apprehension that respondent No.4 who is a Conservancy Safaiwala is likely to be promoted at any moment. Admittedly respondent No.4 is</p>

17.4.95

dent No.4 is Scheduled Caste. It is obvious that till the reservation prevails neither the appointment of respondent No.4 <sup>can</sup> be stopped ~~or~~ nor respondents <sup>can be</sup> are directed not to proceed with the appointment. It is obvious that in the event of the reservation itself would be cancelled and if applicant happens to succeed in getting the notice Annexure-1 dated 24.3.95 cancelled then the appointment of respondent No.4 if it is made during the pendency of this application it will be subject to the decision on that question. In the circumstances no interim relief can be granted at this stage without hearing the respondents on merits. The learned Addl.C.G.S.C Mr G.Sarma oppose<sup>d</sup> any interim relief without hearing the respondents and wants time to obtain instruction<sup>s</sup>.

~~Show cause reply returnable on~~  
25.4.95. The notice of respondent<sup>s</sup> No.3 and 4 <sup>be</sup> is issued by speed post at the cost of <sup>be of</sup> the applicant. Liberty to the applicant to seek interim relief after the respondents have appeared.

Adjourned to 25.4.1995.

*hll*  
17.4.95  
Vice-Chairman

Requisites are send & issued by speed post to R.no. 3 & 4 & 8. Respondent to R.no. 1 & 2 vide no. 1642-45 D-18/4-95  
*18/4*

Notice send on R.no. 1.  
pg  
10.30 am  
18/4/95  
*18/4*

25.4.95

Mr M.Chanda/Mr G.Sarma, Addl.C.G.SC

Mr Sarma seeks time to file show cause reply and states that instructions are being received.

Adjourned to 8.5.1995.



Vice-Chairman



Member

pg

16.5.95

8-5-95

Leave note of Mr. J.L. Sarkar.

Adjourned to 19.5.95

Adjourned to 16-5-95.

By order

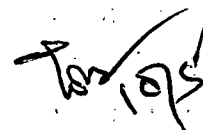


Vice-Chairman



Member

lm



19.5.95

Mr J.L.Sarkar for the applicant.

Mr G.Sarma, Addl.C.G.S.C for the

respondents.

The respondents have filed written statement cum show cause reply on behalf of the respondents. The contentions raised in the application and those raised in the written statement require detailed consideration. O.A. is admitted. If the respondents wish to file further written statement they are given 8 weeks from today. Liberty to applicant to file rejoinder to the written statement filed now within that time.

Adjourned for orders to 17.7.1995.

Liberty to apply for early date thereafter.



Member




Vice-Chairman

23.5.95

17.7.95

Mr M. Chanda for the applicant.

Mr G. Sarma, learned Addl. C.G.S.C.  
for the respondents.

W/s / Show cause  
has been filed on behalf  
of the Respondents.

*[Signature]*

Service Reports are  
still awaited.

ast  
14/7

The learned Addl. C.G.S.C. submits that since the question of reservation is involved the department desires that the question may be resolved early and, therefore, an early hearing may be granted. Mr Chanda does not have any objection for early hearing, but wants some time for amendment of the application as has instructions to say that the respondent No.4 has now been promoted, although Mr G. Sarma has not accepted that statement for want of instructions. Under the circumstances the applicant is directed to submit the application for amendment, if any, <sup>and</sup> for calling records if so advised, within a period of two weeks from today. The applicant shall forward the copies of the said application to all the respondents privately and a copy ~~will~~ will be served on the learned Addl. C.G.S.C. Subject to these applications being <sup>and orders in view</sup> filed, the O.A. be listed for hearing on 7.9.95.

Notice sent on  
R. n. 1.

to  
18/7

*[Signature]*  
Vice-Chairman

*[Signature]*  
Member

nkm

*[Signature]*

7-9-95

Mr.M.Chanda for the applicant.

Mr.G.Sharma Addl.C.G.S.C. for the respondents.

As it was stated on 17-7-95 by the learned Addl.C.G.S.C. that the matter may be heard early. It was listed for hearing to-day. To-day however Mr.G.Sharma wants adjournment as the copies directed to be served to the respondents are yet to be served properly. He seeks a date in November. Accordingly adjourned to 20-11-95. We record that in view of the urgency we <sup>were</sup> ~~are~~ willing to hear the matter to-day.

20.11.95

FFH ~ 22.1.96 / lm

Vice-Chairman

Member

By order

22.1.96 To be listed for hearing on 7.3.96.

By order  
Bon22.11.95

As per order dt. 9.8.95 in W.P. 73/95 the Respondent No.3. (H. Col. Shyam Tuteja) has submitted promotion order of Respondent No.4 and a readable copy of the recruitment rules to the applicant on 21.11.95 at page 41-50.

Counsel of the parties are present. Respondent No.3 has submitted a copy of promotion order of respondent No.4 Smt Reba Dey and copy of the recruitment rules. Copies may be furnished to the counsel of the applicant by the Registry. Case is ready for hearing.

List for hearing on 7.5.1996.

9.1.96

Additional W/S submitted by the Official Respondents. At page No 51-59

pg

Member

Received  
Adv. or Appl.  
18-3-96

M.Chanda for the applicant.  
G.Sarma, Addl.C.G.S.C for the respondents.

Case ready for hearing.

List for hearing on 17.6.96.

Member

pg

17-6-96

Case is ready for hearing.  
List on 16-7-96 for hearing.

Member

lm

16.7.96

Mr G.Sarma, Addl.C.G.S.C for the respondents.

List for hearing on 12.8.96.

Member

pg

12.8.96

Mr M.Chanda for the applicant.  
Mr G.Sarma, Addl.C.G.S.C for the respondents.

List for hearing on 10.9.96.

Member

pg

M  
12/8

28-8-96

Reply or rejoinder  
filed by applicant.  
at pg - 68 -

10-9-96

Vide order of to-day in M.P.  
No.108/96 prayer for amendment of the  
Original Application has been allowed.  
steps within two weeks from  
to-day.

List for order on 24-9-96.

Member

Amendment Petition has  
not been filed

23/9

lm

10/9

24.9.96

Mr G.Sarma, Addl.C.G.S.C for the  
respondents.

Amendment application has not  
been submitted.

List for order on 1.10.96.

Member

Amendment not  
filed

30/9/96

pg

25/9

1.10.96

Mr M.Chanda for the applicant has  
submitted consolidated amendment appli-  
cation. Let copy of the same be served  
on the respondents.

List for written statement and  
further orders on 18.11.96.

Member

9.10.96

Consolidated petition

filed by the applicant

pg

1/11

18.11.96.

None present for the applicant.

Mr. G.Sarma, Addl.C.G.S.C. for the  
respondents.

Case ready for hearing.

List for hearing on 16.12.1996.

Member

1) Notice duly served on  
O.P. No. 1  
2) Wt statement of Addl. W/S  
has been filed  
3) Reply to & Reply of  
Respondent has been filed.

15/11

trd

18/11



19-6-97

List on 30-7-97 for fixing a date of hearing.

28-7-97

Addl. Rejoinder  
Filed on behalf  
of The applicant  
at page 97 to 112.

lm

F  
29/6

30.7.97

On the prayer of Mr G. Sarma,  
learned Addl. C.G.S.C., the case is  
adjourned to 25.8.97.

Member

Vice-Chairman

W/S, Addl. D/o. Rejoinder  
and Addl. Rejoinder  
by

Member

Vice-Chairman

nkm

31/7

29/7

21.8.97

10.9.97 List on 17.11.97 for hearing.  
By order

1) Memo of appearance  
has been filed.

2) The case is ready 17.11.97 Adjourned to 15.12.97.  
for hearing.

ns  
21/8/97.

The case is ready  
for hearing.

ns  
12/12

15.12.97 Leftover. Adjourned to  
19.1.98.

By order.

O.A. 83/95.

a

-9-

Office Note

Date

Court's Order

Ref:-No.ABAJP/MEGH/dtd.9-12-97.

19.12.97

The above letter(Flag'A') is received from the General Secretary, All India Organisation of Scheduled Castes, Meghalaya Branch, Shillong may kindly be perused.

This letter is received in connection with O.A.No.83/95 regarding promotion of Shri Reba Dey to the Post of L.D.C. on the ground that she belongs to Scheduled caste. It is also stated that Shri Reba Dey is not Scheduled Caste and by fraud managed to obtain an S.C.Certificate, and got her promotion. The enclosed document shows that this matter was raised in the floor of Meghalaya Legislative Assembly during March'97 which is under investigation.

Matter may kindly be placed for kind perusal and necessary orders.

18/12/97  
DY. Registrar S.O.(3).

nkm

29/12

19-1-98

3-3-98

Seen the letter issued by the General Secretary of All India Organisation of Scheduled Castes, Meghalaya Branch, Shillong. The Registrar is directed to write to the General Secretary of the aforesaid organisation informing him not to make any communication with the Vice-Chairman or the Member in future.

Member

Vice-Chairman

There was a reference  
dated 15-3-98.  
By and

Records have been placed before this Tribunal. Mr.J.L.Sarkar learned counsel for the applicant may inspect the records to-day itself.

List on 12-3-98 for hearing.

Member

Vice-Chairman

As per Court direction  
dtd 19.12.97. a letter has been  
sent to the organisation  
on 2.1.98.

lm

4/3

me was ready  
on hearing

Ben  
2/3

By. nite.

## Notes of the Registry

## Date

## Order of the Tribunal

18.5.98

Mr G. Sarma, learned Addl. C.G.S.C. is not in a position to explain the hand written portion by which the amended portion was added in the gazette notification. The respondent No.4 is also not present today. A letter was sent to the respondent No.4 by speed post. Let this case be listed on 27.5.98.

Member

Vice-Chairman

Pl. comply order  
dated 18.5.98 to the  
respondent No. 4.

NS  
20/5

nkm

NS  
20/5

27.5.98

On the prayer of Mr G.Sarma, learned Addl.C.G.S.C the case is adjourned till 2.6.98.

Member

Vice-Chairman

The case is ready for hearing  
as regards service, W/S  
& rejoinder.

NS  
20/5

pg

NS  
20/5

2-6-98

Adjourned to 4-6-98.

By order.

The case is ready for  
hearing as regards service  
W/S and Rejoinder.

NS  
20/5

4-6-98

Defer. Adjourned to 9-6-98.

By order.

9-6-98

Defer. Adjourned to 22-6-98.

By order.

22-6-98

Adjourned to 30-6-98.

By order.

The case is ready for  
hearing as regards service  
W/S and Rejoinder.

NS  
20/6

12

Notes of the Registry	Date	Order of the Tribunal
<p>14.8.98</p> <p>Copies of the Judgment have been served to the Parties vide D.Nos. 2203 to 2204 and 2146 to 2148 dt. 14.8.98 &amp; 11.8.98 through Regd. with A/D.</p> <p>HL</p>	<p>30.6.98</p>	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs.</p>
	<p>nkm</p>	<p>Member</p> <p>Vice-Chairman</p>

14

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

O.A.No. 83                      of 1995

30.6.1998  
DATE OF DECISION.....

!! Smt Madhumita Dey (PETITIONER(S))

Mr J.L. Sarkar and Mr M. Chanda

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

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

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

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

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

Judgment delivered by Hon'ble Vice-Chairman



15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.83 of 1995

Date of decision: This the 30th day of June 1998

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

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

Smt Madhumita Dey,  
Store Keeper,  
Office of the Station Headquarters,  
Shillong.

.....Applicant

By Advocates Mr J.L. Sarkar and  
Mr M. Chanda.

- versus -

1. The Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Defence,  
New Delhi.

2. The Headquarters 101 Area

3. The Administrative Commandant,  
Station Headquarters, Shillong.

4. Smt Rebha Dey,  
C/o Station Headquarters,  
Shillong.

.....Respondents

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

.....

O R D E R

BARUAH.J. (V.C.)

The applicant in this application has challenged the Annexure 7 order dated 20.4.1995 appointing the 4th respondent as Accounts Clerk.

2. The applicant, being aggrieved by the said Annexure 7 order, submits that the authority made the appointment of the 4th respondent most arbitrarily and unreasonably, contrary to the provisions of rules. According to the applicant this post should have been

*B*

given to her instead of the 4th respondent. Hence the present application.

3. In due course the respondent Nos.1, 2 and 3 have entered appearance. However, the 4th respondent has not contested the case though notice was duly served on her. In their written statement respondent Nos.1, 2 and 3 have stated that the appointment of the 4th respondent was made strictly in accordance with the rules and as per the roster system.

4. We have heard Mr J.L. Sarkar, learned counsel for the applicant and Mr G. Sarma, learned Addl. C.G.S.C. Mr Sarkar's first submission is that the 4th respondent does not belong to the Scheduled Caste Community (SC for short). The certificate of SC was furnished later on and she should not get the perference of SC community. The second submission of Mr Sarkar is that even if she belongs to the SC community she was not entitled to get appointment because this appointment relates to the 7th point in the roster. Mr Sarma, on the other hand, supports the Annexure 7 order of appointment of the 4th respondent. Mr Sarma further submits that the 4th respondent belongs to the SC community and therefore she was rightly appointed. He also submits that this is regarding the 10% promotion of Group 'D' to Group 'C' quota and the roster was strictly complied with.

5. The Meghalaya Roster has been placed before us. The case of the respondent Nos.1, 2 and 3 is that the authority maintained the 100 point roster, and therefore, the roster was properly maintained.





6. On the rival contention of the learned counsel for the parties, it is now to be seen whether the Annexure 7 order of appointment of the 4th respondent dated 20.4.1995 can sustain in law. Mr Sarkar submits that in case of 10% quota for appointment no carry forward system is provided to which Mr G. Sarma does not dispute. On going through the roster we find that out of the entire 100 points only the 4th point is for SC. Admittedly, this appointment relates to the 7th point. Point No.1 appointment was made to one Shri B.N. Singh, who is a general category candidate although as per the roster this appointment should have been given to ST candidate. In point No.2 appointment was made to Ms Demogracia Marwein who is an ST candidate though this should have gone to a general candidate. Point No.3 appointment was made to Ms Alasha Thangkhiew who is an ST candidate, but this should have also gone to a general candidate. Point No.4 appointment was made to Ms Phidalyne Jyrwa who is an ST candidate although this should have been given to SC candidate. Therefore, on looking to these we find that though the authority claims that they made the appointment strictly on roster system, but it was not done. In para 19 of the written statement the respondents have stated thus:

".....while carrying out initial appointment in 1985 in Station Headquarters, Shillong, the five posts of Accounts Clerks were filled up by one general category individual and four individuals who happened to belong to Scheduled Tribes. Subsequently, in November 1987 one Scheduled Tribe individual Smt Phidalyne Jyrwa resigned and the vacancy thus created was filled up by general category individual Mrs Kabita Sharma. In August 1994 Miss Felicia Pariat (Scheduled Tribe) resigned. This vacancy has now been filled up by Miss Reba Dey (Scheduled Caste). Non adherence to reservation quota during earlier appointments cannot be allowed to be continued."

*JB*

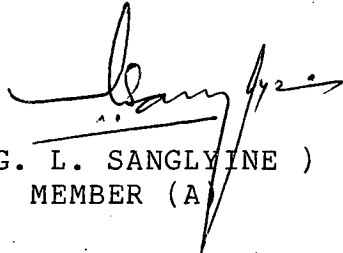
From this paragraph it is very clear that the appointments should be made on the basis of the roster. Therefore, in our view the roster was not strictly maintained. In fact, the appointments had been made contrary to the roster system. Definitely, the 7th point was for a general candidate. The 4th point was for SC candidate out of the 100 points. The appointment of an ST candidate in the 4th point is not in accordance with law. However, at this stage we do not want to disturb the appointment made so far as the 4th point is concerned. We find that the appointment in the 7th point should have been given to a general candidate. Admittedly, the 4th respondent claims to be SC. Therefore, her appointment in the 7th point was not in accordance with the roster system. Therefore, we have no hesitation in setting aside the appointment made to the 4th respondent in the 7th point. But as the 4th point which is the only point for SC was not given to SC candidate, but was given to ST candidate, the 4th respondent should be appointed in the next available ST point so that the SC candidate may not be disturbed. Mr G. Sarma submits that the 9th point is for ST and this can be given to SC candidate in place of the 4th point which is occupied by ST candidate. Accordingly we set aside the impugned Annexure 7 order of promotion of the 4th respondent dated 20.4.1995 and direct the respondents to consider as to who is the fit general category candidate to be appointed in the 7th point and this must be done as early as possible, at any rate within a period of one month from the date of receipt of the order. As submitted by Mr Sarma that there



are.....

are available vacancies, the authority should make all endeavour to appoint the 4th respondent against the 9th point.

7. The application is accordingly allowed. However, considering the facts and circumstances of the case we make no order as to costs.

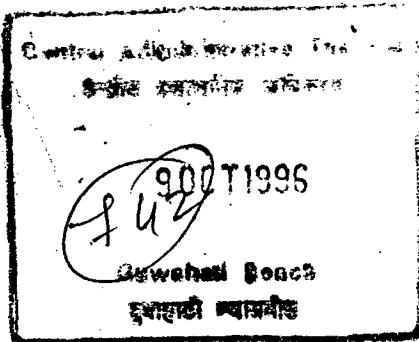


( G. L. SANGLYINE )  
MEMBER (A)



( D. N. BARUAH )  
VICE-CHAIRMAN

nkmm



Consolidated Petition

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

An Application under Section 19 of the Administrative  
Tribunals Act, 1985,

Filed in Court  
on 1-10-96  
Court Master

O.A. No. 83 of 1995

Smti Madhumita Dey ....Applicant

-versus-

Union of India & Ors. .... Respondents

I N D E X

Sl.No.	Annexure	Particulars	Page No.
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2	-	Verification	15 13
3	1	Notification dt.24.3.95	16 14
4	2	Representation dated 1.9.94	17 15
4	3	Representation dated 22.9.94	16
5	4	Letter dated 25.10.94	17
6	5	Representation dated 25.10.94	18-19
7	6	Representation dated 20.3.95	20-25
8	7	Promotion Order dated 20.4.95	26

Filed by :

Date 1-10-96

*Advocate*  
Advocate

*Madhumita Dey*

Filed by the applicant -  
M. Chandrasekhar  
1-10-96 ADV. (20)

1. Particulars of the applicant.

Smt. Madhumita Dey  
daughter of late Sumesh Ch. Dey,  
resident of Dudgron Line, M.E.S. Quarter,  
employed as Store Keeper, in the office  
of the Station H.Q., Shillong.

2. Particulars of the Respondents.

1. The Union of India,  
represented by the Secretary  
to the Govt. of India,  
Ministry of Defence,  
New Delhi
2. The Headquarters 101 Area.
3. The Administrative Commandant,  
Station H.Q., Shillong.
4. Smti. Rebha Dey  
C/o Station Headquarters,  
Shillong.

3. Particulars of the Order against which the  
application is made.

1. Letter No. 652/5/Est.Dt. 26.10.94 (Annexure-4).
2. Notification No. 652/5/Est.dated 24.3.95  
(Annexure-1)

Contd....P/3

*Madhumita Dey*

4. Jurisdiction of the Tribunal.

The applicant declares that the subject-matter of the order against which she wants redressal is within the jurisdiction of the Tribunal.

5. Limitation

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case

6.1 That the applicant was appointed as a Store Keeper in the Station Head Quarters, Shillong from 25.05.1985 and presently in the scale of Rs. 825-15-90-EB-20-1200/-.

6.2 That the clerical hierarchy in the Estt. including the Group D post in the line are as below :

- |     |                          |                                   |
|-----|--------------------------|-----------------------------------|
| (a) | Accounts Clerk           | - Rs. 950-20-1150-EB-25-1400 Gr.C |
| (b) | Store Keeper             | - Rs. 825-15-900-EB-20-1200 -do-  |
| (c) | Land Supervisor          | - Rs. 800-15-1010-EB-20-1150 Gr.D |
| (d) | Sanitary Mate            | - Rs. 775-12-955-EB-14-1025 Gr.D  |
| (e) | Conservancy<br>Safaiwala | - Rs. 750-12-870-EB-14-940 -do-   |

6.3 That the applicant has been working with all sincerity and devotion and to the entire satisfaction of her superiors.

Contd..P/4

*Modhumita Dey*

4. That a single vacancy in the post of Accounts Clerk had occurred in May 1994 due to resignation of Smt. Felicia Parriat, a local Scheduled Tribe Personnel.
5. That the applicant is the seniormost Storekeeper, amongst the three Storekeepers now being employed in the Establishment.
6. That the applicant in the next below the cadre of the Accounts Clerk and normally in view of senior position and records of service of applicant should have been promoted to the vacant post of Accounts Clerk aforementioned.
7. That finding that any selection and posting in the post of Accounts Clerk was not being done for a long time the applicant enquired into the matter and came to know that the Administration having considered that there is no Scheduled Caste Personnel holding any of the posts from the channel of promotion so that the post of Accounts Clerk can be filled up. However the single vacancy now arising vice Smt. Felicia Parriat due to resignation treated as a reserved post for Scheduled Caste candidates.
8. That the applicant further learnt that Smt. Rebha Dey, presently holding the post of Conservancy Safaiwala

Contd..P/4

*Modhumita Dey*

in the scale of Rs. 750-940/- is being considered to be promoted to this vacant post of Accounts Clerk from leaping two or three grades above her grade of Conservancy Safaiwala being the only scheduled caste employee now being available in the Administrative office.

9. That Smti Rebha Dey had not had the scheduled caste certificate at the time she was appointed as Conservancy Safaiwala at the same time when the applicant was also appointed as Store Keeper in 1985.

10. That Smt. Rebha Dey obtained the scheduled caste certificate after her joining the service.

11. That at the very time of Smti. Rebha Dey's appointment she was two/three grade below the applicant.

12. That at the level of Conservancy Safaiwala, the performance is not that regularly observed as in the case of the applicant inasmuch as that in the case of the former there is no system of Annual Confidential Reports as that is maintained in the latter case.

Contd..P/5

*Modhumita Dey*



6.13. That had Smti. Rebha Dey belonged to the next below cadre of Accounts Clerk i.e. the Store Keeper as the applicant is holding and a preference had to be extended her being a scheduled caste employee the position would have been different but to place some one two/three grades below over the head of the applicant in spite of her good service records only on the ground that the applicant is not a scheduled caste personnel while the other by dint of a certificate obtained later in course of her service do will have a shattering effect on the service career of the humble applicant.

6.14 That in the grade of Accounts Clerk altogether there are five posts of Accounts Clerk and out of that five posts four posts were filled up by scheduled tribe candidates and one post was filled up by general candidate and presently due to resignation of one Miss Relisia Pariot who was a scheduled case and the vacancy for filling up the post of Scheduled caste Accounts Clerk is notified vide notification dated 24.3.95 by the Administrative Commandant. Be it stated that if there are five posts, there cannot be a reservation of 4 posts out of 5 posts. The existing rules of reservation provided by the Central Government there is no scope for reservation of 4 posts

Contd..P/6

*Moohemila Dey*

out of 5 posts. Therefore the Hon'ble Tribunal be pleased to direct the Respondents to produce the relevant rules and roster points under which 4 posts can be reserved out of five posts before the Tribunal.

6.15 That the applicant begs to state that in spite of her best effort she could not obtain recruitment rules of Accounts Clerks, Store Keeper, Conservancy Safaiwala, which are very much relevant in the instant case for fair decision of the prayers made by the present applicant. Therefore the Hon'ble Tribunal be pleased to direct the Administrative Commandant to produce relevant Rules mentioned above.

6.16 That the applicant begs to state that if there is a single vacancy in a recruitment year that should be declared as unreserved vacancy moreover the vacancy fallen vacant due to resignation of Miss Pariot also should be declared as unreserved on the ground that 4 cannot be made reserved out of five posts of Accounts Clerk. So the present vacancy should be declared as unreserved and the applicant should be considered for promotion against the said vacancy.

Contd...P/7

*Modhumita Dey*

17. That the applicant begs to state that even if the existing vacancy of the Accounts Clerk is considered as reserved vacancy for scheduled caste in that case also the applicant should be considered for promotion as there is no S.C. candidate in the cadre of Store Keeper.

18. That the applicant came to know from a reliable source that one Miss Reba Dey, Conservancy Safaiwala who claims herself to be a scheduled caste candidate also submitted application in response to the advertisement/notification dated 24.3.95 against the post of Accounts Clerk and the same was accepted by the Administration and she is likely to be considered for the post of Accounts Clerk and the same was accepted by the Administration and she is likely to be considered for the post of Accounts Clerk of her being scheduled caste. Be it stated that there is no provision or scope as per the existing and relevant rule of recruitment for consideration of a Conservancy Safaiwala for the post of Accounts Clerk and if the Departmental promotion Committee consider the case of Miss Reba Dey who does not fall under the zone of eligibility, then the entire proceedings of the D.P.C. made in terms of notification/advertisement dated 24.3.95 for filling up the vacancy of accounts clerks is liable to be set aside and quashed. Therefore the Hon'ble Tribunal be pleased to direct the respondents to produce the proceedings of the D.P.C. for perusal of

*Modhumita Dey*

the Hon'ble Tribunal.

A copy of notification dated 24.3.95 is enclosed as Annexure-1.

19. That the applicant immediately after resignation of Miss Pariot submitted a representation dated 1.9.94 addressed to the Station Headquarter, Shillong whereby she preferred her claim for promotion to the post of Accounts Clerk against the existing vacancy occurred due to the resignation of Miss Pariot, and she also expressed her confusion and apprehension as regard filling up the said vacancy by a reserved candidate. However the Administrative Commandant vide letter dated 26.10.94 violated the rule of reservation quota by selecting a general candidate for the post of Accounts Clerk and the same mistake cannot be allowed to repeat. This decision communicated without consulting or referring the relevant rules of reservation and also without considering the claim of the present applicant who is well within the zone of eligibility. Therefore the letter dated 26.10.94 is liable to be set aside and quashed.

Copies of representation dated 1.9.96, 22.9.94 and 26.10.94 are enclosed as Annexures 2, 3 & 4.

Contd.....

*Madhavi G. Dey*

20. That the applicant again submitted representation dated 28.10.84 and 20.3.95 whereby the applicant brought to the notice of the Respondents the relevant circular as regard single-vacancy and factual position and also prayed for consideration of her case against the vacancy accrued due to the resignation of Miss Pariot but surprisingly the Administrative Commandant vide his letter dated 26.10.94 informed that the present post belong to S.C. quota. The decision of the Administrative Commandant is also arbitrary as such the same is liable to be set aside and quashed.

Copies of representation dated 28.10.94 and representation dated 20.3.95 are enclosed as Annexure 5 and 6.

21. That the applicant begs to state that the departmental promotion Committee/<sup>held</sup> on 15.4.95, therefore the present applicant apprehends that if Miss Reba Dey is considered for promotion to the post of Accounts Clerk who is even not within the eligibility zone it will cause irreparable loss to the applicant. Therefore the Hon'ble Tribunal be pleased to direct to the respondents not to publish the selection proceedings till finalisation of the application for the cause of justice and also not to implement the selection proceedings held on 15.4.95.

21(a) That the impugned order issued under letter No. D.O. Part II Order No. 05/CIV/95 dated 20.4.95 and under authority headquarter letter No. 04/CIV/95 dated 15.3.95

*Modhumita Dey*

which is not in conformity with the recruitment rules for promotion to the post of Accounts Clerk laid down in SR 128/80 is liable to be set aside and quashed. In this connection it may be stated that the respondent No. 4 was arbitrarily considered for promotion to the post of Accounts Clerk without considering the candidature of the applicant in total violation of the departmental rules and regulations. Hence the promotion order of respondent No. 4 is liable to be set aside and quashed and the applicant be considered for promotion to the post of Accounts Clerk from the date of promotion of respondent No. 4 with all consequential service benefits and ~~xxxxxx~~ monetary benefits.

A copy of the impugned promotion order dated 20.4.95 and 15.3.95 are annexed as Annexure 8 and 8(a) respectively.

22. That this application is made bonafide and for the cause of justice.

7. Reliefs sought for :

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

1. That the applicant be considered for promotion for the vacant post of Accounts Clerk.
2. That the vacant post of Accounts Clerk should be declared unreserved and fresh D.P.C. should be constituted for filling up the single vacancy of Accounts Clerk.

Contd....

*Madhuvrata Dey*

3. That the Hon'ble Tribunal be pleased to declare that the post of Accounts Clerk occurred in the year 1994 cannot be filled up from the grade of Conservancy Safaiwala (Group D).
4. That the advertisement/notification dated 24.3.95 (Annexure-I) and letter dated 26.10.94 (Annexure-3) be set aside and quashed.
5. That the impugned order issued under letter No. D.O. Part II Order No. 05/CIV/95 dated 20.4.95 and 15.3.95 be set aside and quashed.
6. That the respondents be directed to promote the applicant to the post of Accounts Clerk with effect from the date when respondent No. 4 was promoted with all consequential service benefits and monetary benefits.
7. To pass any other order or orders as deemed fit and proper under the facts and circumstances stated above.

GROUND FOR RELIEF ~~WITHESS~~ WITH LEGAL PROVISION

1. That in a single post vacancy the question of reservation does not arise.
2. That even if the post is denied as a reserved post for Scheduled Caste personnel, the prospective promotee must belong to the next below cadre and not two/three cadre below the post. which is proposed to be filled up by promotion.

Contd...

Modhumita Dey

3. That according to the service condition obtaining in Station H.Q. Clerical Establishment or Grade D posts down below the position/length of service required to rise in the ladder is known to as below :

Conservancy Safaiwala

x Promotion after 8 yrs. of service.

x

Sanitary Mate

x

x

Land Supervisor

x

x

Store Keeper

??  
Promoted after 8 yrs. service

x

x

x

Accounts Clerk Promoted after 8 years.

4. That according to the service conditions and the length of service required for stepping up from one post to next higher post, Smt. Reba Dey is nowhere in the range of such promotion.
5. That according to the O.M. No. 1/9/74-Estt(S.T.) dated 29.10.1985 from the Govt. of India in the Ministry of Pers. & A.R., it has been laid down that when a single post comes for filling

Contd....

*Modhumita Dey*



up in the initial recruitment year the same should be treated as 'Unreserved' -----.

6. In Smt. Chetana Dilip Motghare, petitioner -vs.- Shide Girls Education Society, Nagrem and Others vide AIR 1944 S.C. 1917 the Hon'ble Apex Court has laid down the law concerning filling up single post.

8. Interim reliefs prayed for

During the pendency of the application the applicant prays for the following interim reliefs :

1. That the respondents be directed not to act upon the selection proceedings held on 15.4.95 for filling up the post of Accounts Clerk without leave of this Hon'ble Court.
2. That the Hon'ble Tribunal be pleased to pass any other order/orders as deemed fit and proper.

The above reliefs is prayed on the grounds mentioned in paragraph 7 of this application.

9. The applicant declares that she has exhausted all the remedies, and now approached this Hon'ble Tribunal.

10. Particulars of Bank Draft/Postal Order.

I.P.O. No.	:
Issued from	: G.P.O., Guwahati
Payable at	: G.P.O., Guwahati

11. List of Enclosures

As per Index.

12. That the applicant declare that there is no other application is pending on the above subject in any other court.

Modhumita Dey

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

I, Smti. Madhumita Dey, daughter of late  
Sumesh Ch. Dey, aged 30 years, working as Store Keeper  
in the office of the Station H.Q., Shillong resident of  
Dudgeon Line, MES, Quarter, Shillong do hereby verify  
that the contents of paras 1 to 12 and rests are true  
to my personal knowledge and rests and are believed  
to be true on legal advice and I have not suppressed  
any material facts.

Date : 1-10-96.

Place : C. M. S. H. Q. -

Madhumita Dey  
SIGNATURE OF THE APPLICANT

Annexure- 1.

652/5/Est.

Station Mukhyalaya  
Station Headquarters,  
Shillong.

NOTICE BOARD.

24 Mar 95.

One vacancy of Account Clk. reserved for S.C. only is to be filled up by DPC. The test for the same will be held at this HQ. on 31.3.95 at noon. S.C. Candidates min. 3 yrs service and having educational qualification of Matric or equivalent be directed to report for the test on due date.

Sd/-

(S.K.Mehta)

Col.

Adm. Comdt.

*Attested  
Chen*

To

The Station Commander  
Station H.Q. Shillong.

Respected Sir,

With due respect I beg to lay the following facts as regards departmental promotion for your kind perusal and sympathetic consideration.

2. That Sir, it is an established norms of all Government and semi Government organisations that departmental promotions are effected to the higher ranks according to the seniority of the staffs, provided ACR is satisfactory.

3. That Sir, among the present Skt. cadre I am the seniormost incumbent for the next promotion. As a post of an Acct/Clk exists in the department, it is according to the seniority is legitimately due to me. I deserve performance for the post and I should be asked to comply with required formalities in support of my claim, of course if I fail, then only selection of candidates from other departments arises.

4. That Sir, when we were recruited to this establishment, it was from general quota and not from SC/ST quota. and now at the time of promotion it is not understood why a separate SC. certificate is asked for.

5. That Sir, if vacant post is to be filled in only by SC. candidates then those who were recruited in general quota are not entitled to apply for it.

6. Hope my prayer will receive your kind consideration and for which act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Sd/-Illigible.  
(Modhumita Dey)

Skt.

Stn. HQ. Shillong.

Dated- 01 Sep 94.

*Attny of  
Cmde  
Shillong*

Annexure - 3.

To  
The Station Commander,  
Station Headquarters,  
Shillong.

Respected Sir,

1. Further to my representation dated 01 Sep 94. I beg to lay the following few lines for your kind consideration and sympathetic action.
2. From the records it reveals that promotions are always effected from lower grade to upper grade on the basis of seniority.
3. As I am the ~~seniormost~~ seniormost in SKT cadre. I am entitled to get the promotion to Accounte Clerk as a vacancy of Accounts Clerk is arising in the department.
4. For your kind reference I want to mention here that in the year 1988 when a post of Account Clerk was vacated (reserved quota) a General candidate from SKT was promoted to that post on the basis of her seniority/DPC.
5. I appresiate that promotion is always department on the seniority and ACR and I am confused why the post of Accounts Clerks is going to fill up from reserved quota/ lower grade.
6. As CR is the basés of assessment of the work and conduct of the employee together with seniority for promotion my claim for promotion is lefitimate as I am SKT. since 1985 (10 years of service).
7. On the context, I shjall pray you kindly look into the matter so that justice is done to me and take necessary steps for consideration of my prayer.

Yours faithfully,

Dated : 22 Sep 94.

(Modhumita Day)

SKT

Station HQ. Shillong.

*Attended  
@ 11  
AM*

Annexure- 4.

Tele Mil : 3517.

Station Headquarters  
Shillong.

652/5/Est.

26 Oct. 94.

Miss Modhumita Dey,  
SKT,  
Station HQ. Shillong.

DEPARTMENTAL PROMOTION.

1. Ref your application dated 22 Sep 94.
2. Parawise comments of your application are given below :-
  - (a) Para 2,3,5,& 6 : The points have been explained to you personally by the undersigned on 15 Sep 94.
  - (b) Para 4 : Promotion to A/Clk. in 1988 was also ~~based on the reservation quota though DPC. for~~ based on the reservation quota though DPC. for reasons best known to them, violated the rule by selecting a candidate belonging to general cadre without following laid down rules for deservation of the post. Therefore office cannot be compelled to repeat the same mistake.
3. The above is for your info please.

Sd/- Illigible.

(S.K.Mehta)  
Col  
Adm Comdt.  
for Stn Cdr.

Attested  
Only  
Adm

Annexure - 5.

To  
The Administrative Commandant  
Station Headquarters,  
Shillong.

SUB: DEPARTMENTAL PROMOTION

Respected Sir,

1. Further to my representations dated 22 Sep 94 and your letter No. 652/5/Est dated 26 Oct. 94.
2. In this regard I would like to submit that as per clarification given in seniority and promotion book of Swamy's Compilation on page No.136 and para 5 of Copy of department of personnel & AR, Cabinet Secretariat New Delhi Office Memorandum No. 1/9/74-ESTT'SVT. dated 29 Apr. 75 that a single vacancy in ~~XXXXXXXXXX YEAR XXXXX~~ a particular year which falls on a reserved point in the ~~4~~ roster, it will be treated as unreserved.
3. Here again I would like to mention some rulings is based on decision given by the Supreme Court is as under for your ready reference :-

"Order contained in the Ministry of ~~Home~~ Home Affairs OM No. 1.11.69/Est (SCT) dated 28 Sep 70 are also quite clear. Note under Annexure to the ~~above OM accordingly to which a single vacancy in a year is to~~ to the above ON accordingly to which a single vacancy in a year is to be treated as unreserved is based on a decision given by the Supreme Court".

4. The above ruling is quite correct and I being the seniormost that I deserve the promotion and this is my legitimate claim.

*Attested  
Only  
DAN*

However.....

Annex. #5

5. However if your honour is not satisfied with the Govt. of India ruling regarding the single vacancy created will be filled by general candidate you may like to get the matter clarified by higher auth. Since all relating clarification on this particulars promotion are being sought from higher auth.

6. May also therefore, request you till my application for promotion is set aside the matter may please be kept pending for justice, as the above case has already been fwd. to higher auth without verify the above rule.

7. Thanking you.

Yours faithfully,

(Modhumita Dey).

Dated : 28 Oct 94.

SKT. Stn. HQ. Shillong.

*Attested  
by  
[Signature]  
[Signature]*



Annexure - 6.

From :- Modhumita Dey,  
Station Head quarters,  
Shillong

To : The General Officer Commanding  
H.Q. 101 Area  
C/O. 99 A.P.O.

(Through Proper Channel).

Respected Sir,

Most humbly and respectfully I beg to submit the following on the question of filling up the post of Account Clerk in the scale of Rs. 950-20-1150-EB-1500/- in the office of the Administrative Commandant, Station Head Quarters, Shillong for your kind consideration and favourable orders :-

That the clerical hierarchy in the establishment upto the rank of Accounts clerk is as hereunder :-

- (i) Accounts Clerk - Rs. 950-20-1150-EB-1500/-
- (ii) Store Clerk - Rs. 825 -15-900-EB-20-1200/-
- (iii) Conservancy  
Safaiwalla. - Rs. 725.

2. That I was appointed as Store Clerk and I joined the Service on 25.05.1985 and have been continuously in service since then.

3. That I have been serving with all sincerity and devotion, to the best of my ability and to the entire satisfaction of my superiors.

*Attested  
Only  
Dey*

-21-

42

Annexure-6

4. That the post of Accounts Clerk as aforesaid was being held by Smt. Kanita Sharma and fell vacant on 1987 due to resignation of Mrs. Fedalin Hyrwe and since then remained vacant to be filled up.
5. That I am the senior most Store Keeper and in the normal course I would have been promoted to the post of Accounts Clerk as higherto done but for the question of Accounts Clerk being a Reserved post for Scheduled Caste/Scheduled Tribe departmental candidated.
6. That in consideration of the Question of reservation of the post for Scheduled Caste/Scheduled Tribe the post is being left vacant for now about a year and as far as I could know that a proposal to fill up the post of the aforesaid vacant post of Accounts Clerk by Smt. Reba Dey, a schedule caste conservancy safaiwala was being considered.
7. That in view of the post being left vacant for such a long time and having learnt that the main stumbling block against filling up of the post by your petitioner in spite of her most devoted and sincere service was the question of reserved quota post, the petitioner made some representation to the Administrative Commandant Station Headquarters, Shillong.
8. That the Station Head Quarters Shillong vide letter No. 652/5/Estt. dt. 26.10.94 furnished certain

Contd'...

Attested  
Chhlu  
Dor

clarification the main point there in para 2 (b) is reproduced below :

" (b) Para 4 : Promotion to Accounts Clerk in 1988 was also based on the reservation quota ~~through~~ through DPC. for reasons best known to them, violated the rule by selecting a candidate belonging to general cadre without following laid down rules for dereservation of the post. Therefore repeat office cannot be compelled to ~~repeat~~ the same mistake% (Copy enclosed as Annexure-1).

9. That in view of the position stated in station Headquarters letter quoted vide foregoing paragraph the main issues to be resolved could be short listed as below :

(i) What is the scope and limitation etc. of Reserved quota post as aforesaid ? and

(ii) Whether it would be fair and reasonable and justified to promote Smti. Reba Dey Conservancy Safaiwala by granting her frog leap promotion jumping over the immediate higher cadre post of the Store Keeper?

Both these issues were discussed at length in my representation dt. 10.11.94 (Copy enclosed for ready reference as Annexure-II).

10. That the General principle of promotion is already laid down by the Apex Govt. ambiguous term. In Balkishan Vs. Delhi Administration <sup>AIR</sup> 1990 S.C. 100 the

Attended  
Order  
Sd/-

Annexure-6

Apex Govt. opened "In service there could only one norm for confirmation or promotion belonging to the same cadre. No junior shall be confirmed or promoted without considering the case of his senior. Any deviation from this principle will have demoralising effect in service apart from being contrary to Article 16(i) of the Constitution."

11. That the Special provision in any rules and regulations though sidelines the General provisions on that respect for which the same is made but it is only to the extent the same is made no more no less. And the special provision for reservation for Scheduled Caste/ Scheduled Tribes in the matter of promotion could not be an exception. In other words this has to be strictly enforced as well as restricted both in contents and dimension. From that point of view I beg to differ from the interpretation contained in para 2 (b) of the letter No. 652/5/Estt. dated 26.10.94 inasmuch as the Govt. of India in per and AR Office Memorandum No. 1/9/74-Estt (S.T.) dated 29.04.1985 specifically laid down that when a single post comes for filling up in the initial recruitment year the same should be treated as "unreserved" and filled up accordingly and the reservation name forward to subsequent there recruitment years from the initial recruitment year, the reservation will lapse. It would in other words

*Attested  
Chhaya  
Dh*

Contd.....

men a cycle of 4 years of which the first year is unreserved followed by reservation for three years and the repetition three of as if in a cycle. In review petition disposed of only recently vide AIR 1994 SC 1917 the Hon'ble Supreme Court has re-affirmed the view as stated in the line of Govt. of circular as above, though on a different context but on the same principle as discussed bid. (Copy enclosed as Annexure-III).

12. That be it mentioned that the post of Accounts Clerk filling vacant is a single post and it occurred in 1980 while Smti. Kabita Sharma (Nee Das) was promoted and there had been no violation of rules by the D.P.C. then nor will there be a violation of rules and principles as laid down if the first promotion after this long gap of 8 years was filled up by a person from general list, provided he/she was otherwise eligible and deserving.

13. That I have nothing personally against Smti. Reba Dey and I wish her all prospect, the fact remains that she is one cadre below my position and her frog leap promotion over me to the post of Accounts Clerk is bound so affect me grievously and will be a violation of the principle of natural justice and therefore unfair, unreasonable and unjustified. On the contrary on my promotion as Accounts Clerk she would not be deprived as she could move from the post of Conservancy Safaiwala to the post of Store Keeper on promotion.

*AH est of  
Chen  
P.V.*

-26-  
-25-

Annexure-6 (Contd.)

In the circumstances the two issues listed in paragraph 9 bid being answered in my favour, I fervently hope that the issues ~~will~~ will receive your benign consideration and favourable orders towards my promotion in the post Accounts Clerk issued at your earliest convenience.

And in the meantime during the pendency of consideration of this petition issuance of any, orders of promotion of Smti. Reba Dey to the Accounts Clerk is stayed.

I Remain Sir,

Yours faithfully,

Dated 20.3.95.

(Miss Madhumit Dey)

AHestup  
Chlu  
AV

REGISTERED

DO PART -II ORDER CIV STAFF  
STATION HEADQUARTERS : SHILLONG

PRESENT DO PART II ORDER NO : 05/Civ/95 Dated :20.4.95  
 LAST DO PART II ORDER NO : 04/Civ/95 Dated :15.3.95

PROMOTION

1. Miss Reba Dey - Promoted to Account Clerk  
 wef 15 Apr 95 and 10% of the  
 same date at Account Clerk.

Scale of pay Rs. 950-20-EB-25-1500.

Authority : HQ 101 Area letter No. 10711/18/GE  
 (SD) dated 13 Mar 95 and DPC dated  
 15 Apr 95.

Sd/-  
 (S.K.MEHTA)  
 Col  
 Adm Comdt  
 for Stn Cdr

Distribution :

1. Area Accounts Office, Shillong
2. LAO (A) Shillong
3. HQ 101 Area (GE/SD) Branch

*Attested  
 Chhla  
 Doh*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.

O.A. No. 88 of 1995

Smti. Madhumita Dey

- Versus -

Union of India & Ors.

List of Dates.

<u>Sl. No.</u>	<u>Dates</u>	<u>Particulars</u>	<u>Para</u>	<u>Page</u>
1.	25.5.85	The applicant was appointed as a Store Keeper in the Station Headquarter, Shillong.	6.1.	2
2.	1994	A post of Accounts Clerk was vacant under the formation Headquarter in May 1994. The applicant is the seniormost storekeeper. The applicant is one grade below the post of Accounts Clerk.	6.4 6.5 6.6	3
3.		Smt. Rebha Dey Respondent No.4 who was holding the post of Conservancy Safaiwala was promoted to the post of Accounts Clerk from two/three grades below .	6.8 6.9 6.10 6.11	4

Contd.....2



Sl. No. Dates Particulars Para Page

Respondent No. 4 did not have the Scheduled Caste certificate at the time of the initial appointment and she obtained that certificate after her joining, but has been considered as Scheduled Caste

4. There are five posts of Accounts Clerk and out of those 4 posts were filled up by Scheduled Tribes and one post was filled up by General Candidate. 6.14 5

5. 1.9.94  
26.10.94 Applicant submitted a representation preferring her claim for promotion to the post of Accounts Clerk which had fallen vacant due to the resignation of misperiod. 6.19 8

However the administrative commandent informed that the present post belong to Scheduled Caste quota.

Annexure - 2,3 & 4.

Contd....3

<u>Sl.No.</u>	<u>Dates</u>	<u>Particulars</u>	<u>Pa</u>
6.	24.3.95	Notification was made against the post of Accounts Clerk and respondent No.4 submitted an application in response thereof the same being accepted by the administration it is likely that the same <sup>would</sup> <del>will</del> be considered.	6.

Annexure - I

7.	<u>28.10.94</u> <u>20.3.95</u>	Applicant again submitted a representation bringing the relevant circular as regard single vacancy and factual position to the notice of the respondent.	6.
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Annexure - 5 & 6.

8.	15.4.95	Departmental promotion Committee was held and respondent No.4 was likely to be considered for promotion to the post of Accounts Clerk ignoring the claim of the applicant although she does not fulfil the illegibility Criteria.	
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<u>Dates</u>	<u>Particulars</u>	<u>Para</u>	<u>Page</u>
15.3.95 20.4.95	The promotion order of respondent No.4 was issued purportedly in pursuance to the order dated 15.3.95.	6.21A	10

Annexure - 8 & 8 A.

Submission

The applicant submits that the promotion of the respondent No.4 to the post of Accounts Clerk is ~~Ex-facie~~ illegal in as much as the promotion of the respondent No.4 was made illegally & arbitrarily without following the required procedure/provisions of law . It is also submitted that the respondent No.4 does not fulfil the ~~Eligibility~~ criteria.

However she was promoted illegally ignoring and without considering the bonafide claim of the applicant .

Thus it is submitted that the promotion orders of respondent No. 4 so made are liable to be set aside and quashed.

Background of the Case

There are 5 post of Accounts Clerk duly filled up by the following :-

- 1988
- (a) Shri. Bibhuti Narayan Singh (General)
  - (b) Smt. Demogratia Marwein ( ST)
  - (c) Smt. Alasha Thangkhiew (ST)
  - (d) Miss. Felicia Pariat (ST)
  - (e) Smt. Kabita Sharma (General )

Subsequently ser 1 (d) above Miss. Felicia Pariat (ST) has resigned wef 10 Aug 94 and thus created a vacancy of one Accounts clerk.

Based on the 100 point Reservation Roster (Regional Basis) 1% SC, 44% ST :-

Out of 5 Post

- (a) SC 1% = 1 post
- (b) ST 44% = 2 posts  
(5x44% = 2.2)
- (c) General = 2 posts.

The post No 4 reserved for SC has been carried forward. Since the post No 4 vacated by the reserved candidate (ST), the department has decided with the permission from higher authority vide HQ 101 Area letter No 10711/18/GS(SD) dated 05 Apr 95 to fill-up the existing vacancy by the carry forward SC quota. Hence the same has been filled up by SC Candidate through Departmental examination from Group 'D' employees who fulfilled the requirements such as education, qualification, age and Service criteria as laid down in the Recruitment Rules (SRO -128/80 and 121/89 ) i.e :-

80 % by transfer - of persons working in similar, analogous or higher posts in lower Formation of defence services.

10 % by promotion - On seniority-cum-fitness basis from Group 'D' employees borne on regular establishment, subject to the following conditions :-

....2/-

- (a) Selection shall be made through Departmental examination confined to such Group 'D' employees who fulfill requirements of minimum educational qualifications namely, matriculation or equivalent.
- (b) The maximum age for this examination shall be 45 years (50 years for SC and ST candidates).
- (c) At least 5 years service in Group 'D' post is essential.


10 % for Ex-servicemen - by transfer on deputation/  
re-employment.

Hence the department in this case has adopted 10% by promotion since only one reserved post is existing and the eligible SC candidate is available in the Department itself.

Thereafter, 5 posts of Accounts Clerk are as under :-

- (a) ST - 2 (Smt. DW Marwein & Smt. A Thangkhiew)
- (b) General - 2 ( Shri. BN Singh & Smt. K Sharma )
- (c) SC - 1 (Miss. Reba Dey )



  
( R D Dhiman )  
Colonel  
Administrative Commandant  
for Station Commander  
Shillong

AKHIL BHARAT ANUSUCHIT JATI PARISHAD  
ALL INDIA ORGANISATION OF SCHEDULED CASTES

Meghalaya Branch, Shillong.

Regd. No S/11181 of 1980 & Recognised by the Ministry of Home Affairs, Govt. of India  
Income Tax Exemption U/s 80-G & 35 CCA of Income Tax Act, 1961

Ref: No: ABAJP/MEGH/

Date 9.12.97

To,

The Hon'ble  
Mr. Justice, D.N.Baruah,  
Vice-Chariman.  
Central Administrative Tribunal,  
Guwahati Bench  
Rajgarh Road, Bhangagarh,  
Guwahati -5 ASSAM

Respected my Lord,

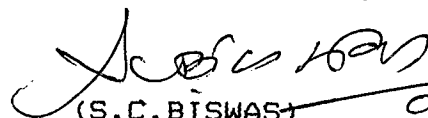
Your Lordship must excuse me for killing your valuable time by this letter.

It is regarding a Case pending in Tribunal, OA NO. 83/95. The case relates to promotion of Smti Reba Dey to L.D.C. (working in O/o the Station Head Quarters, Shillong) from safaiwala. She was promoted on the ground that she belongs to scheduled caste. As people know she is not scheduled caste at all and by fraud she managed to obtain a scheduled caste certificate and got her promotion.

This case along with other was raised in the floor of Meghalaya Legislative Assembly during March '97 and the matter is under investigation. (The relevant document is enclosed).

It is prayed to your Lordship kindly to look into the matter.

Yours faithfully

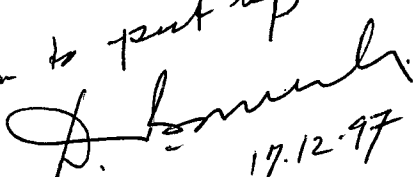
  
(S.C. BISWAS)  
General Secretary

9.12.97

All India Organisation of Scheduled Castes,  
Meghalaya Branch, Shillong.

Address:

S.C. Biswas,  
Madhab Kunja,  
Bhagyakul, Laitumkhrach,  
Shillong -793003  
Meghalaya

Register to put up  
  
17.12.97

C.O.  
Pl. for 77 immediately  
17/12/97

**Issue of Scheduled Caste Certificate**

**Shri S. NONGRUM**

**Shri O. N. SHYRMANG**

**Shri P. G. MARBANIANG**

(Minister in-charge, Social Welfare)

✓ 51. Will the Minister in-charge, Political be pleased to state :-

(a) Whether it is a fact that a large number of Scheduled Caste Certificates have been issued to Non-Scheduled Castes persons by the Deputy Commissioners, Shillong, Tura and Williamnagar ?

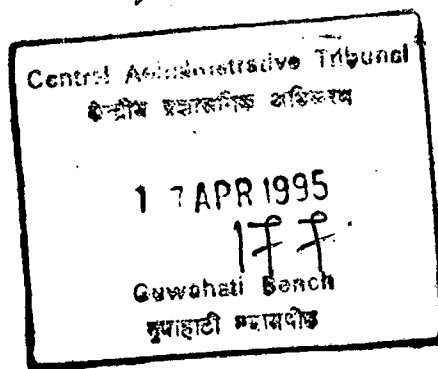
(a) Sir, no such information has been received. Whenever any complaint of irregular issue of such Certificates is received the matter is re-verified and suitable action taken.

(b) All India Organisation of Scheduled Castes, Meghalaya Branch, Shillong, met our Chief Minister on 16-8-96 and requested him to pass necessary orders so that all the applications for Scheduled Castes certificates are strictly verified through the Organisation, so that issue of Scheduled Castes certificate to Non Scheduled Caste persons in the State is stopped . What decision has been taken by the Government in that respect ?

(b) The request of the All India Organisation of Scheduled Castes had been examined. It was felt that since the Organisation only has a branch at the State Level in Shillong, there would be delays if the verification of applications are done through them, as applications from all over the State would be coming to them and they may not have the means or the man-power to verify the genuineness of applications from all over the State. In case, they could open their branches in all Districts, the Government could review the procedure. This was communicated to the All India Organisation of Scheduled Castes by a letter dt. 29-8-96.

✓ (c) The steps taken to cancel the Scheduled Caste certificates issued to person who are allegedly Non Scheduled Castes ?

✓ (c) There is no reason to cancel the Scheduled Castes Certificates, which are only alleged to have been issued to Non-Scheduled Castes persons. The Government has issued instructions to all Deputy Commissioners to re-verify the Castes of persons to whom such certificates have been issued. The certificates of all those persons will be cancelled, who on re-verification are found to belong to Castes other than Scheduled Castes.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
GUWAHATI.

O. A. No. 83 /95.

Smti. Madhumita Dey. .... Applicant.  
-versus-  
Union of India & others. .... Respondents.

I N D E X.

<u>SlNo.</u>	<u>Annexure.</u>	<u>Particulars.</u>	<u>Page.</u>
1.	1	Notification dated 24.3.95.	- 14.
2.	2	Representation dated 1.9.94.	- 15.
3.	3	Representation dated 22.9.94.	- 16.
4.	4	Letter dated 26.10.94, issued by Respondent No.3.	17.
5.	5	Representation dated 28.10.94.	- 18.
6.	6	Representation dt. 20.3.95.	19-24.
7.	7	Letter dated ____ issued by Respondent No.3.	25.
8.		Written statement / Show cause has been filed on behalf of the respondents	=25-40

While  
rev.

Recd. copy.  
AK Chandra  
Addl. Cg SC  
17/4/95



1. Particulars of the applicant.

Smti. Madhumita Dey,  
daughter of late Sumesh Ch. Dey,  
resident of Dudgron Line, M. E. S. Quarter,  
employed as Store Keeper, in the  
office of the Station H. Q., Shillong.

2. Particulars of the Respondents.

1. The Union of India,  
represented by the Secretary  
to the Govt. of India,  
Ministry of Defence.
2. The Head Quarters 101 Area.
3. The Administrative Commandant,  
Station H. Q., Shillong.
4. Smti. ~~Beba Dey~~, Rabha Dey.  
C/O. Station H. Q. Shillong.

3. Particulars of the Order against which  
the application is made.

1. Letter No. 65 2/5/Est. Dt. 26.10.94.

----- Annexure - 4.

2. Notification No. 65 2/5/Est. dt. 24.3.95.

----- Annexure - 1.

3. Letter No.

cc.

-----Annexure - 7.

4. Jurisdiction of the Tribunal.

The applicant declares that the subject-matter of the order against which she wants redressal is within the jurisdiction of the Tribunal.

5. Limitation.

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

6. Facts of the case.

1. That the applicant was appointed as a store keeper in the Station Head Quarters, Shillong from 25.05.1985 and presently in the scale of Rs. 825-15-90-EB-20-1200/-.

2. That the clerical hierarchy in the Estt. including the Group D post in their line are as below :-

- (a) Accounts Clerk - Rs. 950-20-1150-EB-25-1400 Group C.
- (b) Store Keeper. - Rs. 825-15-900-EB-20-1200 -do-
- (c) Land Supervisor.- Rs. 800-15-1010-EB-20-1150. -do-
- (d) Sanitary Mate. - Rs. 775-12-955-EB-14-1025 Group-D.
- (e) Conservancy  
Safaiwalla. - Rs. 750-12-870-EB-14-940 -do-

3. That the applicant has been working with all sincerity and devotion and to the entire satisfaction of her superiors.

4. That a single vacancy in the post of Accounts Clerk had occurred in May 1994 due to resignation of Smt. Felicia Pariat, a local Scheduled Tribe Personnel.
5. That the applicant is the seniormost Storekeeper, amongst the three Storekeepers now being employed in the Establishment.
6. That the applicant is the next below the cadre of the Accounts Clerk and normally in view of senior position and records of service of applicant should have been promoted to the vacant post of Accounts Clerk aforementioned.
7. That finding that any selection and posting in the post of Accounts Clerk was not being done for a long time the applicant enquired into the matter and came to know that the Administration having considered that there is no Scheduled Caste Personnel holding any of the posts from the channel of promotion so that the post of Accounts Clerk can't be filled up. However the single vacancy now arising vice Smt. Felicia Pariat due to resignation treated as a reserved post for Scheduled Caste candidates.
8. That the applicant further learnt that Smt. Reba Dey, presently holding the post of Conservancy Safaiwala

..... in the

in the scale of Rs. 750-940/- is being considered to be promoted to this vacant post of Accounts Clerk frog leaping two or three grades above her grade of Conservancy Safaiwala being the only Scheduled caste employee now being available in the Administrative Office.

9. That Smti. Reba Dey had not had the Scheduled Caste Certificate at the time she was appointed as Conservancy Safaiwala at the same time <sup>when</sup> as the applicant was appointed as Store Keeper <sup>in</sup> 1985.

10. That Smt. Reba Dey obtained the Schedule Caste Certificate after her joining the service.

11. That at the very time of Smti. Reba Dey's appointment she was two/three <sup>grade</sup> ~~scale~~ below the applicant. <sub>Q2</sub>

12. That at the level of Conservancy Safaiwala, the performance is not that regularly observed as in the case of the applicant inasmuch as that in the case of the former there is no system of Annual Confidential Report as that is maintained in the latter case.

13.....

13. That had Smti. Reba Dey belonged to the next below cadre of Accounts Clerk i.e. the Store Keeper as the applicant is holding and a preference had to be extended her being a scheduled caste employee the position would have been different but to place some one two/three scale below over the head of the applicant in spite of her good service records only on the Ground that the applicant is not a schedule caste personnel while the other by dint of a certificate obtained later in course of her do will have a shattering effect on the service career of the humble applicant.

14. That in the grade of Accounts Clerk altogether there are five posts of Accounts Clerk and out of that five posts 4 posts were filled up <sup>by schedule Tribe</sup> and one post was filled up by general candidate and presently due to resignation of Miss Felisia Pariot who was a schedule Tribe, a post is now <sup>fell</sup> vacant from June 1994 and that post of Scheduled Tribe is now declared as scheduled caste and the vacancy for filling <sup>up</sup> the post of scheduled caste Account Clerk is notified vide notification dated 24.3.95 by the Administrative Commandant. Be it stated that if there are five posts, there cannot be a reservation of 4 posts out of 5 posts. The existing rules of reservation provided by the Central Govt.

there is .....

3 ST  
1 SC  
1 Gen

there is no scope for reservation of 4 posts out of 5 posts. Therefore the Hon'ble Court be pleased to direct the Respondents to produce the relevant rules and master points under which 4 posts can be reserved out of five posts.

15. That the applicant begs to state that in spite of her best effort she could not obtain recruitment rules of Accounts Clerk, Store Keeper, Conservancy Safaiwala, which are very much relevant in the instant case for fair decision of the prayers made by the present applicant. Therefore the Hon'ble Tribunal be pleased to direct the Administrative Commandant to produce relevant Rules mentioned above.

16. That the applicant begs to state that if there is a single vacancy in a recruitment year that should be declared as unreserved vacancy moreover the vacancy fallen vacant due to resignation of Miss Pariot also should be declared as unreserved on the ground that 4 cannot be made reserved out of five posts of accounts clerk. So the present vacancy should be declared as unreserved and the applicant should be considered for promotion against the said vacancy.

17.....

17. That the applicant begs to state that even if the existing vacancy of the accounts clerk is considered as reserved vacancy for scheduled caste in that case also the applicant should be considered for promotion as there is no S.C. candidate in the cadre of store keeper.

18. That the applicant came to know from a reliable source that one Miss. Reba Dey Conservancy Safaiwala who claims herself to be a scheduled caste candidate also submitted application in response to the advertisement notification dated 24.3.95 against the post of Accounts Clerk and the same was accepted by the Administration and she is likely to be considered for the post of accounts clerk of her being scheduled caste. Be it stated there is no provision or scope as per the existing and relevant rule of recruitment for consideration of a Conservancy Safaiwala for the post of Accounts Clerk and if the Departmental promotion Committee consider the case of Miss Reba Dey who does not fall under the zone of eligibility, then the entire proceedings of the D.P.C. made in terms of notification/advertisement dated 24.3.95 for filling up the vacancy of accounts clerks is liable to be set aside and quashed. Therefore the Hon'ble Tribunal be pleased to direct the Respondents to produce the proceedings of the D.P.C. for perusal of the Hon'ble Tribunal.

A copy.....

A copy of notification dated 24.3.95 is annexed as Annexure - 1.

19. That the applicant immediately after resignation of Miss. Pariot submitted a representation dated 1.9.94 addressed to the Station Head Quarter, Shillong whereby she preferred her claim for promotion to the post of Accounts Clerk against the existing occurred due to the resignation of Miss. Pariot, and she also expressed her confusion and apprehension as regard filling up the said vacancy by by a reserved candidate. However the Administrative Commandant vide her letter dated 26.10.94 informed the applicant that in the year 1988 D.P.C. violated the rule of reservation quota by selecting a general candidate for the post of Accounts Clerk and the same mistake cannot be allowed to repeat. This decision communicated without consulting or referring the relevant rules of reservation and also without considering the claim of the present applicant who is well within the zone of eligibility. Therefore the letter dated 26.10.94 is liable to be set aside and quashed.

Copies of representation dated 1.9.94, 22.9.94 and <sup>letter dt.</sup> 16.10.94 are enclosed as Annexures - 2, 3, & 4.



20. That the applicant again submitted Representation dated 28.10.94 and 20.3.95 whereby the applicant brought to the notice of the Respondents the relevant circular as regard single vacancy and factual position and also prayed for consideration of her case against the vacancy accrued to the resignation of Miss Pariot but surprisingly the Administrative Commandant vide his letter dated 20.10.94, That the present post belong to S.C. quota. This decision of the Administrative commandant is also arbitrary as such the same is liable to be set aside and quashed.

Copies of representation dated 28.10.94 and Representation dated 20.3.95 and Administrative Commandant reply letter dated are enclosed as Annexure - 5, 6 & 7.

①  
Ad.

21. That the applicant begs to state that the departmental promotion Committee scheduled to be held on 11.4.95. Therefore the present applicant apprehends that if Miss. Reba Dey is considered for promotion to the post of Accounts Clerk who is even not within the eligibility zone it will cause irreparable loss to the applicant. Therefore the Hon'ble Tribunal be pleased to direct to the Respondents not to publish the selection proceedings till finalisation of this application for the cause of justice and also not to act upon the selection proceedings held on 15.4.95.

②  
Ad.

22.....

22. That this application is made bonafide and for the cause of justice.

7. Reliefs sought for

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

1. That the applicant be considered for promotion for the vacant post of Accounts Clerk.
2. That the vacant post of Accounts Clerk should be declared unreserved and fresh D.P.C. should be constituted for filling up the single vacancy of Accounts Clerk.
3. That the Hon'ble Tribunal be pleased to declare that the post of Accounts Clerk occurred in the year 1994 cannot be filled up from the grade of Conservancy Safaiwally (Group D).
4. That the advertisement/notification dated 24.3.95 (Annexure-I) and letter dated 26.10.94 (Annexure-3) be set aside and quashed.

GROUND FOR RELIEF WITH LEGAL PROVISION.

1. That in a single post vacancy the question of reservation does not arise.
2. That even if the post is denied as a reserved post for Scheduled Caste personnel, the prospective promotee must belong to the next below cadre and not two/three cadre below the post which is proposed to be filled up by promotion.
3. That according to the service condition obtaining in Station H.Q. Clerical Establishment or Grade D posts down below the position/length of service required to rise in the ladder is known to as below :

~~Conservancy Safaiwally~~

Conservancy Safaiwala

X Promotion after 8 yrs. service.

X

Sanitary Mate

X

X

Land Supervisor,  
Storekeeper

Wm  
A.V.

X

X

Store Keeper,  
Land Supervisor

Wm  
W.V.

Promoted after 8 yrs. service

X

X

X

Accounts Clerk

Promoted after 8 years.

4. That according to the service condition and the length of service required for stepping up from one post to the next higher post, Smt. Reba Dey is nowhere in the range of such promotion.
5. That according to the O.M./No. 1/9/74-Estt(S.T.) dated 29.10.1985 from the Govt. of India in the Ministry of Pers. & A.R., it has been laid down that when a single post comes for filling up in the initial recruitment year the same should be treated as 'Unreserved' ---.
6. In Smt. Chetana Dilip Motghare, petitioner -vs- Shide Girls Education Society, Nagrem and Others vide AIR 1944 S.C. 1917 the Hon'ble Apex Court has laid down the law concerning filling up single post.

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8. Interim reliefs prayed for

During the pendency of the application the applicant prays for the following interim reliefs :

1. That the ~~respondents~~ respondents be directed not to act upon the selection proceedings held on 15.4.95 for filling up the post of Accounts Clerk without leave of this Hon'ble Court.
2. That the Hon'ble Tribunal be pleased to pass any other order/orders as deemed fit and proper.
3. The above relief is prayed on the grounds mentioned in para 7 of this application.
9. The applicant declares that she has exhausted all the remedies, and now approached this Hon'ble Tribunal.
10. Particulars of Bank Draft/Postal Order

I.P.O. No.	:	
Issued from	:	G.P.O., Guwahati
Payable at	:	G.P.O., Guwahati
11. List of Enclosures

As per Index.
12. That the applicant declare that there is no other application is ~~pending~~ pending on the above subject in any other court.

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

I, Smti. Madhumita Dey, daughter of late Sumesh Ch. Dey, aged 30 years, working as Store Keeper in the office of the Station H. Q. , Shillong, resident of Dudgeon Line, MES, Quarter, Shillong, do hereby verify that the contents of paras 1 to 12 and ~~not~~ are true to my personal knowledge and paras \_\_\_\_\_ and \_\_\_\_\_ are believed to be true on legal advice and I have not suppressed any material facts.

*Madhumita Dey*

Date - 16.4.95.

Signature of the applicant.

Place - Guwahati.

Annexure - 2.

To

The Station Commander  
Station H. Q. Shillong.

Respected Sir,

With due respect I beg to lay the following facts as regards departmental promotion for your kind perusal and sympathetic consideration.

2. That Sir, it is an established norms of all government and semi government organisations that departmental promotions are effected to the higher ranks according to the seniority of the staffs, provided ACR is satisfactory.
3. That Sir, among the present Skt. cadre I am the seniormost incumbent for the next promotion. As a post of an Acct/Clk exists in the department, it is according to the seniority is legitimately due to me. I deserve preference for the post and I should be asked to comply with required formalities in support of my claim, of course if I fail, then only selection of candidates from other departments arises.
4. That Sir, when we were recruited to this establishment, it was from general quota and not from SC/ST quota. And now at the time of promotion it is not understood why a separate SC. certificate is asked for.
5. That Sir, if vacant post is to be filled in only by SC. candidates then those who were recruited in general quota are not entitled to apply for it.
6. Hope my prayer will receive your kind consideration and for which act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Sd/- Illegible.

(Modhumita Dey)

Skt.

Stn. HQ. Shillong.

Dated - 01 Sep 94.

*Accepted  
@ Under  
for.*

Annexure - 3.

To  
The Station Commander,  
Station Headquarters,  
Shillong.

Respected Sir,

1. Further to my representation dated 01 Sep 94, I beg to lay the following few lines for your kind consideration and sympathetic action.
2. From the records it reveals that promotions are always effected from lower grade to upper grade on the basis of seniority.
3. As I am the seniormost in SKT cadre. I am entitled to get the promotion to Accounts Clerk as a vacancy of Accounts Clerk is arising in the department.
4. For your kind reference I want to mention here that in the year 1988 when a post of Account Clerk was vacated (reserved quota) a ~~General~~ General candidate from SKT was promoted to that post on the basis of her seniority/DPC.
5. I appresiate that promotion is always dependent on the seniority and ACR and I am confused why the post of Accounts Clerks is going to fill up from reserved quota/ lower grade.
6. As CR is the basis of assessment of the work and conduct of the employee together with seniority for promotion my claim for promotion is legitimate as I am SKT. since 1985 (10 years of service).
7. On the context, I shall pray you kindly look into the matter so that justice is done to me and take necessary steps for consideration of my prayer.

Yours faithfully,

✓  
Dated : 22 Sep 94.

(Modhumita Dey)  
SKT  
Station HQ. Shillong.

\_\_\_\_\_

*Accepted  
@ Shillong  
Adv.*

Annexure - 4.

Tele Mil : 3517.

Station Headquarters  
Shillong.

622/5/Est.

26 Oct. 94.

Miss Modhumita Dey,  
SKT,  
Station Hq. Shillong.

DEPARTMENTAL PROMOTION.

1. Ref your application dated 22 Sep 94.
2. Parawise comments of your application are given below:-
  - (a) Para 2, 3, 5 & 6 : The points have been explained to you personally by the undersigned on 15 Sep 94.
  - (b) Para 4 : Promotion to A/Clk. in 1988 was also based on the reservation quota though DPC. for reasons best known to them, violated the rule by selecting a candidate belonging to general cadre without following laid down rules for desertation of the post. Therefore office cannot be compelled to repeat the same mistake.
3. The above is for your info please.

Sd/- Illegible.  
(SK Mehta)  
Col  
Adm Comdt.  
for Stn Cdr.

*Attested  
Chhula  
Adm.*



Annexure - 5.

To  
The Administrative Commandant  
Station Headquarters,  
Shillong.

SUB: DEPARTMENTAL PROMOTION.

Respected Sir,

1. Further to my representation dated 22 Sep 94 and your letter No. 652/5/Est dated 26 Oct.94.

2. In this regard I would like to submit that as per clarification given in Seniority and Promotion book of Swamy's Compilation on page No.136 and para 5 of Copy of Department of Personnel & AR, Cabinet Secretariat New Delhi Office Memorandum No.1/9/74-ESTT'SVT) dated ~~29~~ 29 Apr 75 that a single vacancy in a particular year which falls on a reserved point in the roster, it will be treated as unreserved.

3. Here again I would like to mention some rulings is based on a decision given by the Supreme Court is as under for your ready reference :-

" Order contained in the Ministry of Home Affairs OM No.1.11.69/Est(SCT) dated 28 Sep 70 are also quite clear. Note under Annexure to the above OM accordingly to which a single vacancy in a year is to be treated as unreserved is based on a decision given by the Supreme Court".

4. The above ruling is quite correct and I being the seniormost that I deserve the promotion and this is my legitimate claim.

5. However if your honour is not satisfied with the Govt. of India ruling regarding the single vacancy created will be filled by general candidate you may like to get the matter clarified by higher auth. Since all relating clarification on this particulars promotion are being sought from higher auth.

6. May I also therefore, request you till my application for promotion is set aside the matter may please be kept pending for justice, as the above case has already been fwd. to higher auth without verify the above rule.

7. Thanking you.

Yours faithfully,

Dated : 28 Oct 94.

(Mochumita Dey).  
SKT. Stn. HQ. Shillong.

*Accepted  
@ under  
adv.*

annexure - 6.

From :- Mothumita Dey,  
Station Head Quarters,  
Shillong.

To : The General Officer Commanding  
H. Q. 101 Area  
C/O. 99 A. P. O.

(Through Proper Channel).

Respected Sir,

Most humbly and respectfully I beg to submit the following on the question of filling up the post of Account Clerk in the scale of Rs. 950-20-1150-EB-1500/- in the office of the Administrative Commandant, Station Head Quarters, Shillong for your kind consideration and favourable orders :-

That the clerical hierarchy in the establishment upto the rank of Accounts clerk is as hereunder :-

- (i) Accounts Clerk - Rs. 950-2 $\frac{1}{2}$ -1150-EB-1500/-
- (ii) Store Clerk - Rs. 825-15-900-EB-20-1200/-
- (iii) Conservancy  
Safaiwalla. - Rs. 725.

2. That I was appointed as Store Clerk and I joined the Service on 25.05.1985 and have been continuously in service since then.

3. That I have been serving with all sincerity and devotion, to the best of my ability and to the entire satisfaction of my superiors.

4.....

✓  
Attended  
@ 10/11/85  
Adv.

Annx. 6.

4. That the post of Accounts Clerk as aforesaid was being held by Smt. Kabita Sharma and fell vacant on 1987 due to resignation of ~~Mrs~~ Mrs. Fedalin Jyrwa and since then remained vacant to be filled up.

5. That I am the senior most Store Keeper and in the normal course I would have been promoted to the post of Accounts Clerk as hitherto done but for the question of Accounts Clerk being a Reserved post for Scheduled Caste/ Schedule Tribe departmental candidates.

6. That in consideration of the question of reservation of the post for Scheduled Caste/Scheduled Tribe the post is being left vacant for now about a year and as far as I could know that a proposal to fill up the post of the aforesaid vacant post of Accounts Clerk by Smt. Reba Dey, a Scheduled Caste Conservancy Safaiwala was being considered.

7. That in view of the post being left vacant for such a long time and having learnt that the main stumbling block against filling up of the post by your petitioner in spite of her most devoted and sincere service was the question of reserved quota post, the petitioner made some representation to the Administrative Commandant Station Head Quarters, Shillong.

8. That the Station Head Quarters Shillong vide letter No. 652/5/Est dt. 26.10.94 furnished certain

clarification.....

Assessed  
@m/s  
Adw

clarification the main point there in para 2(b) is reproduced below :-

"(b) Para 4 : Promotion to Accounts Clerk in 1988 was also based on the reservation quota though DPC. for reasons best known to them, violated the rule by selecting a candidate belonging to general cadre without following laid down rules for deservation of the post. Therefore office cannot be compelled to repeat the same mistake" (Copy enclosed as Annexure - 1).

9. That in view of the position stated in Station Head quarters letter quoted vide foregoing paragraph the main issues to be resolved could be short listed as below :-

(i) What is the scope and limitation etc. of Reserved quota post as aforesaid ? and

(ii) Whether it would be fair and reasonable and justified to promote Smti. Reba Dey Conservancy Safaiwala by granting her frog leap promotion jumping over the immediate higher cadre post of the Store Keeper ?

Both these issues were discussed at length in my representation dt. 10.11.94 (Copy enclosed for ready reference as Annexure - II).

10. That the General principle of promotion is already laid down by the Apex Govt. a ambiguous term. In Balkishan VS. Delhi Administration AIR 1990 S.C.100 the

Count  
Apex Govt.....

Accepted  
@rule  
24/5

Annx. 6.

<sup>Govt</sup>  
Apex ~~Govt.~~ opened "In Service there could only one norm for confirmation or promotion belonging to the same cadre. No junior shall be confirmed or promoted without considering the case of his senior. Any deviation from this principle will have demoralising effect in Service apart from being contrary to Article 16(i) of the Constitution".

10. That the Special provision in any rules and regulations though sidelines the General provisions on that respect for which the same is made but it is only to the extent the same is made no more no less. And the special provision for reservation for Scheduled Caste/ Scheduled Tribe in the matter of promotion could not be/ an/exception. In other words this has to be strictly enforced as well restricted both in contents and dimension. From that point of view I beg to differ from the interpretation contained in para 2(b) of the letter No. 652/5/Estt. dt. 26.10.94 inasmuch as the Govt. of India in per and AR office memorandum No.1/9/74-Estt (S.T.) dt. 29.04.1985 specifically laid down that when a single post comes for filling up in the initial recruitment year the same should be treated as "unreserved" and filled up accordingly and the reservation xame forward to subsequent there recruitment years from the initial recruitment year, the reservation will lapse. It would in other words

mean.....

AH = 1/2/21  
Cmndr  
Adm.

Annx. 6.

mean a cycle of 4 years of which the first year is unreserved followed by reservation for three years and the repetition three of as if in a cycle. In a view petition disposed of only recently vide AIR 1994 SC 1917 the Hon'ble Supreme Court has re-affirmed the view as stated in the line of Govt. of Circular as above, though on a different context but on the same principle as discussed bid. (Copy enclosed as Annexure - III).

11. That be it mentioned that the post of Accounts Clerk, filling vacant is a sinecure post and it occurred in 1988 while Smti. Kabita Sharma (Nee Das) was promoted and there had been no violation of rules by the D.P.C. then nor will there be a violation of rules and principles as laid down if the first promotion after this long gap of 8 years was filled up by a person from general list, provided he/she was otherwise eligible and deserving.

12. That I have nothing personally against Smti. Reba Dey and I wish her all prospect, the fact remains that she is one cadre below my position and her ~~g~~ frog leap promotion over me to the post of Accounts clerk is bound ~~on~~ ~~aff~~ affect me grievously and will be a violation of the principles of natural justice and therefore unfair, unreasonable and unjustified. On the contrary on my promotion as Accounts Clerk she would not be deprived as she could move from the post of Conservancy Safaiwala to the post of Store Keeper on promotion.

In the.....

Attested  
@hule  
H.W.

Annx. 6.

In the circumstances the two issues listed in paragraph 9 bid being answered in my favour, I fervently hope that the issues will receive your benign consideration and favourable orders towards my promotion in the post of Accounts Clerk issued at your earliest convenience.

And in the meantime during the pendency of consideration of this petition issuance of any orders of promotion of Smti. Reba Dey to the Accounts Clerk is stayed.

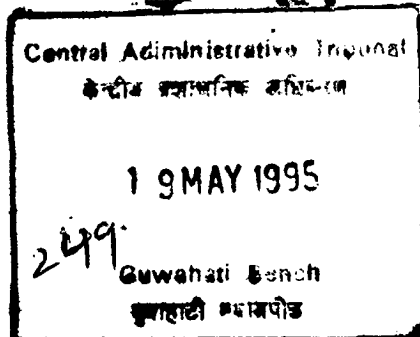
I remain Sir,

Yours faithfully,

Dated 20.3.95.

(Miss Madhumita Dey).

Attested  
@ Mule  
Adv.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

IN THE MATTER OF :

O.A.No.83 of 1995

Smt Madhumita Dey

. . . Applicant

- Versus -

Union of India & Ors.

A N D

IN THE MATTER OF :

Written statement/Show cause on  
behalf of the respondents.

I, S.K.Mehta, Colonel Administrative  
Commandant, the Respondent No.3 in the above noted  
case do hereby solemnly affirm and declare as follows.

1. That I am the Respondent No.3 in this application  
and I have been served with a copy of application along  
with an order passed by this Hon'ble Tribunal and going  
through the contents thereof, I have understood them  
and as such I file this written statement on behalf  
myself and on behalf of Respondents No.1 and 2 and say  
categorically that save and except what is admitted,  
in this written statement rest may be treated as total  
denial by the Respondents. In this connection, I beg  
to state that promotion order of this Respondent No.4  
has been passed in terms of Ser 2, column 11 of the

contd... 2/-



26 (53)

under  
Statutory Rules/~~xxxx~~ 128/80 (copy enclosed).

2. That with regards to the contents made in paragraph 1 of the application I beg to state that I have no comments.
3. That with regard to the contents made in para 2 of the application I beg to state that I have no comments to make.
4. That with ~~a~~ regard to the contents made in para 3 of the application I beg to state that I have no comments to make.
5. That with regard to the contents made in para 4 I beg to state I have no comments to made.
6. That with regard to the contents made in para 5 I beg to state that I have no comments to make.
7. That with regard to contents made in para 6 (1) (2) I beg to state that the facts stated are correct.
8. That with regard to contents made in para 6 (3) of the application I beg to state that I have no comments.
9. That with regard to the contents made in para 6 (4) I beg to state that the vacancy occurred in August 1994.
10. That with regard to the contents made in para 6(5) I beg to state that the statement is correct.
11. That with regard to the contents made in para 6 (6) I beg to state that the foremost deciding criteria for laying claim to a vacancy is whether it is a

contd... 3/-

reserved vacancy or not. Eligibility based on possession of requisite qualification is only the second step.

12. That with regard to the contents made in para 6(7) I beg to state that the contention of the applicant not clear. As such no comments.

13. That with regard to the contents made in para 6(8) I beg to state that the ~~reservation~~ vacancy being reserved for Scheduled Caste and Miss Reba Dey eligible in terms of ser 2, Coln 11 of Statutory Rules and Orders 128/80, she has been correctly considered for promotion to Accounts Clerk.

14. That with regard to the contents made in para 6(9) I beg to state that as per Employment Exchange Registration Card Miss Reba Dey was an SC, based on which she was recruited as Conservancy safaiwala.

15. That with regard to the contents made in para 6(10) I beg to state that the statement is factually correct.

16. That with regard to the contention made in para 6(11) I beg to state the statement is factually correct.

17. That with regard to the contention made in para 6(12) I beg to state that the performance of each and every employee is regularly observed at the appropriate level of supervision. It is agreed that Annual Confidential reports of conservancy safaiwalas are not written.

28  
5/4

18. That with regard to the contention made in para 6(13) I beg to state that ~~the~~ ~~the~~ Miss Reba Dey was a group 'D' employee, prior to her promotion as Account ~~ant~~ Clerk. Group 'D' employees, as per SRO 128/80 are eligible for promotion to Accounts Clerk which is Group 'C' post, provided they possess the requisite education qualification, age and service, which Miss Reba Dey does possess.

19. That with regard to the contention ~~in~~ made in para 6(14) I beg to state that while carrying out initial appointment in 1985 in Station Headquarters, Shillong, the five posts of Accounts Clerks were filled up by one general category individual and four individuals who happened to belong to Scheduled Tribes. Subsequently, in November 1987 one Scheduled Tribe individual Smt Phidalyne Jyrwa resigned and the vacancy thus created was filled up by general category individual Mrs Kabita Sharma. In August 1994 Miss Felicia Pariat (Scheduled Tribe) resigned. This vacancy has now been filled up by Miss Reba Dey (Scheduled ~~Tribe~~ Caste). Non adherence to reservation quota during ~~earlier~~ ~~earlier~~ appointments cannot be allowed to be continued.

20. ~~in in in in~~

In accordance with the reservation quota/roster applicable to the State of Meghalaya, one post is reserved for Scheduled Tribe, one post is reserved for Scheduled Caste and three are unreserved.

As per reservation quota/roster applicable to Meghalaya 24 percent is reserved for Scheduled Tribes and 1 percent for Scheduled Caste.

During the initial recruitment of Account Clerks the vacancy of an SC, not having been filled by an SC but in 1986 and by an ~~XX~~ ST, was carried forward. There was no recruitment in 1986 and 1987. The year in which there is no recruitment, that recruitment year is not to be taken into account for carry forward and lapsing. In 1988 one vacancy was filled ~~to~~ up by general category person. Subsequently from 1989 to 1994 there was no recruitment in the post of Account Clerks. As such 1995 is the third recruitment year. In accordance with MHA, OM No.27/25/68-Est(SCT), dated 25.3.1970, if suitable candidate of the appropriate community is not forthcoming the reservation will be carried forward to three subsequent recruitment years.

20. That with regard to the contention made in para 6(15) I beg to state that the recruitment rules of entire Conservancy Staff which include Accounts Clerk, Store Keeper and Safaiwala, are given in SRO 128/80. This document was available to the applicant.

21. That with regard to the contention made in para 6(16) I beg to state that ~~the~~ out of five posts, two are being reserved and not four as stated by the applicant. Applicant's contention regarding single vacancy is not agreed to. According to Govt. of India Deptt. of Pers. and AR O.M No.1/9/74-Est(SCT) dated 29.4.1975 a single vacancy occurring ~~a~~ in a recruitment year which falls on a reserved point is to be treated as unreserved but the

contd... 6/-

reservation is to be carried forward. In the subsequent years <sup>even</sup> if vacancy is single, it is to be treated as reserved.

22. That with regard to the contention made in para 6(17) I beg to state that although there is no Scheduled Caste candidate available amongst Store Keepers, but the Group D employees i.e. Conservancy safaiwalas are also entitled to be considered for the post of Account Clerk. It may ~~be~~ please be noted that out of three posts of Store Keepers, one each is reserved for ST and SC respectively whereas at present all three Store Keepers belong to general category which needs to be rectified at the earliest.

23. That with regard to the contention made in para 6(18) I beg to state that the contention of the applicant is not correct, since conservancy safaiwalas are eligible for consideration for the post of Account Clerk in accordance with SRO 128/80.

24. That with regard to the contention made in para 6(19) I beg to state that ever since the initial appointment of conservancy staff in Station Headquarters, Shillong one post was reserved for Scheduled Caste but was not filled by a Scheduled Caste. As such on occurrence of a vacancy, the same has been filled by a Scheduled Caste Candidate.

25. That with regard to the contention made in para 6(20) I beg to state that the decision of the Administrative Commandant is not arbitrary because the decision is based on reservation quota/roster applicable to the State of Meghalaya. Also, to further confirm the decision the

31  
58 87

Station HQ sought clarification from their higher HQ vide letters No.650/12/Est dated 16 Aug 1994 and 652/5/Est dated 02 Nov 94 to which the HQ 101 Area vide their letter No.17011/18/GS9SD) dated 13 Mar 95 clarified that the vacancy is to be filled by an SC candidate through Departmental Promotion Committee.

26. That with regard to the contention made in para 6(21) I beg to state that the departmental promotion committee duly constituted under the provisions and in accordance with SRO 120/80 met on 15.4.95 and completed its assigned task.

27. That with regard to the contention made in para 6(22) I beg to state that the applicant has been repeatedly explained the rule position yet the applicant is claiming that she is not aware of these. The applicant had submitted an application to General Officer Commanding 101 Area vide her application No. nil dated 20 Mar 95. The applicant's plea was rejected and HQ 101 Area vide their letter No.10711/18/GS(SD) dated 05 April 95 instructed Station Headquarters, Shillong to fill the vacancy by a Scheduled Caste candidate through Departmental Promotion Committee.

28. That with regard to the ~~stax~~ contention made in para 7<sup>(1)</sup> I beg to state that the vacant post being reserved the applicant is not entitled to fill the post.

29. That with regard to the contention made in para 7(2) I beg to state that out of five Account Clerk post, one post is reserved for SC. No Scheduled Caste

candidate has been appointed as Account Clerk since the initial recruitment in 1985. As such it will be unjust to deprive a SC candidate of her legitimate right for promotion.

30. That with regard to the contention made in para 7(3) I beg to state that the request of the applicant is not tenable since conservancy safaiwala (Group 'D') is eligible for filling up the post of Accounts Clerk.

31. That with regard to the contention made in para 7(4) I beg to state that the Notification dated 24.3.95 for filling the vacant post of Account Clerk by a SC candidate is cent percent correct.

32. That with regard to the contention made under the heading grounds for relief with legal provision in 1 I beg to state that it is not relevant to the case. In this respect I beg to point out that first single vacancy occurred in 1988 which although on reservation point No.6 was treated and utilised as unreserved. In the subsequent year of 1995 although a single vacancy has occurred it is to be treated as reserved.

33. That with regard to the contents made in 2 under same heading I beg to state as per statutory rules and orders 128/80 a Group 'D' employee is eligible for the post of Account Clerk provided the education qualification, age and service criteria as laid down in the rules are fulfilled.

34. That with regards to the contents made in 3 of grounds for relief I beg to state that it is not agreed. As per SRO (copy enclosed) 128/80 the service for promotion

33  
C.B. 8

laid down is as follows :

- (a) From Store Keeper and Account Clerk to 8 years General Supervisor.
- (b) From Group 'D' to Account Clerk - 5 years
- (c) From Conservancy Sanitary Mate/ Land Supervisor to Store Keeper - 5 years
- (d) From Conservancy Safaiwala to Land Supervisor. - 5 years
- (e) From Conservancy Safaiwala to Sanitary Mate. - 5 years.

35. That with regard to the contents made in para 4 of ~~xx~~ grounds for relief I beg to state that it is not agreed. Rather I beg to state that according to SRO 128/80 Miss Reba Dey Conservancy Safaiwala (Group 'D') employee, the respondent No.4 is eligible for promotion in the post of Account Clerk.

36. That with regard to the contents made in para 5 of grounds for relief I beg to state that it is irrelevant as the present vacancy does not pertain to initial recruitment year ~~xxxxx~~ ~~xxx~~ being 1985.

37. That with regard to the contents made in para 6 of the same heading I beg to state that it is irrelevant since Smt Chetana Dilip Motghare's case pertains to filling up a single post whereas there are five posts of Accounts Clerk.

38. That with regard to the contents made in 1 and 2 of paragraph 8 I beg to state that the selection proceeding held on 15.4.95 being correct, there is nothing



to interfere in it.

39. That with regard to the contents made in (3 of 8) and those of 9, 10, 11, and 12 of the application I beg to state that I have no comments to make.

40. That the present application is illconceived of law and misconceived of facts.

41. That the present application is without any merit and the same is liable to be dismissed.

42. That the applicant has not exhausted all the remedies available to her and as such on that ground alone the application is liable to be dismissed.


43. That the respondents crave leave to file an additional written statement when this Hon'ble Tribunal demand so.

44. That this written statement is filed bonafide and in the interest of justice.


45. That it is a fit case where summary order of dismissal can be passed.

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

I, Col S.K. Mehta, Colone the Respondent No. 3 do hereby solemnly affirm and declare that the contents made in paragraph 1 of this written statement are true to my knowledge and those made from paragraphs 2 to 39 are derived from records which I believe to be true and ~~nothing~~ rest are humble submission before this Hon'ble Tribunal and I sign this verification at Guwahati on this the 3rd day of May, 1995.

  
(S.K. Mehta)  
Colonel  
Administrative  
Commandant  
Shillong

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1	2	3	4	5	6	7	8
2. Accounts Clerk	17	Civilian in Defence Services	Rs. 260-6-290- EB-6-326-R 366-	Non-select-	25 years (relaxable for Govt. servants upto 35 yrs. as per rules)	(i) Matriculation and its equivalent. (ii) Typing speed 30 words per minute. (iii) Knowledge of accounts keeping.	
	103	Group 'C' Non-Gazetted, Non-Ministerial.	950-1500				
Inservancy Storekeeper	24	Civilians in Defence Services	Rs. 223-5-260-6- 290-EB-6-308	Non-select-	25 yrs. (relaxable for Govt. servants upto 35 years as per rules)	Essential: Matriculation and its equivalent. Desirable: Experience in Storekeeping.	
		Group 'C' Non-Gazetted, Non-Ministerial.					

9	10	11	12	13	14
Age: No	2 years	90% by transfer, failing which by direct recruitment, 10% by promotion of Group 'D' employees borne on regular establishment subject to the following conditions :- 10% for ex. 2nd class or below (Mx).		Group 'C' D.P.C. (also for considering confirmation of the direct recruits) consisting of :- 1. Chairman : Officer of the rank of Lt. Col/Major. 2. Members 2 : Officer of the rank of Captain/Lieutenant.	N.A.
Educational qualifications: Yes.	for promotion; ex. 2nd class or below; or ex. 2nd class or below; or direct-rec	(a) Selection shall be made through Departmental examination confined to such Group 'D' employees who fulfil requirements of minimum educational qualifications namely, Matriculation or equivalent.			
		(b) The maximum age for this examination shall be 45 years (50 years for the Scheduled Caste and the Scheduled Tribes candidates).			
		(c) At least 5 years service in Group 'D' posts is essential.			
		(d) The maximum number of recruits by this method shall be limited to 10% of the vacancies in the cadre of Accounts Clerks occurring in a year and unfilled vacancies shall not be carried over.			

Age: No.  
Edl. Qual. Yes 2 years

By promotion, failing which by transfer, and failing both by direct rectt.

Promotion : By conservancy Sanitary Mate/Land Supervisor with 5 years regular service in the grade.  
Transfer : Persons working in equivalent or analogous or higher grades in the lower formations of the Defence services who have the qualifications prescribed under column 8.

Group 'C' D.P.C. (also for considering confirmation of the direct recruits) consisting of :-  
1. Chairman: Officer of the rank of Lt Col/Major.  
2. Members 2: Officer of the rank of Captain/Lieutenant.

N.A.

12

(2) In the Schedule ,

(a) against serial No2 relating to the post of Accounts Clerks in column 3 for the existing entry the following entry shall be substituted, namely :- 103\*( 1988 ) subject to variation depending on work load

(b) In column 4, for the existing entry the following entry shall be substituted namely  
"General Central Service , Group 'C' , Non-Gazetted , non ministerial, Non industrial."

(c) In column 5, for the existing entry the following entry shall be substituted, namely " 950-20-1150-EE-1500 "

(d) In column 7, for the existing entry the following entry shall be substituted, namely :-  
" 25 years ( relaxable for Government servant upto 35 years as per orders/instructions issued by the Central Government from time to time )"

(e) In column 10 , for the existing entry the following entry shall be substituted namely

"2 years for promotion, ex-servicemen employed after superannuation and direct recruitment"

(f) in column 11, for the existing entry .....

1) 80 % by transfer, failing which by direct recruitment through employment exchange

11) 10 % vacancies shall be filled by promotion on seniority cum fitness basis from group 'D' employees, borne on regular establishment.

111) 10 % ( for ex-servicemen ) by transfer on deputation/re-employment.  
OR  
Retired combatant Clerk ( Nk ) , identified with Accounts Clerk.

13 37 au

Such persons would be given deputation terms upto the date on which they are due for release from the Armed Forces; thereafter they may be re-employed".

4. Against ser No. 5 relating to the post of Sanitary Mate,  
(a) in column 2, for the existing entry the following entry shall be ~~substituted~~ substituted, namely :-

" 303\*

(19-8)

\* Subject to variation depending on workload".

(b) In column 3, " General Central Services, Group 'D', Non-Gazetted, Non-Ministerial, Non-Industrial.

(c) In column 4, Rs. 775-12-975 -EB-14-1025"

(d) In column 6, for the existing entry the following entry shall be substituted, namely :-

" 25 years (Relaxable for Government servants upto 35 years as per orders/instructions issued by the Central Government from time to time)".

(e) In column 9, " 2 years for promotees".

(f) In column 10, " By promotion, failing which by transfer and,

14 38 65  
(B) in column 12, for the existing entry the following .....

(i) Transfer - 80 % by transfer of person working in a post analogous or higher post in lower formation of the service.

(ii) Promotion 10 % of vacancies to be filled by promotion subject to the following conditions :-

(a) selection shall be made through departmental examination confined to such Group 'D' employees who fulfill requirements of minimum educational qualification namely matriculation or equivalent.

(b) The maximum age for this examination shall be 35 years.

a. least 5 years service in 'D' post is essential.

(d) The maximum number of recruits by this method shall be 10 % of the vacancies in the cadre of Accounts Clerk occurring in a year and unfilled vacancies shall not be carried over.

(iii) 10 % for ex-servicemen by Transfer on deputation/ re-employment. The Armed Forces Personnel due to retire or who are to be transferred to reserve within a period of one year and having the requisite experience and qualification prescribed shall also be considered. Such persons, would be given deputation terms upto the date on which they are due for release from the Armed Forces, thereafter they may be re-employed.

3. Against serial No 3 relating to the post of ~~Gen~~ Cony Store Keeper.

(a) column 3 - 68 post (1988) subject to variation depending on

(b) Column 4 - General Central Service Group, Administrative, Ministerial, Non industrial.

(c) Column 5 - Pay scale 820-15-900-EB-20-1200

(d) column 7 - 25 yrs (Relaxable for Government servant upto 35 yrs as per rule)

(e) Column 10 2 years for promotion, re-employed Ex-Servicemen or the superannuation and for direct recruits.

(i)

(f) in column 11 90 % by promotion, failing which by transfer and failing both by direct recruitment through employment exchange.

(g) (ii) 10 % by transfer on deputation/ re-employment of ex-servicemen.

(g) in column 12 (1) (a) By promotion - From Conservancy Assistant / Land Supervisor with 5 years regular service

(b) By transfer - person working in equivalent or analogous or higher grade in the lower formation of the service who have the qualification as in column 8.

(ii) 10 % for ex-servicemen by Transfer on deputation/ re-employment. The Armed Forces personnel due to retire or who are to be transferred to reserve within a period of one year and having the requisite experience and qualification shall also be considered.

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ab

(2) in column 12, for the existing entry the following: .....

(i) Transfer - 80 % by transfer of person working in similar analogous or higher post in lower formation of Defence Service

(ii) Promotion 10 % of vacancies to be filled by promotion subject to the following conditions :-

(a) selection shall be made through departmental examination confined to such Group 'D' employees who fulfill requirements of minimum educational qualification namely matriculation or equivalent.

(b) The maximum age for this examination shall be 45 yrs (50 yrs for SS and ST)

(c) at least 5 years service in gp 'D' post is essential.

(d) The maximum number of recruits by this method shall be 10 % of the vacancies in the cadre of Accounts Clerk occurring in a year and unfilled vacancies shall not be carried over.

(iii) 10 % for ex-servicemen by transfer on deputation/ re-employment

The Armed Forces Personnel due to retire or who are to be transferred to reserve with in a period of one year and having the required experience and qualification prescribed shall also be considered. Such persons, would be given deputation terms upto the date on which they are due for release from the Armed Forces, thereafter they may be re-employed

3. Against serial No 3 relating to the post of ~~Bank~~ Cony Store Keeper.

(a) column 3 - G8 post ( 1988) subject to variation depending on

(b) Column 4 - General Central Service Op 3, Non Gazetted, Ministerial, Non Industrial.

(c) Column 5 - Pay Scale 82.-15-900-EB-20-1200"

(d) column 7 - 26 yrs (relaxable for Government per rule

(e) Column 10 2 years for promotion, re-employment and for direct recruits.

(1)

(f) in column 11 90 % by promotion failing both by direct recruits

(g) (ii) 10 % by transfer

(h) in column 12 (1)

Store Keeper

*[Signature]*

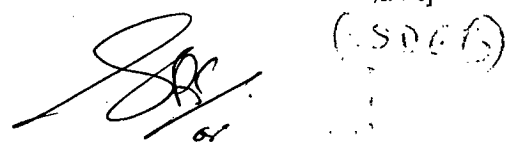
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	2	3	4	5	6	7
4. Land Supervisor	5	Civilians in Defence Services, Group 'D' Non-Gazetted. Non-Ministerial	Rs. 200-3-206-4-234-EB-4-250	Non-selection	N.A.	N.A. 97
5. Sanitary Mate	30	Civilians in Defence Services, Group 'D' Non-Gazetted Non-Ministerial	Rs. 200-3-206-4-234-EB-4-250	Non-selection	N.A.	N.A.
6. Conservancy Safaiwala	11185	Civilian in Defence Services, Group 'D' Non-Gazetted. Non-Ministerial	Rs. 196-3-220-EB-3-232.	Non-selection	25 years (relaxable for Government servants upto 35 years as per rules)	Desirable : 4th standard Pass.

8	9	10	11	12	13
N.A.	2 years	By promotion, failing which by transfer.	Promotion : Conservancy Safaiwala with minimum 5 years service in the grade who is able to write and read Hindi, English or regional language. Transfer : Persons working in similar analogous and higher grades in the lower formations of the Defence Services.	Group 'D' D.P.C. consisting of :— 1. Chairman—Officer of the rank of Lt. Col./Major, 2. Members—2: Officer of the rank of Captain/Lieutenant.	N.A.
N.A.	2 years	By promotion, failing which by transfer	Promotion : Conservancy safaiwalas with minimum 5 years service in the grade who is able to write and read Hindi, English or regional language. Transfer : Persons working in similar analogous and higher grades in the lower formations of the Defence services.	Group 'D' D.P.C. consisting of :— 1. Chairman—Officer of the rank of Lt Col/Major 2. Members—2: Officer of the rank of Captain/Lieutenant.	N.A.
N.A.	2 years	By direct recruitment	N.A.	Group 'D' Departmental Promotion Committee (also for considering confirmation of the direct recruits) consisting of :— 1. Chairman—Officer of the rank of Lt Col/Major. 2. Members—2: Officer of the rank of Captain/Lieutenant.	N.A.

- Notes : 1. The crucial date for determining age limit for direct recruits shall in each case, be the closing date for the receipt of applications from candidates in India (other than those in the Andaman and Nicobar Islands and Lakshadweep).
2. In respect of posts the appointments to which are made through the Employment Exchange, the crucial date for determining age limit shall in each case, be the last date upto which the Employment Exchanges are asked to submit names.
3. The qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidates belonging to the Scheduled Castes and the Scheduled Tribes, if at any stage of selection, the competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.
4. The number of posts indicated in column 3 is subjected to variation according to workload.

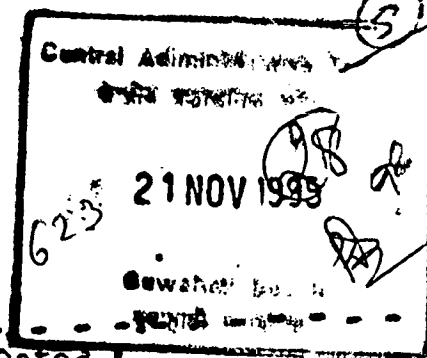
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RESTRICTED

DO PART II ORDER : CIV STAFF  
STATION HEADQUARTERS SHILLONG



PRESENT DO PART II ORDER NO : 05/CIV/95

Dated : 20.4.95

LAST DO PART II ORDER NO : 04/CIV/95

Dated : 15.3.95.


PROMOTION

1. Miss. Reba Dey

- Promoted to Account Clerk wef.  
15 Apr 95 and 109 on the same  
date at Account Clerk Est.

Scale of pay Rs. 950- 20 - 1150 - 25 - 1500.

Authority : HQ 101 Area letter No 10711/18/GE(SD)  
dated 13 Mar 95 and DPC dated 15 Apr 95.

  
( SK Mehta )  
Col  
Adm Comdt  
for Stn Cdr

Distribution :

1. Area Accounts Officer, Shillong
2. LAO(A) Shillong
3. HQ 101 Area (GS/SD) Branch.

RESTRICTED

\* to amend the first  
SSO (Conservancy Staff) Rules

189

21 New Delhi, the 3rd April, 1980

S.O. 128.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to certain Group 'C' and Group 'D' posts in the Formation Headquarters and Station Staff Office under General Staff Branch of the Army Headquarters in the Ministry of Defence, namely:—

1. Short title and commencement.—(1) These rules may be called the Formation Headquarters and Station Staff Offices Conservancy Staff Recruitment Rules, 1980. (1988)

(2) They shall come into force from the date of their publication in the Official Gazette.

Past cases will not be re-opened.

Application.—These rules shall apply to the posts specified in Column 2 of the Schedule annexed to these rules.

3. Number, classification and scales of pay.—The number of the said posts, their classification and the scales of pay attached thereto, shall be as specified in columns 3 to 5 of the Schedule annexed.

4. Method of recruitment, age limit and other qualification.—The method of recruitment, age limit, qualifications and

other matters relating to the said posts, shall be as specified in columns 6 to 14 of the Schedule aforesaid.

5. Disqualification.—No person—

(a) who has entered into or contracted a marriage with a person having a spouse; or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to any of the said posts:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. Power to relax.—Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or posts.

7. Savings.—Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

*Dr. Sen*

#### SCHEDULE

S. No.	Name of post	No. of posts	Classification	Scale of pay	Whether selection post or Non-Selection post.	Age limit for direct recruits	Educational and other qualifications required for direct recruits
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1	2	3	4	5	6	7	8
1	General Supervisor	23	Civilians in Defence Services, Group 'C' Non-Gazetted, Non-Ministerial.	Rs. 330-8-370-10-400-EB-10-480	Non-selection	25 years (relaxable for Govt. servants upto 35 yrs. as per rules)	(i) Matriculation or equivalent (ii) 3 years experience of supervising conservancy staff.

Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotions/transferees	Period of probation if any	Method of rectt. whether by direct rectt. or by promotion or transfer and percentage of the vacancies to be filled by various methods	In case of rectt. promotion/transfer grade from which promotion/transfer to be made	If a DPC exist.	Circumstances in which UPSC is to be consulted in making recruitment
--	----------------------------	---	---	-----------------	--

9	10	11	12	13	14
Age: No	2 years	By promotion failing which by transfer and failing which by direct rectt.	Promotion: Store-keepers and Accounts Clerks with 8 years regular service in the	Group 'C' Departmental Promotion Committee (P.D.C.) for considering of the di.	N.A.

1	2	3	4	5	6	7	8
2. Accounts Clerk	12	Civilian in D.F. Rs. 260-5-290- ence Services EB-6-336-8-366- Group 'C' Non-EB-8-390-10-400 Gazetted, Non- Ministerial.	103 (1988) ✓ Subject to Vacancy	Non-select- tion	25 years (relaxable for Govt. servants upto 35 yrs. as per rules)	(i) Matriculation and its equi- valent. (ii) Typing speed 30 words minute. (iii) Knowledge of accounts keep- ing.	
Conservancy Storekeeper	24	Civilians in Def- ence Services Rs. 225-5-260-6- Group 'C' Non-290-EB-6-308 Gazetted, Non- Ministerial.		Non-select- ion	25 yrs. (relaxable for Govt. servants upto 35 years as per rules)	Essential : Matriculation and its equi- valent. Desirable : Experience in Storekeeping.	

9	10	11	12	13	14
Age: No Educational qualifications: Yes.	2 years for prom. ex-2nd class re-employed after supernumary or direct-rec	80% 90% by transfer failing which by direct recruit- ment, 10% by promo- tion of Group 'D' em- ployees borne on 'regu- lar establishment subject to the following condi- tions :- 10% for ex-2nd class (a) Selection shall be made through De- partmental examina- tion confined to such Group 'D' employees who fulfil require- ments of minimum edu- cational qualifications namely, Matriculation or equivalent. (b) The maximum age for this examination shall be 45 years (50 years for the Scheduled Caste and the Scheduled Tri- bes candidates). (c) At least 5 years service in Group 'D' posts is essential. (d) The maximum number of recruits by this me- thod shall be limited to 10% of the vacancies in the cadre of Ac- counts Clerks occur- ring in a year and un- filled vacancies shall not be carried over.	Retired Combat clerk (MU).	Group 'C' D.P.C. (also for considering confirma- tion of the direct recruits) consisting of :- 1. Chairman : Officer of the rank of Lt. Col/Major 2. Members 2 : Officer of the rank of Captain/Lieu- tenant.	N.A.

Age: No.  
Educ. Qual. Yes 2 years

By promotion, failing  
which by transfer, and fail-  
ing both by direct rectt.

Promotion : By conservancy  
Sanitary Mate/Land Supervi-  
sor with 5 years regular ser-  
vice in the grade.  
Transfer : Persons working in  
equivalent or analogous or  
higher grades in the  
lower formations of the  
Defence services who have  
the qualifications prescribed  
under column 8.

Group 'C' D.P.C. (also  
for considering confirma-  
tion of the direct recruits.)  
consisting of :-  
1. Chairman: Officer of the  
rank of Lt Col/Major.  
2. Members 2: Officer of  
the rank of Captain/Lieu-  
tenant.

N.A.

	2	3	4	5	6	7
4. Land Supervisor	5	Civilians in Defence Services, Group 'D' Non-Gazetted. Non-Ministerial	Rs. 200-3-206-4-234-EB-4-250	Non-selection	N.A.	N.A.
5. Sanitary Mate	30	Civilians in Defence Services, Group 'D' Non-Gazetted. Non-Ministerial	Rs. 200-3-206-4-234-EB-4-250	Non-selection	N.A.	N.A.
6. Conservancy Safaiwala	11185	Civilian in Defence Services, Group 'D' Non-Gazetted. Non-Ministerial	Rs. 196-3-220-EB-3-232.	Non-selection	25 years (relaxable for Government servants upto 35 years as per rules)	Desirable : 4th standard Pass.
	8	9	10	11	12	13
N.A.	2 years	By promotion, failing which by transfer.	Promotion : Conservancy Safaiwala with minimum 5 years service in the grade who is able to write and read Hindi, English or regional language. Transfer : Persons working in similar analogous and higher grades in the lower formations of the Defence Services.	Group 'D' D.P.C. consisting of :— 1. Chairman—Officer of the rank of Lt. Col./Major, 2. Members—2: Officer of the rank of Captain/Lieutenant.	N.A.	
N.A.	2 years	By promotion, failing which by transfer	Promotion : Conservancy safaiwalas with minimum 5 years service in the grade who is able to write and read Hindi, English or regional language. Transfer : Persons working in similar analogous and higher grades in the lower formations of the Defence services.	Group 'D' D.P.C. consisting of :— 1. Chairman—Officer of the rank of Lt Col/Major 2. Members—2: Officer of the rank of Captain/Lieutenant.	N.A.	
N.A.	2 years	By direct recruitment	N.A.	Group 'D' Departmental Promotion Committee (also for considering confirmation of the direct recruits) consisting of :— 1. Chairman—Officer of the rank of Lt Col/Major. 2. Members—2: Officer of the rank of Captain/Lieutenant.	N.A.	

- Notes : 1. The crucial date for determining age limit for direct recruits shall in each case, be the closing date for the receipt of applications from candidates in India (other than those in the Andaman and Nicobar Islands and Lakshadweep).
2. In respect of posts the appointments to which are made through the Employment Exchange, the crucial date for determining age limit shall in each case, be the last date upto which the Employment Exchanges are asked to submit names.
3. The qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidates belonging to the Scheduled Castes and the Scheduled Tribes, if at any stage of selection, the competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.
4. The number of posts indicated in column 3 is subjected to variation according to workload.

-45-  
72  
102

(2) In the Schedule ,

- (a) against serial No2 relating to the post of Accounts Clerks in column 3 for the existing entry the following entry shall be substituted, namely :-  
103\*( 1988 ) subject o variation depending on work load
- (b) In column 4, for the existing entry the following entry shall be substituted namely  
"General Central Service , Group 'C' , Non-Gazetted , non ministerial, Non industrial.
- (c) In column 5, for the existing entry the following entry shall be substituted. namely " 950-20-1150-ER-1500 "
- (d) In column 7, for the existing entry the following entry shall be substituted, namely :-  
" 25 years ( relaxable for Government servant upto 35 years as per orders/instructions issued by the Central Government from time to time ) " .
- (e) In column 10 , for the existing entry the following entry shall be substituted namely  
" 2 years for promotion, ex-servicemen employed after superannation and direct recruitment "
- (f) in column 11, for the existing entry .....
- 1) 80 % by transfer, failing which by direct recruitment through employment exchange
- 1) 10 % vacancies shall be filled by promotion on seniority cum fitness basis from group 'D' employess, borne on regular establishment.
- 1) 10 % ( for Ex-servicemen) by transfer on dputation/re-employment. or Retired combatant Clerk ( Nk) , identified with Accounts Clerk.

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73  
103

22

Each persons would be given deputation terms upto the date on which they are due for release from the Armed Forces; thereafter they may be re-employed".

Against ser No. 5 relating to the post of Sanitary Mate,  
in column 2, for the existing entry the following entry shall  
~~substituted~~ substituted, namely :-

309\*  
988)  
Subject to variation depending on workload".

In column 3, " General Central Services, Group 'D', Non-Gazetted,  
Ministerial, Non-Industrial.

In column 4, Rs. 775-12-975 -EB-14-1025"

In column 6, for the existing entry the following entry shall  
substituted, namely :-  
5 years (Relaxable for Government servants upto 35 years as per  
orders/instructions issued by the Central Government from time to  
time)".

In column 9, " 2 years for promotees".

In column 10, " By promotion, failing which by transfer and,

47-  
71  
104  
23  
(k) in column 12, for the existing entry the following: .....

(i) Transfer - 80 % by transfer of person working in similar analogous or higher posted in lower formation of Defence Service.

(ii) Promotion 10 % of vacancies to be filled by promotion subject to the following conditions :-

(a) selection shall be made through Departmental examination confined to such Group 'D' employees who fulfill requirements of minimum educational qualification namely matriculation or equivalent.

(b) The maximum age for this examination shall be 35 years (30 for S and SI)

(c) at least 5 years service in 3rd 'D' post is essential.

(d) The maximum number of recruits by this method shall be 10 % of the vacancies in the cadre of Accounts Clerk occurring in a year and unfilled vacancies shall not be carried over.

(iii) 10 % for ex-servicemen by Transfer on deputation/ re-employment.

The Armed Forces Personnel due to retire or who are to be transferred to reserve within a period of one year and having the requisite experience and qualification prescribed shall also be considered. Such persons, would be given deputation terms upto the date on which they are due for release from the Armed Forces, thereafter they may be re-employed.

3. Against serial No 3 relating to the post of ~~Gen~~ Cony Store Keeper.

(a) column 3 - 68 post (1988) subject to variation depending on

(b) Column 4 - General Central Service Gp C, Non Gated C, Non Ministerial, Non industrial.

(c) Column 5 - Pay scale 825-15-900-EB-20-1200"

(d) column 7 - 25 yrs (Relaxable for Government servant upto 35 yrs as per rule)

(e) Column 10 2 years for promotion, re-employed Ex-Servicemen of the superannuation and for direct recruits.

(f) in column 11 90 % by promotion, failing which by transfer and failing both by direct recruitment through employment exchange.

(g) (ii) 10 % by transfer on deputation/ re-employment of ex-servicemen.

(g) in column 12 (i) (a) By promotion - From Conservancy Sergeant / Land Supervisor with 5 years regular service.

(b) By transfer - 2 years service in similar analogous or higher formation of Defence Service.

In lieu of LAFD - 931

Proceedings of a  
Assembled at  
On the day of  
By the order of  
For the purpose of

- Departmental Promotion Committee
- Station Headquarters, Shillong
- 15 Apr 95
- Station HQ Convening Order No 652/5/Est dated 15 Apr 95.
- Departmental Promotion from Group 'D' to Group 'C' to fill the existing vacancy of Account Clerk reserved for SC (Scheduled Caste).

Presiding Officer - IC - 19468M Col SK Mehta, Adm Comdt  
Station HQ, Shillong.

- Members
1. - IC - 12189P Col AK Sharma, SSO  
Station HQ, Shillong
  2. - IC - 29428P Lt Col ML Kar,  
ICC Dte, Shillong.

2. The Departmental Promotion Committee having assembled pursuant to order proceed to examine the eligible SC Candidate for promotion to Account Clerk and conduct written test required for promotion from Group 'D' to Group 'C'.
3. The board also checked the service documents of the candidates and HQ 101 Area letter No 10711/18/GS(5D) dated 13 Mar 95.
4. The result of test is att as per Appx.
5. The board has recommended Miss. Reba Dey as the eligible candidate for promotion to Account Clerk and the promotion will be effected from 15 Apr 95.

Presiding Officer - (IC - 19468M Col SK Mehta)

- Members
1. - (IC - 12189P Col AK Sharma)
  2. - (IC - 29428P Lt Col ML Kar)

COUNTERSIGNED and Approved.

*[Signature]*



For given by higher HQ

Mukhyalaya 101 Area-  
Headquarters 101 Area  
c/o 99 APO

05 Apr 95

10711/28/23(SD)

Stn HQ Billong

DEPARTMENTAL PROMOTION : ACCT CLK

our letter No 652/5/Est dt 31-Mar 95.

as already been clarified vide our letter No 10711/  
dt 13 Mar 95 that since the vacant post of acct clk  
or SC candidate, suitable action to fill up the  
suitable SC candidate through dept promotion should  
at your end.

In view of above, you may like to order a bd of offr to  
the suitable SC candidate for promotion against the  
existing vacancy and this HQ be info accordingly.

(MP Ao)  
Lt Col  
for Col GS

nc/-

652/5/Est  
2 1194  
1178

DPC

26 107

Annex  
(Ref para 4 of DFC for promotion to  
A/Cik)

RESULT SHEET

Name of Candidate and appt	Date of Appt	Educational Qualification	Remarks in ACR for promotion	Length of Service	Written test all subjects	General/Professional Knowledge
(b)	(c)	(d)	(e)	(f)	(g)	(h)
1. Miss. Reba Dey, C/Sfwl	14-5-1935	Matriculate	-	9 year 14 months 07 day	(a) Essay -40/100 writing. (b) Letter -30/50 Drafting. (c) Typing -30/50	50/100
					Total - 100/200	
Overall assessment	Remarks					
(j)	(k)					
100/200	Recommended.					

COUNTERSIGNED and Approved.

Brig  
Station Commander  
Shillong

Presiding Officer

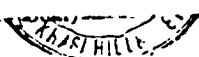
Members

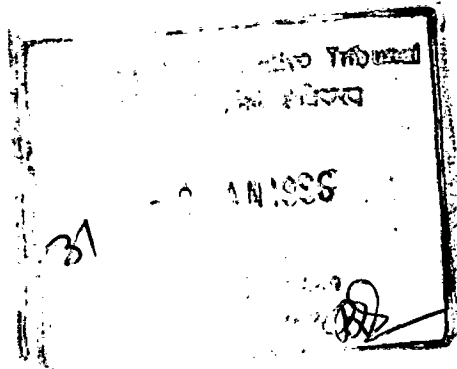
1.

(IC - 12189) Col A. (Shillong)

2.

(IC - 29428) Lt Col E. K.





57 28  
Filed by  
for 102  
for 102  
Addl CGSC  
8/1/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A.No.83/95

Miss Modhumita Dey ...Applicant.

-Vs-

Union of India & Ors. ...Respondents.

-AND-

In the matter of :

Additional Written Statement on  
behalf of official respondents.

Received  
On 11/1/96  
8-1-96

I, Col. S.K.Mehta, Adm Comdt., Station  
Headquarter, Shillong, Respondent No. 3 do hereby  
solemnly affirm and declare as follows :-

1. That in view of 100 point roster, necessity  
has arisen to file an additional Written Statement  
and.....


83 82  
109

3

VERIFICATION

I, Col. S.K.Mehta, Adm Comdt., Station Headquarter, Shillong do hereby solemnly affirm and declare that the statements made in paragraph-1 of this Additional Written Statement are true to my knowledge and those made in paragraphs 2,3 and 4 are derived from records which I believe to be true and the contents of paragraph-5 are humble submission before this Hon'ble Tribunal.

I sign this Verification on this 4<sup>th</sup> day of December, 1995 at Shillong.

  
S.K. Mehta  
Colonel  
Administrative  
Commandant  
Shillong

and hence same is filed as follows.

2. That so far the contents of paragraph-1 of sub para 2 of the written statement, I beg to state that in accordance with the reservation quota/roster applicable to the State of Meghalaya, two posts are reserved for Scheduled Tribe, One post is reserved for Scheduled Caste and two are unreserved.

3. That as regard the statement made in para-19 sub para 3 of the written statement filed on behalf of the official respondents, I beg to state that as per reservation quota/roster applicable to Meghalaya 44 percent is reserved for ST, 1 percent for SC and 5 percent for OBC.

4. That with regards to the contents made in paragraph-6(16) of the application, I beg to state that withat out of five posts three are being reserved and not four as stated by the applicant.

A copy of 100 point reservation roster is enclosed herewith and marked as Annexure R.A.1.

5. That this Additional Written Statement is filed bonafide and in the interest of justice.

Verification.....

54 81 P  
IMMEDIATE

No. M.O. 12/12/13-Extt. (GCP)  
Government of India  
Ministry of Personnel, Public Grievances  
and Pensions.

Department of Personnel & Training  
New Delhi

Dated: the 29th Dec. 1933

OFFICE MEMORANDUM

Subject: Reservation for Other Backward Classes in civil  
posts and services under the Government of India - Res.

The undersigned is directed to say that in the 1. 1. 33  
of the reservation provided to other Backward Classes the  
existing reservation roster in respect of direct recruitment on  
All India basis by open competition where there is a reservation  
for 15% for SC and 7.2% for SI was revised to a 200 point roster  
vide para 2 of this Department's O.M. of even number dtd. 22.10.33.

2. In respect of direct recruitment on All India basis  
otherwise than by open competition where there is a reservation  
of 16.2% for SC and 7.2% for SI, the existing 40 point roster  
has been revised into a 100 point roster as in the model format  
indicated at Annexure I. In respect of direct recruitment on  
locality or region basis, the existing 100 point rosters have all  
been revised into the new format indicated at Annexure-II.

3. The revised rosters will come into effect immediately.  
Vacancies filled on or after 1.1.33 should be shown in the new  
rosters. The old rosters shall be deemed to have been closed  
from this date and the reservations which had to be carried  
forward in the previous rosters shall be carried forward to  
the new roster.

(Hindi version will follow)

Sd/- (M. Venkataraman)

Under Secretary to the Govt. of India.

To

1. All Ministries/Depts. of the Govt. of India.
2. Deptt. of Public Enterprises, New Delhi.
3. Deptt. of Economic Affairs (Banking Division), New Delhi.
4. Deptt. of Home Affairs (Insurance Division) New Delhi.

Attested By

16 Dec 1933  
000  
Canton  
Allahabad

Model rosters of wing the points to be reserved for SCs, STs & OBCs in a 100 point roster where recruitment is made on a local or regional basis.

Sl. No.	Name of State/Union Territory	% of reservation of SC/ST/OBC.	Actual points to be reserved in a 100 points roster for SC/ST/OBC.
1.	Andhra Pradesh	15 SC/6 ST/27 OBC	<p>SC 1, 7, 13, 19, 25, 31, 37, 43, 49, 55, 63, 69, 77, 83, 89, (15 points)</p> <p>ST 3, 23, 39, 59, 79, 95, (6 points)</p> <p>OBC 5, 9, 11, 15, 17, 21, 27, 29, 33, 35, 41, 45, 47, 51, 53, 57, 61, 65, 67, 71, 73, 75, 81, 85, 87, 91, 93, (27 points)</p>
2.	Assam	6 SC/11 ST/27 OBC	<p>SC 5, 19, 33, 53, 73, 89, (6 points)</p> <p>ST 1, 9, 21, 29, 39, 49, 57, 67, 75, 85, 93, (11 points)</p> <p>OBC 5, 7, 11, 15, 17, 23, 27, 31, 35, 37, 41, 43, 47, 51, 55, 59, 61, 65, 69, 71, 77, 79, 81, 83, 87, 91, 95, (27 points)</p>
3.	Bihar	15 SC/9 ST/26 OBC	<p>SC 1, 7, 13, 19, 27, 33, 39, 43, 51, 57, 63, 69, 77, 83, 89, (15 points)</p> <p>ST 3, 15, 25, 37, 47, 59, 67, 79, 93, (9 points)</p> <p>OBC 5, 9, 11, 17, 21, 23, 29, 31, 35, 41, 45, 49, 53, 55, 61, 65, 71, 73, 75, 81, 85, 87, 91, 95, 97, 99, (26 points)</p>
4.	Gujarat	7 SC/14 ST/27 OBC	<p>SC 3, 17, 31, 45, 59, 73, 87, (7 points)</p> <p>ST 1, 7, 15, 21, 29, 35, 43, 49, 57, 63, 71, 77, 85, 91, (14 points)</p> <p>OBC 5, 9, 11, 13, 19, 23, 25, 27, 33, 37, 39, 41, 47, 51, 53, 55, 61, 65, 67, 69, 75, 79, 81, 83, 89, 93, 95, (27 points)</p>
5.	Karnataka	19 SC/11 ST/27 OBC	<p>SC 1, 5, 11, 15, 21, 25, 31, 35, 41, 45, 49, 53, 57, 59, 61, 65, 67, 71, 75, 81, 83, 85, 87, 89, 93, (19 points)</p> <p>ST 3, 7, 13, 17, 19, 23, 27, 29, 33, 35, 37, 41, 43, 45, 47, 49, 53, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 83, 87, 89, 93, (27 points)</p>

Attested By

*[Signature]*

CCO  
CCO  
CCO  
CCO  
CCO

6. Himachal Pradesh  
25 SC/5 ST/20 OBC

SC 1, 5, 9, 13, 17, 21, 25, 29, 33, 37,  
41, 45, 49, 53, 57, 61, 65, 69, 73,  
77, 81, 85, 89, 93, 97, (25 points)

ST 3, 23, 43, 63, 83, (5 points)

OBC 7, 11, 15, 19, 27, 31, 35, 39, 47, 51,  
55, 59, 67, 71, 75, 79, 87, 91, 95,  
99 (20 points)

7. Jammu & Kashmir  
9 SC/13 ST/27 OBC

SC 3, 15, 27, 37, 47, 59, 69, 83, 93.  
(9 points)

ST 1, 9, 17, 25, 33, 41, 49, 57, 65, 73,  
81, 89, 97, (13 points)

OBC 5, 7, 11, 13, 19, 21, 23, 29, 31, 35,  
39, 43, 45, 51, 53, 55, 61, 63, 67,  
73, 75, 79, 85, 87, 91, 95, 99.  
(27 points)

8. Karnataka  
15 SC/5 ST/27 OBC

SC 1, 7, 13, 19, 27, 33, 39, 45, 51, 57,  
63, 69, 77, 83, 89, (15 points)

ST 3, 29, 53, 79, 93, (5 points)

OBC 5, 9, 11, 15, 17, 21, 25, 31, 35,  
37, 43, 47, 55, 59, 61, 65, 67, 71,  
73, 75, 81, 85, 87, 91, 95, 99.  
(27 points)

9. Kerala  
10 SC/1 ST/27 OBC

SC 1, 9, 19, 29, 39, 49, 59, 69, 79, 89.  
(10 points)

ST 3 (1 point)

OBC 5, 7, 11, 15, 17, 21, 23, 27, 31, 35,  
37, 41, 45, 47, 51, 55, 57, 61, 65,  
71, 73, 77, 81, 85, 91, 95, 99.  
(27 points)

10. Madhya Pradesh  
14 SC/23 ST/13 OBC

SC 3, 11, 19, 23, 31, 35, 43, 51, 59, 69,  
71, 75, 83, 87, (14 points)

ST 1, 5, 9, 13, 17, 21, 25, 29, 33, 37,  
45, 49, 53, 57, 61, 65, 69, 73, 77,  
81, 85, 89, (23 points)

OBC 7, 15, 27, 39, 47, 55, 67, 79, 91,  
93, 95, 97, 99, (13 points)

11. Maharashtra  
7 SC/9 ST/27 OBC

SC 3, 17, 31, 45, 59, 73, 87, (7 points)

ST 1, 11, 23, 33, 43, 55, 67, 79, 91.  
(9 points)

OBC 5, 7, 9, 13, 19, 21, 25, 27, 35, 37, 39,  
41, 43, 51, 53, 57, 61, 65, 69, 71, 75,  
81, 83, 89, 93, 95, 99, (27 points)

Attested By



24 Oct 20

000

Director

Illona



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12. Manipur  
1 SC/27 ST/22 OBC

SC 3 (1 point)  
SF 1, 5, 9, 13, 17, 19, 23, 25, 29, 33, 37, 41, 45, 49, 53, 57, 61, 67, 71, 75, 79, 83, 85, 89, 91, 95, 97. (27 points)  
OBC 7, 11, 15, 21, 27, 31, 35, 39, 43, 47, 51, 55, 59, 63, 65, 69, 73, 77, 81, 87, 93, 99. (22 points)

13. [Redacted]  
[Redacted] SC/45 ST/5 OBC

SC [Redacted]  
SF 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 27, 29, 31, 33, 35, 37, 39, 41, 45, 47, 49, 51, 53, 55, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97. (44 points)  
OBC 7, 25, 43, 57, 99 (5 points)

14. Mizoram  
Nil SC/45 ST/5 OBC

SC Nil  
SF 1, 3, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 93, 95, 99. (45 points)  
OBC 5, 13, 57, 91, 97 (5 points)

15. Orissa.  
15 SC/23 ST/12 OBC

SC 3, 11, 19, 23, 31, 35, 43, 51, 59, 63, 71, 75, 83, 87, 95. (15 points)  
SF 1, 5, 9, 13, 17, 21, 25, 29, 33, 37, 41, 45, 49, 53, 57, 61, 65, 69, 73, 77, 81, 85, 89. (23 points)  
OBC 7, 15, 27, 39, 47, 55, 67, 79, 91, 93, 97, 99. (12 points)

16. Punjab  
27 SC/Nil ST/23 OBC

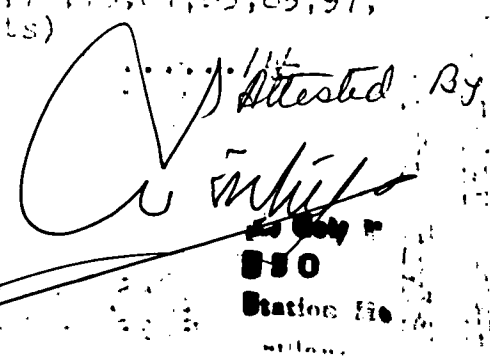
SC 1, 5, 9, 13, 17, 19, 23, 25, 29, 33, 37, 41, 45, 49, 53, 57, 61, 67, 71, 75, 79, 83, 85, 89, 91, 95, 97. (27 points)  
SF Nil.  
OBC 3, 7, 11, 15, 21, 27, 31, 35, 39, 43, 47, 51, 55, 59, 63, 65, 69, 73, 77, 81, 87, 93, 95. (23 points)

17. Rajasthan.  
17 SC/13 ST/21 OBC

SC 1, 7, 13, 19, 25, 31, 37, 43, 49, 55, 61, 67, 73, 79, 85, 91, 97. (17 points)  
SF 3, 11, 21, 27, 35, 45, 51, 59, 69, 75, 83, 93. (12 points)  
OBC 5, 9, 15, 17, 23, 29, 33, 39, 41, 47, 53, 57, 63, 65, 71, 77, 81, 87, 89, 95, 97. (21 points)

18. Sikkim.  
6 SC/23 ST/21 OBC

SC 1, 5, 9, 13, 17, 19, 23. (6 points)  
SF 1, 3, 7, 11, 15, 17, 21, 25, 27, 31, 35, 39, 45, 49, 53, 57, 61, 65, 69, 75, 79, 83, 87, 91, 95, 97. (23 points)  
OBC 7, 11, 15, 17, 23, 29, 33, 37, 43, 47, 51, 55, 59, 63, 65, 69, 73, 81, 85, 89, 97. (21 points)

Attested By  
  
Station File

58  
19. Tamil Nadu  
19 SC/1 ST/27 OBC

SC 1, 9, 11, 13, 21, 25, 31, 35, 41, 45,  
51, 55, 61, 65, 71, 75, 81, 85, 91,  
(19 points)

ST 3. (1 point)

OBC 7, 9, 13, 17, 23, 27, 29, 33, 37, 43, 47,  
49, 53, 57, 59, 61, 63, 69, 73, 77, 79,  
83, 87, 89, 93, 95, 99. (27 points)

20. Tripura.  
15 SC/29 ST/6 OBC

SC 3, 11, 17, 23, 31, 37, 45, 53, 59, 65,  
71, 77, 83, 89, 95. (15 points)

ST 1, 5, 9, 13, 15, 19, 21, 27, 29, 33, 35,  
39, 41, 47, 49, 51, 55, 61, 63, 67, 69,  
73, 75, 79, 81, 85, 87, 91, 93,  
(29 points)

OBC 7, 25, 43, 57, 97, 99. (6 points)

21. Uttar Pradesh  
21 SC/1 ST/27 OBC

SC 1, 5, 11, 15, 21, 25, 31, 35, 41, 45, 51,  
55, 61, 65, 71, 75, 81, 85, 89, 95, 99,  
(21 points)

ST 3. (1 point)

OBC 7, 9, 13, 17, 19, 23, 27, 33, 37, 39, 43,  
47, 49, 53, 57, 59, 63, 67, 69, 73, 77,  
83, 87, 91, 93, 97. (27 points)

22. West Bengal  
22 SC/6 ST/22 OBC

SC 1, 5, 9, 13, 17, 21, 27, 31, 35, 39, 45,  
49, 53, 57, 61, 65, 69, 75, 79, 83, 87,  
91. (22 points)

ST 3, 23, 43, 63, 85, 97. (6 points)

OBC 7, 11, 15, 19, 25, 29, 33, 37, 41, 47,  
51, 55, 59, 67, 71, 73, 77, 81, 85, 89,  
93, 95. (22 points)

#### UNION TERRITORIES

1. Andaman Nicobar  
Islands.  
Nil SC/12 ST/27 OBC

SC Nil  
ST Nil  
OBC 1, 9, 17, 25, 33, 43, 51, 59, 67, 75,  
83, 93. (12 points)

OBC 3, 7, 11, 15, 19, 21, 27, 29, 31, 35,  
39, 45, 47, 53, 55, 61, 65, 69, 71,  
77, 79, 81, 85, 89, 95, 97, 99,  
(27 points)

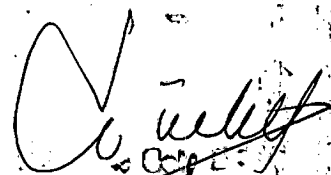
2. Chandigarh.  
14 SC/Nil ST/27 OBC

SC 1, 7, 15, 21, 29, 35, 43, 49, 57, 63, 71,  
77, 85, 91. (14 points)

ST Nil

OBC 3, 5, 9, 11, 17, 19, 23, 27, 31, 33, 37,  
41, 43, 47, 51, 53, 59, 61, 67, 73, 79,  
83, 87, 93, 95, 99. (27 points)

5/-  
Attested By



DDO  
Chandigarh  
Billong

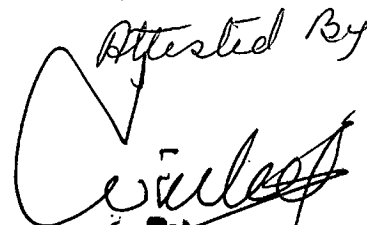
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3. Dadra and Nagar Haveli  
2 SC/43 ST/5 OBC
- SC 3, 55. (2 points)
- ST 1, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 51, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 97. (43 points)
- OBC 5, 49, 55, 95, 99. (5 points)
4. Daman & Diu  
2 SC/1 ST/27 OBC
- SC 1, 49. (2 points)
- ST 3. (1 point)
- OBC 5, 9, 11, 15, 17, 21, 25, 29, 35, 39, 43, 47, 53, 55, 57, 51, 65, 69, 71, 73, 77, 79, 83, 87, 91, 95, 99. (27 points)
5. Pondicherry  
16 SC/Nil ST/27 OBC
- SC 1, 7, 11, 19, 25, 31, 37, 45, 51, 57, 63, 69, 75, 81, 87, 93. (16 points)
- ST Nil
- OBC 5, 9, 13, 15, 21, 23, 27, 33, 35, 39, 41, 45, 47, 49, 53, 59, 61, 65, 67, 73, 77, 79, 85, 89, 91, 95, 99. (27 points)

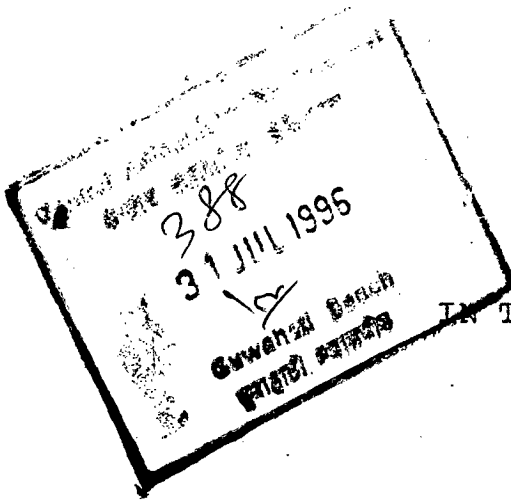
N.B.

1. In respect of Arunachal Pradesh, Nagaland and Lakshadweep there is no change in the existing reservation rosters.
2. For Goa, the reservation rosters will be the same as is given in respect of the Union Territory of Daman and Diu.
3. For Delhi, the rosters as prescribed for recruitment on All-India basis is to be followed.

SC - Scheduled Castes.  
ST - Scheduled Tribes.  
OBC - Other Backward Classes.

Attested By  
  
Deputy Secy  
GEO  
Station Dn  
Chennai.

Filed by applicant  
through M. C. de  
31.7.96. Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 83/95

Miss Madhumita Dey

-versus-

Union of India & Ors.

-And-

In the matter of :

Rejoinder filed by the  
applicant.

The applicant above named most humbly and  
respectfully begs to state as under :

1. That with regard to the statement made in paragraphs 11, 12, and 13 of the written statement by the respondents the applicant begs to deny the correctness of the same and further begs to state that the applicant at the relevant time was quite eligible for promotion to the post of Accounts Clerk as she had requisite qualification and eligibility for the said post. The applicant categorically denies the statement made in paragraph 13 that respondent No. 4 is eligible for promotion in terms of S.R.O. Col. 11 of statutory rules and orders 128/80. In this connection the applicant begs to state that the respondents have overlooked the requirements laid down under S.R.O. 1980 in Col. 8 and 12 of the recruitment rules of 1980. The authorities ought to have considered the requirement

Madhumita Dey

Recd Copy  
on 31.7.96 (31st July)  
at 1-15 pm.  
Y. Sanna  
AD (G.S.C.  
CAT.

laid down harmoniously in Col 8, 11 and 12. A mere perusal of the Col. 8, 11 and 12 makes it clear that promotion to the cadre of Accounts Clerk to the extent of 10% shall be considered only from the cadre of Conservancy Sanitary Mate/Land Supervisor with five years of regular service in the grade. Therefore a Conservancy Safaiwala like respondent No. 4 is not at all eligible in terms of the recruitment rules 1980 whereas the reliance has placed by the respondents in the said recruitment rules which speaks something different and in the provision of the rule made therein clearly makes eligible the applicant for consideration of promotion to the post of Accounts Clerk. Therefore the applicant cannot be suffered for wrong interpretation of the recruitment rules by the authorities and therefore the promotion order of respondent No. 4 to the post of Accounts Clerk is liable to be set aside and quashed. The relevant portion of the formation headquarter and station staff office (Conservancy staff) recruitment rules 1980 of Col. 8, 11, and 12 are quoted below :

8	11	12
1. Matriculation or equivalent	By promotion failing which	Group C Departmental promotion committee
ii. 3 years experience of supervising conservancy staff	by transfer and failing which by direct rectt.	(also for considering confirmation of their direct recruits) consisting of
		1. Chairman, Officer of the rank of L. Col., Major.
		2. Members 2 : Officers of the rank of Captain Lieutenant.

From above it is quite clear that as per provision laid down in the Recruitment Rules 1980 the respondent No. 4 is not eligible for promotion to the post of Accounts Clerk from the cadre of Conservancy Safaiwala. Hence the promotion order dated issued under D.O. Part II Order No. 05/CIB/95 dated 20.4.95 and D.O. Part II order No. 04/CIB/95 dt. 15.3.95 are liable to be set aside and quashed. Moreover the respondent No. 4 does not have the requisite qualification as prescribed under Col 8 of SRO 228/80 namely of accounts keeping.

2. That with regard to the statement made in paragraphs 14 and 15 of the written statement the applicant further begs to state that the same is contradictory itself. In one hand it is stated that the Employment Exchange Registration Card she has marked as SC candidate and based on which the respondent No. 4 was recruited as Conservancy Safaiwala on the other hand in paragraph 15 it is confirmed that she had obtained the Scheduled Caste Certificate after her joining the service. Therefore Hon'ble Tribunal be pleased to direct the respondents to produce the service records and Employment Exchange Card of respondent No. 4 for ~~assex~~ ~~ascertaining~~ asserting the truth.

3. That with regard to the statement made in paragraphs 17, 18, 19 and 20 of the written statement the applicant denies the correctness of the same and further begs to state that the promotion of respondent No. 4 is wrongly considered and promoted to the post of Accounts Clerk due

Contd..P/4

Modhumita Dey

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to mis-interpretation of the S.R.O. 128/80 where there is no provision for straightway recruitment from the lowest formation of Conservancy Safaiwala to the post of Accounts Clerk even it is confirmed in paragraph 17 of the written statement that the Annual Confidential Report also not maintaining for Group D staff. It is further confirmed in paragraph 19 of the written statement that reservation policy was not at all followed by the respondents perhaps due to ignorance of the system of reservation and it is also confirmed by the respondents in paragraph 20 that there are altogether 5 vacancies out of which <sup>1</sup>vacancy is meant for ST, one vacancy is meant for SC and 3 others are meant for general category. Therefore the present vacancy which occurred in August 1994 ought to have been filled by the general candidate and moreover when the present applicant is eligible with all requisite qualification. Be it stated that in Col. 11 (d) of S.R.O. 128/80 it is specifically stated that no vacancy shall be carry forwarded if the same is not filled up during the recruitment year in which the same is occurred therefore the 1994 vacancies of SC should not have been carried forward to the recruitment year 1995-96. The respondents have committed further mistake by carrying forward the SC vacancy for the recruitment year 1995-96 in violation of the recruitment rules. Therefore the promotion of respondent No. 4 is liable to be set aside and quashed and the case of the applicant shall be considered for promotion to the post of Accounts Clerk against the existing ~~vacancy~~ vacant post of Accounts Clerk.

Modhumita Ray

Moreover a restriction has also made by the recruitment rules that not more than 10% of the post to the cadre of Accounts Clerk be filled up by promotion from Group D cadre. Hence since there only one post occurred during the year 1995-96 the same should <sup>not</sup> have been filled up by promotion from Conservancy Safaiwala who are clearly excluded for promotion to the cadre of Accounts Clerk in terms of recruitment rules.

4. That with regard to the statement made in paragraphs 20,21,22,23 and 24 of the written statement the applicant denies the correctness of the same and further begs to state that out of five posts two posts are meant for reserved category and three posts are meant for general category therefore the applicant is entitled to be considered for promotion in the vacancy which is wrongly filled up by the respondent No. 4 in total violation of the recruitment rules even if the post is meant for reserved category and due to non-availability of reserved candidate ~~xxxxxx~~ as per recruitment rule SRO 128/80 the case of the applicant ought to have been considered for promotion to the post of Accounts Clerk. The respondents have totally misinterpreted the provision laid down in SRO 128/80. Therefore promotion order of respondent No. 4 is liable to be set aside and quashed and the applicant is entitled to be considered for promotion to the post of Accounts Clerk.

5. That with regard to the statement made in paragraphs 25,26,27,28 and 29 of the written statement the applicant

*Maheemul Haque*



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denies the correctness of the same and further reiterates the contention made in the original application and begs to state that the roster policy neither followed correctly in the initial recruitment year nor the same is followed even today and the same has been admitted in the written statement by the respondents and it is also surprising that the other provision of recruitment rules such as provision 8 and 12 also ignored by the respondents and thereby committed a gross injustice to the present applicant therefore the Hon'ble Tribunal be pleased to direct the respondents to consider the promotion of the applicant from the date of promotion of respondents No. 4 to the post of Accounts Clerk and also further be pleased to set aside the promotion order of respondent No. 4.

6. That the applicant categorically denies the statement made in paragraphs 30, 31, 32, 33, 34, 35, 36, and 37 of the written statement and further begs to state that as per statement made by the respondents in this written statement there are altogether five vacancies, three vacancies goes to general category and the applicant also belongs to general category. Presently as per statement made by the respondents there are two general candidates therefore there is no difficulty on the part of the respondents to accommodate the applicant in the vacancy which occurred in 1994 which was wrongly filled by the respondent No. 4 in total violation of recruitment rules SRO 128/80. Even if the vacancy is treated as vacancy reserved for scheduled caste in that event also the respondent No. 4 is not eligible for promotion in terms of the recruitment rules

Modhumita Dey

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which relied by the respondents as they have ignored the provision of Col. 8 and 12 of the said recruitment rules and therefore in absence of scheduled caste candidate the applicant is entitled to be considered for promotion in the said post where respondent is promoted and accommodated in violation of the departmental recruitment rules. The provision mentioned by the respondents in paragraph 34 of the written statement should have been harmoniously read with other provision of SRO 128/80 such as provision No. 8 - 12 of the said recruitment rules. Therefore contention of the respondents is incorrect and the same is misleading and the promotion order of respondent No. 4 is not in conformity with the departmental recruitment rules relied by the respondents.

7. That the applicant categorically denies the statement made in paragraphs 38,40,41,42,44,45 of the written statement and further begs to state that under the circumstances stated above the application is deserves to be allowed with costs.

8.

Modhumita Dey

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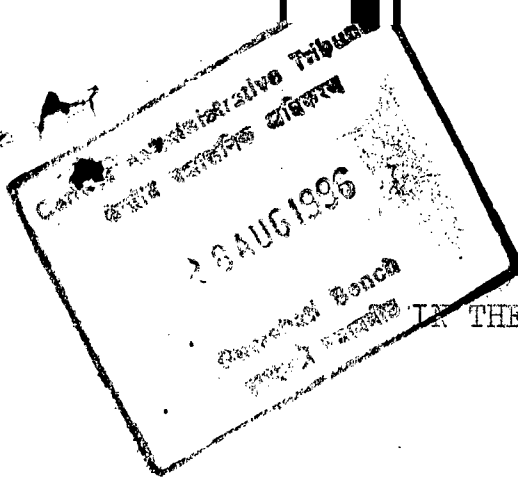
V E R I F I C A T I O N

I, Smti. Madhumita Dey, daughter of late Sumesh Ch. Dey, aged 30 years, working as Store Keeper in the office of the Station H.Q., Shillong, resident of Dudgeon Line, MES, Quarter, Shillong, do hereby verify that the statements made in this rejoinder are true to my knowledge and belief and I have not suppressed any material facts.

I, sign this verification on this the 31<sup>st</sup> day of ~~July~~ June, 1996.

Madhumita Dey

SIGNATURE



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A.No.83/95

Mis Madhumita Dey ... Applicant

-Vs-

Union of India & Ors. ... Respondents.

- AND -

In the matter of :

Reply of the rejoinder filed  
by the applicant.

I, Atul G K Gogoi, Officiating  
Administrative Commandant, Station Headquarter,  
Shillong do hereby solemnly affirm and declare as  
follows :-

1. That a copy of rejoinder filed by the  
applicant in the above noted case served upon the  
C.G.S.C. has been received by me and same being read  
over, I have understood the contents thereof and  
hence I make the reply as follows :-

2. That with regard to the contents made in  
paragraph 1 of the rejoinder, I beg to state that  
these are not agreed to. The case was taken up with the  
Higher.....

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File by  
Holep Samra  
Additional Central Govt  
Standing Counsel,  
Central Administrative Tribunal  
Guwahati Bench  
28/8/95

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Higher Headquarters and clarification obtained.  
Accordingly DPC was ordered as per existing Rules.  
The DPC recommended the promotion of Miss Reba Dey  
(Respondent No.4) as only SC candidate eligible as  
per 100 point roster.

3. That with regard to the contents made in  
paragraph 2 of the rejoinder, I beg to state that  
the contents are factually correct.

4. That with regard to the contents made in  
paragraph 3, I beg to state that these are not agreed  
to. As per our amendment two posts are reserved for  
ST, one post is reserved for SC and two are unreserved.  
The vacancy occurred in August '94 could only be  
filled up in 1995 by promotion after getting clarifica-  
tion from Higher HQs and after holding of DPC.

5. That with regard to the contents made  
in paragraph 4, I beg to state that these are not  
agreed to.

6. That with regard to the contents made  
in paragraph 5, I beg to state that these are not  
agreed to, as 100 point roster policy was followed.

7. That with regard to the contents made  
in paragraph 6, I beg to state that these are not  
agreed to. Amendment to our para 1(2) of our earlier

Counter.....

Counter Affidavit has already been placed, there are only two posts for General Cadre.

8. That with regard to the contents made in paragraph 7 of the rejoinder, I beg to state that these are not agreed to.

9. That in the rejoinder the applicant has failed to make out any fresh cause of action and it is replica of the original application.

10. That the respondents have acted as per the existing rules and 100 point roster and there being no illegality at all the rejoinder of the applicant is not tenable in any count, legal and factual.

11. That this reply to the rejoinder is filed bonafide and in the interest of justice.

Verification .....

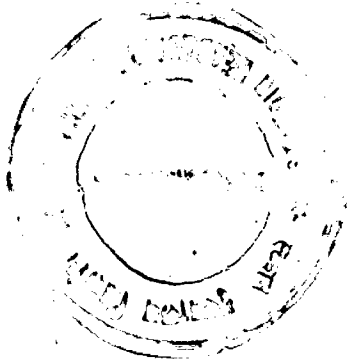
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VERIFICATION

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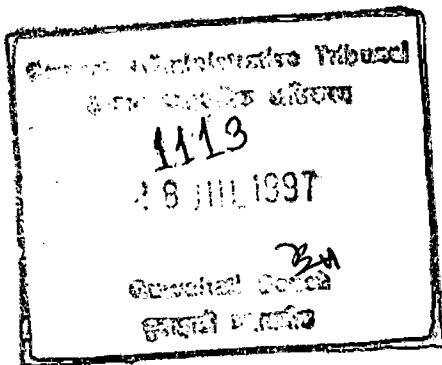
I, Ht Gt G.K. Soga, Officer  
Administrative Commandant, Station Headquarter,  
Shillong do hereby solemnly affirm and declare  
that the contents made in paragraph 1 of this reply  
to the rejoinder is true to my knowledge and those  
made from paragraph 2 to 8 are derived from records  
which I believe to be true and rest are humble  
submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 28 day  
of August, 1996 at Shillong.



  
DEPONENT.

Ht Gt G.K. Soga  
Administrative Commandant  
Station Headquarter  
Shillong



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,  
GUWAHATI.

Filed by one applicant -  
through N. D. Goswami  
Advocate  
for J. Sanjay M. Chandra  
Advocate.

In the matter of -

O.A. 83/95.

Miss Madhumita Dey.

-Versus-

Union of India & Ors.

-AND-

In the matter of -

An Additional Rejoinder submitted by  
the applicant.

The applicant above-named most humbly and  
respectfully begs to state as under :-

1. That your applicant being agreed for denial of  
promotion/appointment to the post of Accounts Clerk which  
occurred in the month of Aug., 1994 in the establishment of  
Station Headquarter, Shillong and also being <sup>agreed</sup> for  
appointment of Respondent No. 4 to the post of Accounts  
Clerk from 3 Grade below and in violation of existing  
relevant recruitment rule that the applicant approached the  
Hon'ble Tribunal through the O.A. 83/95.

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2. That your applicant categorically begs to state that the respondent No. 4 in fact belongs to general category and obtained the Scheduled caste certificate from the local district authority by misleading and misrepresenting her actual status. In this connection it may be stated that the father of ~~xxx~~ the Respondent No. 4 was a Class IV retired employee of the Establishment of Accountant General, Govt. of India, Shillong. And the father of the Respondent No. 4 namely Late Nibaran Ch. Dey as declared himself as General Category employee and the other brothers and sisters of the Respondent No. 4 namely Sri Nikhil Ch. Dey Miss Ratna Dey and Mrs. Dipali Dey (Sarma) who are presently serving in the same establishment of the office of Accountant General, Govt. of India, Shillong also declared & themselves as General Category employees which would be evident from the extract of the Gradation list published as on 1.3.95. The name of sister of Respondent No. 4 Smti. Ratna Dey serving as Accountant appeared in serial No. 83 of the Gradation List published as on 1.3.95. Similarly another sister Smti. Dipali Dey (Sarma) (ii) also appeared in serial no. 402 of the said gradation list and serving as Accountant. And the brother of Respondent No. 4 Sri Nikhil Ch. Dey whose name appeared in serial No. 30 also declared himself as general category employee, therefore it is crystal clear that the Respondent No. 4 is also belongs to General Category as her own brothers and sisters declared themselves as general category.

(Copies.....)

- 3 -

(Copies of the extract of the gradation list of the brother and sister of Respondent No. 4 who are serving in the Establishment of Accountant General, Govt. of India, Shillong, are enclosed herewith and marked as Annexures - 8

3. That your applicant further begs to state that the Respondent No.1, 2 and 3 submitted their written statement wherein contradictory statements are being made in paragraphs 14 and 15 of the written statement, in para 14 it is stated by the Respondent that as per Employment Exchange Registration Card the Respondent No. 4 belongs to Scheduled Caste Category, based on which the respondent No. 4 is recruited as conservancy Safaiwalla whereas in para 15 of the written statement it is admitted by the respondent that the Respondent No. 4 has obtained the Scheduled Caste certificate after her joining in the service.

In this connection it may be stated that as per Govt. of India, Department of Personnel and Training Office Memo. No. 36012/6/88-Estt. (SCT) (SRD.III) dated 24th April, 1990 wherein it is categorically stated that the Caste Certificate in support of claim of a candidate in the prescribed form by the Judicial/Revenue Authority only should be accepted at the time of initial appointment. But in the instant case as admitted in para 15 of the written statement now it appears that the Scheduled caste Certificate <sup>of</sup> is the

Respondent No .....

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Respondent No. 4 has been obtained by her after her joining in the service in the Station Headquarter which is not permissible as per O.M. dated 24.4.90, issued by the Govt. of India. Moreover, no verification of the Scheduled Caste Certificate of the Respondent No. 4 was made by the Respondent as per provision laid down in the O.M. dated 24.4.90, in terms of O.M. No. 36012/36-(22)/89-Ext(SCT) dated the 16th June, 1989. The relevant portion of concessions in appointment of Scheduled Caste and Scheduled Tribe are quoted hereunder from Section (iii) of Chapter 25 of the Swamy's Complete Manual of Establishment and Administration for Central Government is given below :

"3. Certificate to be produced in support of claim.

(1) Every person who claims to belong to a Scheduled Caste or Scheduled Tribe has to produce a certificate to the appointing authority as sufficient proof in support of the claim.

(2) Caste Certificates issued in the prescribed form (Annexure -I) by the Judicial/Revenue authorities (Annexure -) only should be accepted at the time of initial appointment.

[G.I., Dept. of Per. & Trg., O.M. No. 36012/6/88-Estt. (SCT) (SRD.III), dated the 24th April, 1990].

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"4. Provisional appointment subject to verification of caste status.

The appointing authorities should, in the offer of appointment to the candidates claiming to be belonging to SC/ST, include a clause to the effect that the appointment is provisional and is subject to verification of the caste/tribe certificate through proper channel and that if the claim to belong to SC/ST is found to be false, the services will be terminated forthwith without assigning any reason and without prejudice to such further action that may be taken under the Indian Penal Code for production of false certificate.

[G.I., Dept. of Per & Trg., O.M. No. 36012/6/88-Estt. (SCT) (SRD.III), dated the 24th April, 1990].

5. Further verification and action thereon.

(1) It is always open to the appointing authority, if it considers necessary for any reason, to verify the claim of a candidate through the District Magistrate of the place where the candidate and/or his family ordinarily resides.

(2) If after appointment in any particular case, the verification reveals that the candidate's claim was false, his services may be terminated in accordance with the relevant rules/orders.

[G.I., M.H.A., O.M. No. 42/34/52-NGS, dated the 17th April, 1953].

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- 6 -

6. Provisional appointment when prescribed certificates not produced.

Where a candidate belonging to an SC or ST is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever prima facie proof he is able to produce in support of his claim, subject to his furnishing the prescribed certificate within a reasonable time. If there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claim through the District Magistrate concerned. Appointment of an SC or ST candidate should not be withheld/delayed pending verification of caste status.

[ G.I., D.P. & Trg., O.M. No. 36011/5/88-Est.(SCT),  
dated April, 1988 ].

7. Caste status to be verified again at the time of promotion against reserved vacancy.

The appointing authorities should verify the caste status of an SC/ST officer at the time of initial appointment and again at the time of promotion against a reserved vacancy for SC/ST. For this purpose, the caste and the community to which an SC/ST person belongs, his place of residence and the name of the State, should be pasted on the top of the service book, personal file or any other relevant

document.....

document covering the employee to facilitate such verification. It may be mentioned that a Scheduled Caste person, whose caste has been descheduled after his initial appointment as a Scheduled Caste, is no longer entitled to enjoy the benefit of reservation in promotions.

[G.I., Dept. of Per. & A.R., O.M. No. 36011/16/80-Estt. (SCT), dated the 27th February, 1981; Dept. of Per. & Trg., O.M. No. 42012/8/87-Estt. (SCT), dated the 14th October, 1987 and O.M. No. 36012/36(22)/89-Estt. (SCT), dated the 16th June, 1989]. "

From above, it is quite clear that in the instant case of appointment/promotion so far Respondent No. 4 is concerned the Respondent have deliberately violated the provision laid down by Govt. of India for verification of Caste Certificate with the view of intention to show undue favour to respondent No. 4 in total violation of rules and regulation. Hence, the appointment/promotion of Respondent No. 4 to the post of Accounts Clerk issued under impugned Part (ii) order dated 24.4.95 and part (ii) order dated 15.3.95 (Annexure - 7) liable to be set aside and quashed.

4. That the Hon'ble Tribunal be pleased to direct the respondent to produce the Schedule Caste Certificate submitted by the respondent No. 4 in connection with the appointment as well as promotion before the <sup>Hon'ble Tribunal</sup> departmental <sup>for perusal.</sup>

authorities.....

5. That your applicant further begs to state that the proceedings of the departmental promotion committee held on 15.4.1995 is required to be approved by the General Office Commanding (GOC), 101 Area, Shillong before issuing the promotion/appointment order to any Group 'C' post, GOC is the appointing authority for the post of Accounts Clerk under the Station Headquarter, Shillong but in the instant case the approval of GOC, 101 Area of Shillong is not obtained before issuing the impugned promotion/appointment order issued under D.O. Part (II) Order No. 05/CID/95 dated 20.4.95<sup>and</sup> 15.3.95 hence the appointment of Respondent No. 4 is made in total violation of the procedure prescribed in Part (v) order of C.P.R.O. The relevant portion of C.P.R.O. published in Dec 1990 are quoted below for perusal of the Hon'ble Tribunal.

~~XXXXXXXXXXXX~~

"PROCESSING AND IMPLEMENTATION OF THE RECOMMENDATIONS OF DEPARTMENTAL PROMOTION COMMITTEE.

Processing of recommendations of D.P.C.

16.1 The recommendations of the DPC are advisory in nature and should be duly approved by the appointing authority. Before the recommendations are so approved the appointing authority shall consult all concerned as indicated below without undue delay.

From above, it is quite clear that the respondent in the instant case has violated <sup>all</sup> on the existing ~~rules~~ rules and regulations just to show undue favour to Respondent No. 4.

Therefore, in the circumstances stated above, this application is deserves to be allowed with costs.

A copy of extract of C.P.R.O Dec 1990 Part (v) is enclosed herewith and marked as Annexure- 9

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

I, Miss. Madhumita Dey, daughter of Late Somesh Ch. Dey, Resident of Shillong, applicant in the above case working as Storekeeper in the office of the ~~Station~~ Station Headquarter, Shillong, do hereby declare and verify that the statement made in the para 1 to 5 are true to my knowledge and belief and I have not suppressed any material fact.

And I sign this verification on this the 22nd day of May, 1997.

*Madhumita Dey*  
Signature

Date: 21 May 97

Place: Guwahati



Encls NO. 3A 8

ACCOUNTANTS AS ON 1.3.95  
SCALE OF PAY :- Rs.1200-30-1560-FB-40-2040/-P.M.

SL. No.	Full Name & Educational Qualification	Whether belongs to S.C. or S.T. If not, say neither	Date of birth Date of commencement of continuous Govt. Service	Date of Continuous appnt./ promotion to the cadre	Date of Successful completion of probation	Year of passing S.O.G.E.	Post in which confirmed and date of confirmation	Pay and date of last increment	Remarks
1	2	3	4	5	6	7	8	9	10
1	SHRI BISWAJIT DAS B.A.	NEITHER	01/10/46 31/07/67	31/07/67	/ /		ACCTT. 01/03/72	0.00 / /	RELEASED ON APPTT. AS ASSTT. REGR. OF CO-OP SOCIETIES UNDER THE GOVT. OF ASSAM W.E.F. 4/10/76
2	SHRI BIRENDRA KR DOLEY B.A.	S.T.	01/03/43 24/06/70	24/06/70	/ /		ACCTT. 01/03/73	0.00 / /	RELIEVED TO JOIN ASSAM PUBLIC SERVICE W.E.F. 31/01/76
3	SHRI C. LALCHHUAMA B.A.	S.T.	01/01/49 26/06/70	26/06/70	/ /		ACCTT. 01/03/73	0.00 / /	RELIEVED TO JOIN THE GOVT. OF MIZORAM W.E.F. 31/08/77
4	SHRI HARENDRA KUMAR MACHARY B.A.	S.T.	01/03/45 21/09/70	21/09/70	/ /		ACCTT. 01/03/74	0.00 / /	RELEASED ON 3/10/77 TO JOIN AS TO/FAO UNDER THE GOVT. OF ASSAM.
5	SHRI SWELLINGTON LINGDOH	S.T.	01/01/42 14/08/62	22/12/70*	/ /		ACCTT. 01/03/73	0.00 / /	RELEASED ON APPTT. AS JR. PHYSICIAN UNDER THE GOVT. OF INDIA.
6	SHRI PHILIP RYMBAI B.A.	S.T.	01/11/45 28/10/72	28/10/72	/ /		ACCTT. 01/03/76	0.00 / /	RELEASED TO JOIN MEGH. TRANSPORT CORPN. W.E.F. 20/05/86 (AN).
7	SHRI NIRODE CHAKRAVORTY B.A.	NEITHER	01/11/50 23/04/73	23/04/73	/ /		ACCTT. 01/03/79	0.00 / /	TRANSFERRED PERMANENT TO A.G. TRIPURA, AGARTALA W.E.F. 15/01/84
8	SHRI C. LALBIAKTLUANGA B.A.	S.T.	01/03/45 21/09/67	05/11/73*	/ /		ACCTT. 01/03/78	0.00 / /	RELEASED W.E.F. 02/03/82

Attested  
[Signature]

Encl No. 8

1	2	3	4	5	6	7	8	9	10
77	SHRI SARAT CH. DEKA B.A.	NEITHER	01/12/61	16/12/92*	16/12/94		PEON	1260.00	
78	SMTI MISTILIAN SYNREM	S.T.	23/07/87	15/12/92*	15/12/94		01/07/91	01/12/94	
79	SHRI KAUSHIK RN. ACHARJEE	NEITHER	22/05/58	15/12/92*	15/12/94		C/T.	1260.00	
80	SHRI NIRANJAN KR. ROY	NEITHER	25/02/86	15/12/92*	15/12/94		01/08/91	01/12/94	
81	SHRI BIDHAN CHAKRAVORTY	NEITHER	10/11/56	15/12/92*	15/12/94		PEON	1260.00	
82	SHRI KANISTHA RABHA	S.T.	14/07/81	15/12/92*	15/12/94		29/02/84	01/12/94	
83	SMTI RATNA DEY	NEITHER	02/02/62	17/12/92*	17/12/94		C/T.	1260.00	
84	SHRI ANUP KR. SINGHA	NEITHER	22/04/87	15/12/92*	15/12/94		01/08/91	01/12/94	
85	SHRI DEEPAK RAJ RAWANI	NEITHER	22/01/68	15/12/92*	15/12/94		C/T.	1260.00	
86	SHRI MRINMOY BHATTACHARJEE	NEITHER	23/10/86	15/12/92*	15/12/94		01/08/91	01/12/94	
87	SHRI GURU PRASAD DUTTA	NEITHER	23/04/61	15/12/92*	15/12/94		C/T.	1260.00	
88	SHRI SITESH CH. DAS	S.C.	22/12/86 (AN)	15/12/92*	15/12/94		01/08/91	01/12/94	
89	SMTI UTPALA DAS	S.C.	23/11/60	15/12/92*	15/12/94		C/T.	1260.00	
90	SHRI SWAPAN KR. DEY SARKAR	NEITHER	05/05/87	15/12/92*	15/12/94		01/08/91	01/12/94	
91	SHRI BANLUMLANG MYLLIEMNGAP	S.T.	46/12/59	15/12/92*	15/12/94		C/T.	1260.00	
92	SMTI CICILIA MAWNIUH	S.T.	09/12/87	15/12/92*	15/12/94		01/08/91	01/12/94	
93	SMTI SUDIPTA KUNDU	NEITHER	04/03/61	15/12/92*	15/12/94		PEON	1260.00	
94	SHRI ARABINDA CHAKRABORTY B.SC.	NEITHER	24/06/81	15/12/92*	15/12/94		01/04/88	01/12/94	
95	SHRI DEBENDRA CHETRI	NEITHER	28/01/65	15/12/92*	15/12/94		C/T.	1260.00	
96	SHRI SUBRATA KR. BENERJEE	NEITHER	03/11/87	15/12/92*	15/12/94		01/08/91	01/12/94	
97	SHRI SANKAR HALDAR	NEITHER	28/09/58	15/12/92*	15/12/94		C/T.	1260.00	
			02/11/87	15/12/92*	15/12/94		01/08/91	01/12/94	
			01/06/61	15/12/92*	15/12/94		C/T.	1260.00	
			21/03/89	15/12/92*	15/12/94		01/07/93	01/12/94	
			28/01/61	15/12/92*	15/12/94		C/T.	1290.00	
			11/07/89	01/01/93*	01/01/95		01/07/93	01/12/94	
			01/03/62	01/01/93*	01/01/95		C/T.	1260.00	
			09/12/87	01/01/93*	01/01/95		01/08/91	01/01/95	
			26/11/66	01/01/93*	01/01/95		C/T.	1260.00	
			09/11/87	01/01/93*	01/01/95		01/08/91	01/01/95	
			10/10/66	01/01/93*	01/01/95		C/T.	1260.00	
			16/09/87	12/06/92*	12/06/94		01/08/91	01/01/95	
			10/01/50	12/06/92*	12/06/94		AUDITOR	1840.00	
			08/12/76	12/06/92*	12/06/94		01/11/82	01/12/94	
			01/03/51	04/05/93	ON PROB.		TEMPORARY	1230.00	
			04/05/93	14/09/93	ON PROB		/ /	04/05/94	
			08/02/72	14/09/93	ON PROB		TEMPORARY	1230.00	
			14/09/93	04/01/94*	ON PROB		/ /	01/09/94	
			04/01/61	04/01/94*	ON PROB		C/T.	1230.00	
			01/08/86	03/01/94*	ON PROB		03/01/94	01/01/95	
			01/06/60	03/01/94*	ON PROB		C/T.	1260.00	
			02/09/87	03/01/94*	ON PROB		01/08/91	01/09/94	

REVERTED FROM THE  
POST OF SUPERVISOR  
TO THE POST OF  
ACCOUNTANT.

PAST SERVICE RENDER-  
ED IN THE DIR. OF FIE  
LD PUBLICITY, GHY (MIN  
OF INFR. & BROADCAST-  
ING WEF 21/9/82 (AN)  
TO 1/9/87 (AN) SHALL  
COUNT TOWARDS QUALI-  
FYING SERVICE FOR  
PENSION.

Encl No. 8. 208

SENIOR ACCOUNTANTS AS ON 01/03/95  
SCALE OF PAY : RS. 1400-10-1600-50-2300-EB-60-2600/- P.M.

SL. No.	Full Name & Educational Qualification	Whether belongs to S.C. or S.T. If not, say neither	Date of birth Date of commencement of continuous Govt. Service	Date of Continuous apptt./ promotion to the cadre	Date of Successful completion of probation	Year of passing S.O.G.E.	Post in which confirmed and date of confirmation	Pay and date of last increment	Remarks
1	SHRI RANJIT DUTTA (II) B.A.	NEITHER	01/06/38 06/05/61	08/01/74*	NOT REQUIRED.	ACCTT.	2600.00	08/07/65 01/06/93	
2	SMTI ANJALI BHATTACHARJEE (I) B.A.	NEITHER	13/11/37 03/07/61	10/10/75*	NOT REQUIRED.	ACCTT.	2600.00	01/03/65 01/06/94	WILL RETIRE WEF 30/11/95 (AN)
3	SMTI PRIYATAMA DHAR CHOUDHURY B.A.	NEITHER	18/01/39 14/08/61	10/10/75*	NOT REQUIRED.	ACCTT.	2600.00	01/03/65 01/06/93	
4	SMTI GITA GUPTA B.A.	NEITHER	09/11/41 06/01/62 (AN)	04/06/76*	NOT REQUIRED.	ACCTT.	2600.00	01/03/66 01/06/94	
5	SMTI SNOWDA ILLOYALL SAWKME B.A.	S.T.	16/04/37 28/11/59	04/05/77*	NOT REQUIRED.	ACCTT.	2510.00	01/12/61 01/06/94	WILL RETIRE WEF 30/4/95 (AN) ON SUPERANNUATION.
6	SMTI ARUNA DEY B.A. (HONS)	NEITHER	25/11/38 17/01/62	04/05/77*	NOT REQUIRED.	ACCTT.	2600.00	01/03/65 01/05/94	
7	SMTI SABITRI DEVI B.A.	NEITHER	01/01/41 12/02/62 (AN)	20/09/77*	NOT REQUIRED.	ACCTT.	2600.00	01/03/68 01/12/93	
8	SMTI ANJANA DASGUPTA B.A.	NEITHER	01/10/42 21/07/62	29/09/77*	NOT REQUIRED.	ACCTT.	2600.00	01/03/66 01/09/94	
9	SHRI BARINIDHI BHATTACHARJEE B.A.	NEITHER	31/12/37 16/04/59 (AN)	01/12/78*	NOT REQUIRED.	ACCTT.	2600.00	01/03/66 01/12/93	WILL RETIRE WEF 31/12/95 (AN) ON SUPERANNUATION.
10	SHRI ANIL KR. DAS B.A.	S.C.	01/05/39 27/09/68	01/12/78*	NOT REQUIRED.	ACCTT.	2150.00	01/04/91 01/04/94	PROMOTED AS SUPERVISOR ON 07/11/86 REVISED AS SR. ACCOUNTANT W.E.F. 13.03.89. (AN) ON HIS OWN REQUEST.
11	SHRI AJIT SANKAR MITRA B.SC	NEITHER	01/03/40 08/10/63	18/01/79*	NOT REQUIRED.	ACCTT.	2600.00	01/03/69 01/01/95	
12	SHRI BIJOY BEHARI BHATTACHARJEE B.A.	NEITHER	01/02/42 29/05/64	20/02/79*	NOT REQUIRED.	ACCTT.	2250.00	03/10/70 01/02/95	
13	SHRI GAUTAM SHOME B.A.	NEITHER	01/02/43 01/06/64	20/02/79*	NOT REQUIRED.	ACCTT.	2600.00	03/10/70 01/02/95	

Encls No 8 209

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1	2	3	4	5	6	7	8	9	10
330	SMTI TILOTTAMA (MALAKAR)	S.C.	23/12/52	07/02/89*	NOT REQUIRED.	C/T.	1700.00		
331	SHARMA	S.C.	09/10/75			01/04/79	01/02/95		
332	SMTI ANITA BHUIYA	S.C.	01/03/57	13/02/89*	NOT REQUIRED.	C/T.	1700.00		
333	B.A.	NEITHER	09/12/76			01/04/81	01/02/95		
334	SMTI BIJOY LAKSHMI DAS	NEITHER	09/01/51	20/02/89*	NOT REQUIRED.	C/T.	1700.00		
335	SHRI RANDOLF SINGH LINGDOH	S.T.	06/12/76			01/04/81	01/02/95		
336	SHRI KALINI RANJAN MEDHI	S.T.	01/12/56	07/02/89*	NOT REQUIRED.	C/T.	1700.00		
337	SHRI KALINI RANJAN MEDHI	NEITHER	10/12/76			01/01/81	01/02/95		
338	SMTI STRANI SARKAR	S.C.	01/12/51	07/02/89*	NOT REQUIRED.	C/T.	1650.00		
339	SHRI ORACLETON GATPHOH	S.T.	23/06/71			01/03/78	01/02/95		
340	SHRI KASHINATH PRASAD	S.T.	01/02/56	07/02/89*	NOT REQUIRED.	C/T.	1700.00		
341	SHRI DIPAK KR. DHAR	S.T.	25/01/77			01/04/81	01/02/95		
342	SHRI RAJESWAR MEDHI	NEITHER	11/07/58	07/02/89*	NOT REQUIRED.	C/T.	1650.00		
343	SHRI RAJESWAR MEDHI	NEITHER	02/05/77			29/02/84	01/02/95		
344	SMTI ARCHANA BHATTACHARJEE	NEITHER	20/02/42	07/02/89*	NOT REQUIRED.	C/T.	1650.00		
345	SMTI PUSPALATA BARMAN	NEITHER	26/11/65			01/04/81	01/02/95		
346	SHRI PAISTINGH NONGRUM	S.C.	08/01/61	07/02/89*	NOT REQUIRED.	C/T.	1700.00		
347	SMTI SWISSIBON KHARHJON	S.C.	19/05/79			29/02/84	01/02/95		
348	SMTI H. BACANCY NONGERI	S.T.	01/05/18	07/02/89*	NOT REQUIRED.	C/T.	1650.00		
349	SHRI GOPAL CH. CHANDA	S.T.	07/05/71			29/02/84	01/02/95		
350	SHRI BISWAJIT DEY	NEITHER	15/01/53	07/02/89*	NOT REQUIRED.	C/T.	1650.00		
351	SHRI KALYAN KR. SUKLABADYA	S.C.	12/05/75			01/03/78	01/02/95		
352	SMTI SHIPRA BHATTACHARJEE	NEITHER	01/03/55	07/02/89*	NOT REQUIRED.	C/T.	1650.00		
353	SHRI JAHARLAL DAS	S.C.	37/06/80			29/02/84	01/02/95		
354	SMTI SHELLEY BHATTACHARJEE	NEITHER	01/03/55	07/02/89*	NOT REQUIRED.	C/T.	1700.00		
355	SHRI DWIJENDRA LAL DAS	NEITHER	09/10/75			01/04/79	01/02/95		
356	SMTI DIPALI (DEY (II)) SHARMA	NEITHER	01/03/18	07/02/89*	NOT REQUIRED.	C/T.	1650.00		
357	SHRI KALYAN KR. SUKLABADYA	S.C.	03/10/75			01/03/78	01/02/95		
358	SMTI SHIPRA BHATTACHARJEE	NEITHER	09/01/53	03/01/90*	NOT REQUIRED.	C/T.	1600.00		
359	SHRI JAHARLAL DAS	S.C.	02/06/76			01/04/79	01/10/94		
360	SMTI SHELLEY BHATTACHARJEE	NEITHER	01/05/43	03/01/90*	NOT REQUIRED.	C/T.	1650.00		
361	SHRI DWIJENDRA LAL DAS	NEITHER	06/12/63			01/03/78	01/10/94		
362	SMTI DIPALI (DEY (II)) SHARMA	NEITHER	25/09/53	10/01/90*	NOT REQUIRED.	C/T.	1600.00		
363	SHRI KALYAN KR. SUKLABADYA	S.C.	06/12/76			01/04/81	01/10/94		
364	SMTI SHIPRA BHATTACHARJEE	NEITHER	08/01/50	03/01/90*	NOT REQUIRED.	C/T.	1650.00		
365	SHRI JAHARLAL DAS	S.C.	11/11/75			01/04/79	01/10/94		
366	SMTI SHELLEY BHATTACHARJEE	NEITHER	23/12/54	02/01/90*	NOT REQUIRED.	C/T.	1650.00		
367	SHRI DWIJENDRA LAL DAS	NEITHER	10/12/76			01/04/81	01/10/94		
368	SMTI DIPALI (DEY (II)) SHARMA	NEITHER	20/03/50	03/01/90*	NOT REQUIRED.	C/T.	1600.00		
369	SHRI KALYAN KR. SUKLABADYA	S.C.	05/10/77			29/02/84	01/11/94		
370	SMTI SHELLEY BHATTACHARJEE	NEITHER	01/10/52	05/01/90*	NOT REQUIRED.	C/T.	1650.00		
371	SHRI DWIJENDRA LAL DAS	NEITHER	24/08/77			29/02/84	01/11/94		
372	SMTI DIPALI (DEY (II)) SHARMA	NEITHER	01/03/52	03/01/90*	NOT REQUIRED.	C/T.	1650.00		
373	SHRI KALYAN KR. SUKLABADYA	S.C.	30/09/75			01/03/78	01/12/94		
374	SMTI SHELLEY BHATTACHARJEE	NEITHER	01/11/55	08/01/90*	NOT REQUIRED.	C/T.	1600.00		
375	SHRI DWIJENDRA LAL DAS	NEITHER	16/11/77			29/02/84	01/12/94		
376	SMTI DIPALI (DEY (II)) SHARMA	NEITHER	09/01/60	03/01/90*	NOT REQUIRED.	C/T.	1600.00		
377	SHRI KALYAN KR. SUKLABADYA	S.C.	21/05/79			29/02/84	01/12/94		
378	SMTI SHELLEY BHATTACHARJEE	NEITHER	01/05/47	03/01/90*	NOT REQUIRED.	C/T.	1600.00		
379	SHRI DWIJENDRA LAL DAS	NEITHER	10/11/75			01/03/78	01/12/94		
380	SMTI DIPALI (DEY (II)) SHARMA	NEITHER	22/02/61	03/01/90*	NOT REQUIRED.	C/T.	1600.00		
381	SHRI KALYAN KR. SUKLABADYA	S.C.	30/07/79			29/02/84	01/12/94		

Interested  
AA in

Encl 10

110 1440

Sl. No.	Full Name & Educational Qualification	Whether to S.C. or S.T. If not, then neither	Date of Birth	Date of Commencement of service to the Govt.	Date of Discharge from service	Year of P.W.D. S.O. No.	Post held	Pay Band	Grade
1									

1	SHRI A. K. SINGH	NEITHER	19/01/70			BE 7	MAJOR		
2	SHRI SUTARAL PR. SEN B.COM.	NEITHER	02/11/52 07/11/70	13/06/80		DEPTD	MAJOR		
3	SHRI RAMSINGH SHAR B.COM.	NEITHER	20/01/73	10/07/81		SHR	MAJOR		
4	SHRI LALJI DEWANI SHAR B.COM.	NEITHER	10/01/31						
5	SHRI ANITA RAJENDRA DAS B.COM (HONS)	NEITHER	17/01/54	20/03/82	20-5-84	NOV81	ACCTF.	2100.00	
6	SHRI ANANDRAJ GUPTA B.COM.	NEITHER	01/01/52	01/05/82	1-6-81	NOV81	ACCTF.	2100.00	
7	SHRI PR. SURESH CH. SHARMA B.COM.	NEITHER	01/03/57	20/05/82	20-5-81	NOV81	ACCTF.	2100.00	
8	SHRI PIPIN CH. KARAN	N.A.	01/11/54	20/05/82	20-5-81	NOV81	ACCTF.	2100.00	
9	SHRI ABDUL HAKIM SHEIKH B.A. (HONS)	NEITHER	27/12/56	22/05/82	20-5-81	NOV81	ACCTF.	2100.00	
10	SHRI SUBHASH CH. SHAR B.A.	N.A.	01/12/52	20/05/82	20-5-81	NOV81	ACCTF.	2100.00	

Attested  
[Signature]  
[Signature]

OFFICER  
ADMIN. DIV.  
1/12/81

$$\begin{array}{r} 111 \\ 15 \end{array}$$

NEITHER

Attested  
J. C. [unclear]  
[unclear]

207  
127

allowed for submission of representation is not over, the DPC may in their discretion defer the consideration of the case until a decision on the representation.

13. An officer whose increments have been withheld or who has been reduced to a lower stage in the time scale, cannot be considered on that account to be ineligible for promotion to the higher grade as the specific penalty of withholding promotion has been imposed on him. The suitability of the officer for promotion should be assessed by the DPC as and when occasions arise for such assessment. In assessing the suitability, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of the general service record of the officer and the fact of the imposition of the penalty he should be considered suitable for promotion. However, even when the DPC considers that despite the penalty the officer is suitable for promotion, the officer should not be actually promoted during the currency of the penalty.

14. The DPC should record in their minutes a certificate that the Department/Ministry/Office concerned has rendered the requisite integrity certificate in respect of those recommended by the DPC for promotion/confirmation.

#### Validity of the proceedings of DPCs when one member is absent

15. The proceedings of the Departmental Promotion Committee shall be legally valid and can be act upon notwithstanding the absence of any of its members other than the Chairman provided that the member was duly invited but he absented himself for the reason or the other and others was no deliberate attempt to exclude him from the deliberation of the DPC and provided further that the majority of the members constituting the Departmental Promotion Committee are present in the meeting.

#### PART-V

### PROCESSING AND IMPLEMENTATION OF THE RECOMMENDATIONS OF DEPARTMENTAL PROMOTION COMMITTEE

#### Processing of recommendations of DPC

16.1 The recommendations of the DPC are advisory in nature and should be duly approved by the appointing authority. Before

*Attested*  
*ABR*

*Annexure - 9*  
*112*  
*142*

the recommendations are so approved the appointing authority shall consult all concerned as indicated below, without undue delay.

#### Consultation with UPSC

16.2 The recommendations of the DPC whether it includes a Member of the UPSC or not should be referred to the Commission for approved, if—

- (i) Consultation with the Commission is mandatory under Article 320(3) of the Constitution read with UPSC (Exemption from Consultation) Regulations, 1958. However, a reference may be made to the Regulations, as and when necessary.
- (ii) The Member of the Commission who presides over the DPC specifically desires that the Commission should be consulted.

#### Approval of ACC

16.3 Where the posts fall within the purview of the Appointments Committee of the Cabinet, the approval of ACC should also be obtained.

#### Procedure to be followed when the Appointing Authority does not agree with Recommendations of DPC

16.4.1 There may be certain occasions when the appointing authority may find it necessary to disagree with the recommendations of the DPC. The procedure to be followed in such cases is indicated below.

16.4.2 Where UPSC is associated with the DPC the recommendations of the DPC should be treated as recommendations of UPSC. If it is so considered necessary by the appointing authority to vary or disagree with the recommendations of the DPC the prescribed procedure for over-ruling the recommendations of UPSC (not incorporated in these guidelines) should be followed.

16.4.3 The recommendations of the DPC on which UPSC is not represented should be dealt with as under:—

- (a) Where the appointing authority, being lower than the President of India, does not agree with the recommendations of the DPC, such appointing authority