

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN.NO. 127/ OF 1995
TRANSFER APPLN.NO. OF 1995
CONTEMPT APPLN.NO. OF 1995 (IN OA NO.)
REVIEW APPLN. NO. OF 1995 (IN OA NO.)
MISC. PETN. NO. OF 1995 (IN OA NO.)

N. G. Deb.
..... APPLICANT(S)

Union of India & Ors.
..... RESPONDENT(S)

FOR THE APPLICANT(S) ...MR. *S. Roy,*

MR.
MR.
MR.
MR.

FOR THE RESPONDENTS ...MR. *A.K. Choudhury*
Addl. C.S.C.

OFFICE NOTE	DATE	ORDER
<p>The application is in form and within time. F. of Rs. 50/- deposited vide IPO/BD No. <i>526813</i> Dated <i>26.7.95</i></p> <p><i>Rm 3/7</i></p>	10-7-95	<p>Heard. Mr.S.Roy for the applicant. Mr.A.K.Choudhury, Addl.C.C.S.C. for the respondents.</p> <p>Mr.S.Roy submits that no norms appear to have been followed in preferring respondent No.4 for appointment by reverting the applicant. although he is senior. The question may be examined. However, since the applicant has already filed a departmental appeal^{to} the Registrar General on 26-6-95 against the impugned order of reversion the O.A. can be admitted the only^{after} of period of six months^{has} elapsed from the date^{of} filing the appeal or it is decided earlier. At this time the O.A. is premature. Hence issue notice to the respondents to show cause as to why the O.A. not be admitted. This will be subject to the result in appeal if any is available^{till} then. Returnable on 8-1-96.</p>

*Requisite one and
2 send v.no. 3044-47
2.18.75*

lm

hik
Vice-Chaiman
ba
Member

8.1.96 *For leave from 12.2.96*

*Notice sent on
R. no. 3 & 4.
2.18*

*By order
for*

N

(1)

O.A. 127/95

5-12-95

8-1-96

How case submitted
by the respondent No. 1, 2 and 3

[Signature]

Counter affidavit on behalf
of respondent No. 4 is ^{submitted} send by Mr. S.
Roy. To be listed for hearing on 1-12-2-96.

Member

[Signature]
Vice-Chairman

Mr. A.K. Choudhury, Addl. C.G.S.C. 1m
filed memo of appearance

13.2.96

[Signature]
2/12

Mr. S. Roy for the applicant.

Mr. A.K. Choudhury, Addl. C.G.S.C. for the
respondent nos. 1 to 3.

Respondent No. 4 served.

Aftering hearing Mr. S. Roy O.A. is admitted.
Fresh notice be issued to all the
respondents.

9-2-96

Rejoinder submitted
by the applicant against
the W/S submitted by the
respondent 1 to 3. ~~has~~
~~been submitted~~

[Signature]

The written statement filed at this stage by
the respondents are not sufficient to decide
whether the assertion of the official
respondents that the respondent No. 4 has
been appointed in a post reserved for ST is
correct. Prima facie this assertion and the
statement in Annexure-3 to written ^astatement of
official respondents dated 1.1.93 ^{which} states
that the applicant was entertained against
vacancy caused due to reversion of Amiya Kr.
Saha do not sand together. The applicant in
his rejoinder contended that after 31.12.93
there were only 3 posts and therefore
according to the roster point there was no
post reserved for ST candidate and therefore
appointment of respondent No. 4 on that basis
is wrong.

12.2.96

To be listed for
hearing on
28.3.96.

[Signature]
Box

In order to understand the correct position
in the light of ^{this assertion} this reversion it will be
necessary for the official respondents to
place before us a detail account of the
filling up of the post of Assistants in
accordance with the roster point since

....beginning

UDS -

3

- 1) Mr. NG Deb
- 2) Smt Deb Bama

On 4-3-91 — 1) Mr. Deb promoted to Asst on
Ad hoc basis.
2) Mrs. Deb Bama to HE on
Ad hoc basis

On 31-12-93 — Mrs Deb Bama was reverted
to UDC

On 26-6-95 — Mr. Deb was reverted to
UDC

On 21-6-95 (Same Date) — Mrs. Deb Bama
was promoted to Asst Tnt
on Ad hoc basis

Applicant Applied — Pndip.
filed this O.A. Not yet Admitted

→ Mr. Deb could have been reverted earlier

On 31-12-92 but he was adjusted

On 1-1-93 ^{upto 28-2-93} against a S.T. post which
fell vacant on ~~promotion~~ ^{reversion} of incumbent
(Anusuma III & W/S p. 2 not agree)

Material Date = 21-6-95
Material Post = Assistant

MEMBER (ADMIN)

QA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

8.1.96

x/s Submitted
by Mr. S.R. Sen, advocate
on behalf of Dept no. 4.

[Signature]

QA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

Q1 10

OFFICE NOTE

DATE

COURT'S ORDER

13.2.96

beginning and to clarify the position as was prior to abolition of the two posts and thereafter. It will also be necessary for them to clearly explain the position as was operating on the date of reversion of the applicant and promotion of respondent No. 4. The official respondents also ^{are required} ~~reliably~~ substantiating their contentions by reference ^{to} ~~of~~ the roster point, vis-a-vis the post available and their incumbents namely the post ^{on} ~~of~~ which the respondent No. 4 has been appointed ^{and that it} happens to be a reserved post for ST. While providing the information on the above points and such other materials as they may desire ^{to} ~~be placed~~ on record on this point the respondent may keep in mind the principles enunciated by the Hon'ble Supreme Court in the case of R.K. Sabharwala and Ors. Vs. State of Punjab and Ors. 1995(1) SC SLJ 330 (AIR 1195 SC 1371) and the decision of the Principal Bench of the Central Administrative Tribunal in Sri Bhika Ram Vs. Delhi Administration and Ors. 1996 (1) ATJ. P.1.

The above information may be submitted in the shape of further written statement within 8 weeks.

A copy of the written statement shall be served on Mr. S.Roy. The applicant will be at liberty to file rejoinder if so advised within a period of one month from the date of service of the written statement on Mr. S. Roy. A copy of that rejoinder however shall be served on the learned Addl. C.G.S.C. Mr. A.K.Choudhury. O.A. is adjourned to 2.5.1996.

Copy of the order be furnished for both the counsel of the parties.


Member


Vice-Chairman

Copy sent to counsel on
10/11/95

OA 127/95

Requisites already issued.
Notice alongwith order d.
13.2.96 issued with
No. 410-413 d. 16.2.96.

16/2

Notice served on R.No. 1, 3 & 4.

21/3

2.5.96

Learned

Addl.C.G.S.C

Mr

A.K.Choudhury is present. Time for
written statement allowed as prayed for
by him.

List on 11.6.96 for written
statement and further orders.

Member

pg

11.6.96

Mr P.C.Das is present for the
applicant. Written statement has
been submitted. Case ready for hea-
ring.

List for hearing on 12.7.96.

Member (A)

Member (J)

pg

12.7.96

Mr. S.Roy and Mr. P.C.Das learned
counsel for the applicant present.

Mr. A.K.Choudhury, Addl. C.G.S.C.
for the respondents submits today a copy of
letter No. 27/39/95-Ad.IV dated 26.3.96 from
the Registrar General of India, Census. This
is placed on record and will be considered at
the time of disposal of the proceeding.

Hearing adjourned to 28.8.96.

Member

9.8.96

trd

28.8.96

Addl. W/S filed by
R.No. 1, 2 & 3 at
Pg.

Mr. G.Sarma, Addl.C.G.S.C. present.
Written statement has been submitted.
List for hearing on 25.9.96.

Member

trd

28/8

Inform to the
applicant.
m
28/8

5
O.A. 127/95

25.9.96

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

List for hearing on 12.11.96.

Member

pg
25/9

12.11.96

None present. List for hearing
on 11.12.96.

Member

pg
12/11

8.5.97

Counsel for the parties submit
that the case is ready for hearing. Let
this case be listed for hearing on
10.7.97.

The applicant is from Agartala and
the counsel are also from Agartala. Offer
to intimate the date of hearing to the
applicant by registered post.

Member

Vice-Chairman

pg
9/15

10.7.97

There is no representation on
behalf of the applicant. The applicant
has filed an application registered as
Misc. case praying for an order to fix
the matter for hearing at Agartala.

Let this case be listed for
hearing at Agartala. The date will be
notified later.

Member

Vice-Chairman

9.7.97.

Received an application
from Shri N.G. Deb, applicant
from Agartala with a prayer for
fix a date for hearing at Agartala
for (A). 9/7.

nkml 14/7

(6)

CA 127/95

15.7.97

3.9.97

Let this case be listed for hearing at Agartala. Date will be notified later on.

Copy of order dtd 10.7.97 issued to the applicant at Agartala.

Member

Vice-Chairman

pg

4/9

25.6.98

29-6-98

Case is ready for hearing. List for hearing on 6-8-98.

Member

Vice-Chairman

This case is transferred to Agartala. Since there is no proposal for circuit sitting at Agartala and it is an old pending matter, it has been placed before the court for fixing a date for hearing.

6.8.98

There is no representation. However for the ends of justice the case is adjourned to 27.8.98 for hearing.

Registry to inform the counsel for the applicant.

Member

Vice-Chairman

pg

7/8

Pl. comply order dtd 6.8.98.

27.8.98

There is no representation on behalf of the applicant. For the ends of justice we however, adjourn the case till 25.9.98. Office to inform the applicant accordingly.

List on 25.9.98.

Member

Vice-Chairman

10.8.98

Copy of order dtd 6.8.98 issued to the applicant at Agartala.

trd

31/8

25-9-98

Division Bench is not available. List on 21-10-98 for hearing.

Member

W/S, Rejoinder & Addl. W/S has been filed.

pg

25/9

Pl. comply order dtd 27.8.98.

7

O.A. 127/95

21.10.98

Let this case be listed for hearing at Agartala. Date will be notified later on.

ba
Member

Sh
Vice-Chairman

trd

16.12.98
(Agartala)

None present for the applicant. Heard Mr A.K. Choudhury, learned Addl. C.G.S.C for the respondents.

Judgment delivered in open Court, kept in separate sheets. The application is disposed of as infructuous. No costs.

ba
Member

Sh
Vice-Chairman

pg

The case is
ready for hearing.
ns
27/11/98-

5.2.99
Copy of the Judgment
has been sent to the
parties vide D.N.B.
376 to 380 on 5.2.99.
ns

12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 127 of 1995

Date of decision 16.12.98

Shri Nani Gopal Deb

PETITIONER(S)

Mr. S.Roy,
Mr. P.C. Das.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

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

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

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

Judgement delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 127 of 1995.

Date of decision : This the 16th day of December, 1998.

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

Hon'ble Shri G.L. Sanglyine, Administrative Member.

Shri Nani Gopal Deb,
Office of the Director of
Census Operations, Tripura,
Agartala

Applicant

By Advocate Mr. P.C. Das

-versus-

1. Union of India,
represented by the Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi-11.
2. The Registrar General of India,
Kotah House Annexe,
2/A Man Singh Road,
New Delhi-11.
3. The Director of Census Operations,
Tripura,
Krishnanagar Nutanpalli,
Agartala.
4. Smt. Sarbani Deb Barma,
Office of the Director of
Census Operations,
Tripura, Agartala

Respondents

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

O R D E R

BARUAH J. (V.C.)

In this application the applicant has challenged the Annexure-E Order dated 21.6.95 reverting the applicant to the post of Upper Division Clerk from the post of Assistant. The facts for the purpose of disposal are :


The applicant was Upper Division Clerk in the office of the Director of Census Operations, Tripura. He was promoted to the post of Assistant on adhoc basis by order dated

4.3.91 on the recommendation of Departmental Promotion Committee. After the Census Operation was over the applicant became surplus and therefore he was reverted to his original post of Upper Division Clerk. He was dissatisfied by the order. Hence the present application.

2. We have heard Mr. P.C. Das, learned counsel ~~is~~ appearing on behalf of the applicant and Mr. A.K.Choudhury, learned Addl. C.G.S.C. appearing on behalf of the respondents.

3. Mr. Choudhury submits that this application has become infructuous because the applicant has already been promoted to the post of Assistant. Mr Das submits that the applicant was not given the benefit of his seniority. According to the applicant, he was appointed Upper Division Clerk on 20.7.81. The counsel for the applicant however has not been able to show any document or record that the applicant was senior to 4th Respondent.

Applicant was promoted on 4.3.91 to the post of Assistant and the 4th Respondent was promoted to the post of Head Clerk on the same day. On 31.12.93 the 4th Respondent was reverted to the post of Upper Division Clerk. On the other hand the applicant was reverted to the post of Upper Division Clerk on 12.6.95. On the same day the 4th Respondent was promoted on adhoc basis to the post of Assistant. The counsel for the applicant

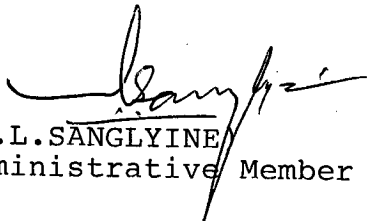
 Contd...


further submits that as per the seniority list published on 7.10.93 4th respondent was junior to the applicant.

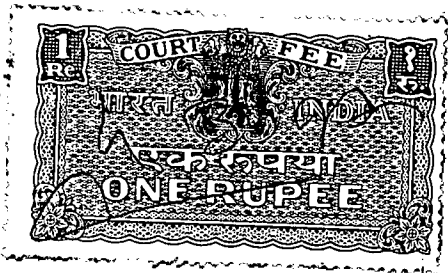
4. Mr. Choudhury, submits that the applicant has already been promoted to the post Assistant on regular basis with effect from 27.2.1998, therefore the application has become infructuous. Mr. Choudhury further submits that on what basis the applicant claims seniority, has not been spelt out by the applicant. According to Mr. Choudhury there is no basis of the claim of seniority of the applicant.

5. In the circumstances we feel that the matter may be dealt by the authorities and for that purpose the applicant may submit a detail representation claiming his seniority within 15 days from the date of receipt of this order. If such representation is filed by the applicant within the said period, the 2nd Respondent shall consider the same and dispose of it by a reasoned order within two months thereafter. However, if the applicant is still aggrieved, it will be open to the applicant to approach the appropriate authority.

6. With these directions the application is disposed of. Considering the facts and circumstances of the case, we however, make no order as to costs.


(G.L. SANGLYINE)
Administrative Member


(D.N. BARUAH)
Vice-Chairman



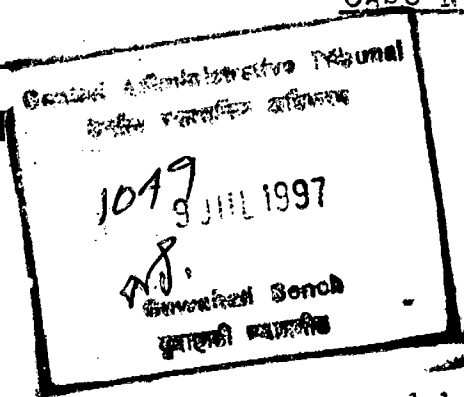
Shri Gopal Deb
9/7/97

[Signature]
P. C. DAS
Advocate
9.7.97

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH
GUWAHATI

(Special Attention of the Id. Registrar of Central
Administrative Tribunal, Guwahati
Bench, Guwahati)

Case No. O. A. 127/95



Shri Nani Gopal Deb

.. Applicant/Petitioner

Versus

Union of India &
Others.

.. Respondents.

With due respect the following is humbly submitted
on behalf of the petitioner :-

1. That the aforesaid case has been fixed for hearing on the 10th July, 1997 at Guwahati.
2. That, during the last occasion, it was submitted that the aforesaid case may be listed for hearing at Agartala.
3. That, the petitioner has already spent a lot of money since institution of this case towards flight charges of his Lawyer required for attending the Court on several occasions at Guwahati from Agartala and the petitioner is virtually exhausted financially.
4. That, for the present, the petitioner could not afford any amount of money to meet the expenditure for attending the Court by his Lawyer.

In this circumstances, it is humbly prayed that Your Honour may be graciously pleased to adjourn the hearing on the 10th July, 1997 and fix a date of hearing at Agartala on any date convenient to the Hon'ble Central Administrative Tribunal; otherwise, the petitioner may sustain irreparable loss,

A N D

for which act of your kindness, the petitioner, as in duty bound, shall ever pray.

Dated Agartala,
The 9th July, 1997

Dr
S. (T)

[Signature]
9/7/97

9/7/97

51
तार : "कावका"
Telegram : "REGGENLAND"

सं/No. 27/39/95-Ad. IV

भारत सरकार
GOVERNMENT OF INDIA

गृह मंत्रालय
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

भारत के महा रजिस्ट्रार का कार्यालय
OFFICE OF THE REGISTRAR GENERAL, INDIA

वई दिग्गी, फ्लॉक 2/A, Mansingh Road,
New Delhi, the 22.3.96
16

To

Shri Babu Lal,
Dy. Director of Census Operations,
Tripura,
Agartala.

Subject:-

CA. No.127/95/3046 filed by Shri N.G. Deb in the
CAT, Guwahati.

Sir,

I am directed to refer to your letter No.C-18017/2/95-Subt. dated 18.12.95 on the above subject and to say that the order of reversion of Shri N.G. Deb to the post of JDC, and appointment of Smt. Debbarma on the post of Assistant may be revoked immediately and CAT, Guwahati Bench may also be informed accordingly. It has also been further decided that the ad-hoc appointment of Shri N.G. Deb may not be extended further and action for regular appointment in accordance with the Recruitment Rules may be initiated immediately.

2.

This issues with the approval of RGA.

Yours faithfully,

(K. VIVEKANAND)
DEPUTY DIRECTOR

127/95

2/-

12

APPENDIX - A.

FORMS

FORM 1

(See Rule 1.)

O. A. No. 127/1995

S. Vani Gopal Deb.

[Signature]
7.7.95

(P. C. D.
ADVOCATE.)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL

ACT : 1985.

Title of the Case :

Shri N. G. Deb APPLICANT.

- Versus -

Union of India & others RESPONDENTS.

I N D E X

<u>Sl.No.</u>	<u>Description of documents relied upon</u>	<u>Page Nos.</u>
1.	Application	
2.	Annexure - A Copy of order No.A.11013/2/79-Estt dated 4.3.91 promoting the Applicant	
3.	Annexure - B Copy of Order No.A.11013/2/79-Estt dated 4.3.91 promoting the Respondent No.4	
4.	Annexure - C Copy of Final Seniority List dated 7.10.83	
5.	Annexure - D Copy of the Order No.41015/2/91-Estt, dated 31.12.93 reverting the Respondent No.4.	
6.	Annexure - E Copy of the Order No.A.11013/2/79-Estt. dated 21.6.95 reverting the applicant.	
7.	Annexure - F Copy of the Order No.A.11013/1/79-Estt, dated 21.6.95 - promoting the Respondent No.4.	
8.	Annexure - G Copy of Appeal dated 24.6.95.	
9.	Annexure - G-1 Copy of Postal Receipt per Speed Post.	
10.	Annexure - H Copy of Recruitment Rules.	
11.	Shw Case Submitted by Dyets 1, 2 & 3	

Signature of the Applicant.

For use in Tribunal's Office.

Date of Filing :
OR
Date of receipt by
Postal Registration :

for Signature
REGISTRAR

*Recd copy
1977/95*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

O. A. No...../1995

(An application under Section 19 of the Administrative
Tribunal Act, 1985).

B E T W E E N

✓ Shri Nani Gopal Deb Applicant.

A N D

1. Union of India -

-represented by-

the Secretary,

Ministry of Home Affairs,

Government of India,

New Delhi - 110011;

✓ 2. The Registrar General, India,

Kotah House Annexe,

2/A, Man Singh Road,

New Delhi - 110011;

✓ 3. The Director of Census Operations,

Tripura,

Krishnanagar Nutanpalli,

Agartala - 799 001,

District - West Tripura;

4. Smt Sarbani Deb Barma,

Office of the Director of Census Operations, Tripura

Krishnanagar Nutanpalli,

Agartala - 799 001,

District - West Tripura.

..... RESPONDENTS.

Nani Gopal Deb.
7.7.95
(P. C. Das)
ADVOCATE

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM J. BROWN, JR.

Respondent

vs.

UNITED STATES OF AMERICA

Appellant

Case No. 100-10000

Appeal from the United States Court of Appeals for the District of Columbia

100-10000

WILLIAM J. BROWN, JR.

Respondent

vs.

UNITED STATES OF AMERICA

Appellant

Case No. 100-10000

Appeal from the United States Court of Appeals for the District of Columbia

100-10000

WILLIAM J. BROWN, JR.

Respondent

vs.

UNITED STATES OF AMERICA

Appellant

Case No. 100-10000

Appeal from the United States Court of Appeals for the District of Columbia

100-10000

WILLIAM J. BROWN, JR.

Respondent

vs.

UNITED STATES OF AMERICA

Nani Gopal Deb.
7.7.95
P. G. Das
ATTORNEY

1. Particulars of the Applicant :

- I. Name of the Applicant :- Nani Gopal Deb
- II. Name of father :- Late Surendra Chandra Deb
- III. Age of the applicant :- About 52 years.
- IV. Designation and particulars of Office (Name and station) in which employed or was last employed before ceasing to be in service :- Upper Division Clerk,
Office of the Director of
Census Operations, Tripura,
Agartala, Krishnanagar Nutanpalli
P.O. Agartala : PIN 799 001
District - West Tripura.
- V. Office address : Shri Nani Gopal Deb,
Office of the Director of
Census Operations, Tripura,
Agartala, Krishnanagar Nutanpalli
P.O. Agartala : PIN 799 001
District - West Tripura.
- VI. Address for serving Notices : Shri Nani Gopal Deb,
Village - Chandrapur,
P.O. Reshambagan - VIA- Khayerpur,
PIN 799 008 : Dist - West Tripura.

2. Particulars of the Respondents:

- I. Name of the Respondents : (a). Union of India;
(b). Registrar General, India;
(c). Director of Census
Operations : Tripura;

Swairi Gopal Deb.
7.7.95
20
(P. C. Da.)
ADVOCATE

(d). Smti. Sarbani Deb Barma,
Directorate of Census
Operations, Tripura;

II. Name of the father : Does not arise
for (a), (b) and (c)
(d) - Not known.

III. Age of the Respondents: Does not arise
for (a), (b) and (c)
(d) - About 42 years.

IV. Designation & Particu-
lars of Office (name
and station) in which
employed : Director of Census Operations,
Tripura : Agartala :
Krishnanagar Nutanpalli,
P.O. Agartala : PIN - 799 001,
District - West Tripura.

V. Office Address : (a) Union of India -
-represented by-
the Secretary,
Ministry of Home Affairs,
New Delhi - 110011;

(b) The Registrar General, India,
Kotah House Annexe,
2/A, Man Singh Road,
New Delhi - 110011;

(c) The Director of Census
Operations, Tripura,
14/1, Krishnanagar Nutanpalli,
P.O. Agartala - 799001,
District - West Tripura;

(d) Smti Sarbani Deb Barma,
Directorate of Census
Operations : Tripura :
cont.....p/4

✓ Navi Gopal Deb.
27/9/95

Krishnanagar Nutanpalli,
P.O. Agartala - PIN 799001,
District - West Tripura.

VI. Address for service
of Notices :

- As above -

3. Particulars of the Order
against which the Appli-
cation is made :

- a) The Order No. 11013/2/79-Estt.
dated 21.6.95, issued from the
Office of the Director of
Census Operations, Tripura
under the signature of the
Deputy Director of Census
Operations : Tripura -
reverting the Applicant to
the post of Upper Division
Clerk of Census Operations,
Tripura - (Annexure - E.)

A N D

- b) The Order No. A. 11013/2/79/
Estt. dated 21.6.95 issued
from the Office of the Direc-
tor of Census Operations,
Tripura under the signature
of the Deputy Director of
Census Operations, Tripura -
promoting the Respondent No. 4
to the post of Assistant of
Census Operations : Tripura -
(Annexure - F).

Naiv Gopal Deka.
7.7.95
(P. J. Deka)
ATTORNEY.
22

4. Subject in brief :-

(I). The Petitioner while holding the post of Upper Division Clerk (Group C) under the establishment of the Office of the Director of Census Operations, Tripura was promoted to the post of Assistant by Order No.A.11013/2/79-Estt. dated 4.3.91 by the Respondent No.3 on the recommendation of the Departmental Promotion Committee, on ad hoc basis in the scale of Rs.1400-2300/-. On the same date i.e. on 4.3.91 by another order No.A.11013/2/79-Estt. dated 4.3.91, the Respondent No.4, an Upper Division Clerk was also promoted to the post of Head Clerk by the Respondent No.3 on the recommendation of the Departmental Promotion Committee, in the scale of Rs.1400-2300/-.

(II). The Respondent No.4 is junior to the Petitioner as per Final Seniority List published on 7.10.1983. The Respondent No.4 was reverted to the post of Upper Division Clerk from the afternoon of 31.12.93 consequent upon expiry of sanction of the 1991-Census post held by her.

(III). On 21.6.1995 the Petitioner was reverted from the post of Assistant to the post of Upper Division Clerk and on the same date Respondent No.4, who is junior to the Petitioner, was promoted to the post of Assistant.

Swami Gopal Reddy
7.7.91
23

5. Jurisdiction of the Tribunal :-

The Applicant declares that the subject matter of the petition and provisions of Rules against which he wants redressal is within the jurisdiction of the Hon'ble Tribunal.

6. Limitation :-

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

7. Facts of Case :-

- (1). The Petitioner is a citizen of India.
- (11). The Petitioner while holding the permanent post of Upper Division Clerk in the Directorate of Census Operations, Tripura under the Respondent No.3, was promoted to the post of Assistant on ad-hoc basis on the recommendation of the Departmental Promotion Committee by Order No. A.11013/2/79-Estt., dated 4.3.1991 issued by the Respondent No.3.
That, on the same date i.e. on 4.3.1991 the Respondent No.4 who is junior to the Petitioner

-: 7 :-

✓ Vire Gopal Scl.
24/7.7.95
(P. C. Das)
ADVOCATE

was also promoted on ad-hoc basis to the post of Head Clerk in the pay-scale of Rs.1400-2300/- by order No.A.11013/2/79-Estt. dated 4.3.91 issued by the Respondent No.3.

Copy of the promotion Orders referred to above are annexed herewith and marked as ANNEXURES - A and B respectively.

ANNEXs.- A & B.

(iii). That, the Respondent No.4 is junior to the Petitioner as per Final Seniority List of Upper Division Clerks (Group C) under the Establishment of the Office of the Director of Census Operations, Tripura as published by the Respondent No.3 on 7.10.1983.

Copy of the Final Seniority List dated 7.10.1983 is annexed herewith and marked

ANNEX - C.

ANNEXURE - C.

(iv). That, by Order No.41015/2/92-Estt., dated 31.12.93 issued by the Respondent No.3, the Respondent No.4 was reverted to her parent post of Upper Division Clerk with effect from the afternoon of 31.12.93 consequent upon the expiry of the sanction of the 1991-Census post held by her.

ANNEX - D.

Copy of the aforesaid reversion order dated 31.12.93 is annexed and marked ANNEXURE - D.

Sanjay Gopal Deb.
7.7.95
(P. G. Das)
ADVOCATE

-: 8 :-

- (v). That, by Order No.A.11013/2/79-Estt. dated 21.6.1995, the Petitioner was reverted to the post of Upper Division Clerk with effect from the afternoon of 21.6.1995 by the Respondent No.3 most arbitrarily, capriciously and in a biased manner without assigning any reason.

Copy of the said reversion Order is annexed herewith and marked ANNEXURE - E.

ANNEX - E.
21/6/95

- (vi). That, on the same date i.e. on 21.6.1995 by Order No.A.11013/1/79-Estt. dated 21.6.1995, the Respondent No.3 most illegally and showing biasness towards the Respondent No.4 promoted her to the post of Assistant in the scale of pay of Rs.1400-2300/- which was being held by the Petitioner. It may be mentioned that there is only one post of Assistant in the Directorate of Census Operations, Tripura.

Copy of the aforesaid Order of promotion dated 21.6.95 is annexed and marked ANNEXURE - F.

ANNEX - F.
21/6/95

- (vii). That, the Respondent No.3 has exhibited his arbitrariness and most illegally reverted the
cont.....p/9

V. Anil Gopal & Co.
7.7.95
(P. C. Lia.)
ADVOCATE.

Petitioner without assigning any reason and promoted the Respondent No.4 most illegally and in biased manner.

(viii). That, the Petitioner against his illegal reversion submitted an appeal to the Respondent No.2 on 24.6.1995 by Speed Post and also served a copy of such appeal to the Respondent No.3. The Petitioner having ^{received} ~~revived~~ no reply from the Respondent No.2 ~~and Petitioner~~ is filing the present petition before the Hon'ble Tribunal.

Copy of the Appeal and the Postal receipt of the Speed Post are annexed and marked ANNEXURE - G and G/1 respectively.

ANNEX - G & G/1.

24/6/95 & 24/6/95.

(ix) That the posts of Head Clerk and Assistant are carrying identical scales of Rs. 1400-2300/-
Copy of Recruitment Rules is annexed and marked Annexure -

8. Details remedies exhausted :-

The Petitioner filed appeal to the Respondent No.2 on 24.6.95 (Annexure - G) but without any response

9. Matters not previously filed or pending before any other Court :-

The Applicant further declares that he did not previously file application before any Court in respect of this matter in the present application and no such application, suit or writ is pending before any Bench of the Tribunal or Court.

V. R. Gopal Rao
27/7/95
(P. C. Das)
ADVOCATE
29

10. Relief/Reliefs sought :-

The Petitioner prays for :

- (1). admitting the petition for hearing, call for records and after hearing both the parties -
- (ii). a declaration that the Order of reversion passed by the Respondent No.3 on 21.6.95 (Annexure - E) is illegal and void ab-initio;
- (iii). a declaration that the Order of promotion of the Respondent No.4 passed by the Respondent No.3 on 21.6.95 (Annexure - F) is illegal and without any effect;
- (iv). a declaration that the Petitioner shall be deemed to be in continued service in the post of the Assistant from which post he was illegally reverted on 21.6.95;
- (v). other relief or reliefs the Petitioner is entitled to.

11. Particulars of Postal Order/
Bank Draft in respect of
application Fees :-

I. Number of Indian Postal
Order/Bank Draft :

B 06 526813
dt. 7.7.1995

II. Name of issuing Post Office/
Bank : Agartala

-: 11 :-

28
7.7.95
N. Gopal Deb.

III. Date of issue of the
Postal Order/Bank Draft : 7.7.1995

IV. Post Office/Bank at which Guwahati
payable :

12. List of the Enclosures :-

- (1). Copy of the Order No.A.11013/2/79-Estt,
dated 4.3.91, issued by the Deputy
Director of Census Operations, Tripura,
promoting the Applicant ANNEXURE - A.
- (2). Copy of the Order No.A.11013/2/79-Estt,
dated 4.3.91, issued by the Deputy
Director of Census Operations, Tripura,
promoting the Respondent No.4 ANNEXURE - B.
- (3). Copy of the Final Seniority List dated
7.10.83, issued by the Respondent No.3
ANNEXURE - C.
- (4). Copy of the Order No.41015/2/92-Estt,
dated 31.12.93, issued by the Respd
No.3 reverting Respondent No.4..... ANNEXURE - D.
- (5). Copy of the Order No.A.11013/2/79-Estt,
dated 21.6.95, issued by the Respd.
No.3 reverting the Applicant ANNEXURE - E.
- (6). Copy of the Order No.A.11013/1/79-Estt,
dated 21.6.95, promoting the Respd.
No.4 ANNEXURE - F.
- (7). Copy of the Appeal dated 24.6.95
submitted by the Applicant ANNEXURE - G.
- (8). Copy of the Postal receipt of Speed
Post dated 24.6.95 ANNEXURE - G/1.
- (9) Copy of Recruitment Rules ANNEXURE - H.

cont.....p/12

-: 12 :-

(9). Indian Postal Order for Rs.50/-

(10). Vakalatnama.

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

I, Shri Nani Gopal Deb, son of late
Surendra Chandra Deb, aged about 52 years, resident of Chandrapur,
P.S. East Agartala, District - West Tripura, do hereby verify
that the contents of paragraphs 1 to 8 are true to my personal
knowledge and belief and the rest of the foregoing application
are my humble submission and prayer and that I have not suppressed
any material fact.

Dated : Agartala
the 14th July, 1995.

✓ Nani Gopal Deb
Signature of the Applicant.

.....

✓ Nani Gopal Deb.
7.7.95
(P. G. Das)
ADVOCATE 29

- 13 -

ANNEXURE

No.A.11013/2779-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations
Tripura.

Dated, Agartala the 4 MAR 1991

ORDER

On the recommendation of the Departmental Promotion Committee, Shri Nani Gopal Deb, U.D. Clerk in the Directorate of Census Operations, Tripura, is hereby appointed by promotion on ad-hoc basis on a purely temporary basis as Assistant in the pay scale of Rs. 1400-40-1800-EB-50-2300/- for a period of 6 (six) months with effect from 4.3.1991.

2. His pay will be fixed as per normal rules.


3. The ad-hoc promotion of Shri Nani Gopal Deb, U.D. Clerk to the post of Assistant will not confer on him any claim for regular appointment to the post of Assistant. The period of service rendered by him to the post of Assistant on ad-hoc basis will not count for the purpose of promotion to the next higher grade. Shri Nani Gopal Deb may be reverted at any time at the discretion of the competent authority without assigning any reason therefor.

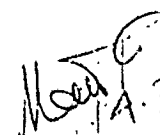
4. Shri Deb is entertained against the post of Assistant created for Regional Tabulation Office of the Directorate of Census Operations, Tripura in connection with 1991-Census vide Registrar General's sanction No. 272/89-REGISTRATION dated 6.11.1990.

(M.C. Datta)
Deputy Director.

Copy to :

1. Persons concerned.
2. The Pay & Accounts Officer (Census), Ministry of Home Affairs, New Delhi.
3. Accounts Section/Personnel file.

Attested -

7.7.91
Advocate


A.3.91
Deputy Director.

— 14 —

ANNEXURE - B
31

No. A.1101.0/2/79-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations
Tripura.

Dated, Agartala the 4 Mar 1991

O. R. L. A. R.

On the recommendation of the Departmental Promotion Committee, Mrt. Sarbani Deb Barma, U.I. Clerk, in the Directorate of Census Operations, Tripura is hereby appointed by promotion on ad-hoc basis on a purely temporary basis as Head Clerk in the pay scale of Rs. 1400-40-1800-RS-50-2300/- for a period of 6 (six) months with effect from 4.3.1991.

1. Her pay will be fixed as per normal rules.
2. The ad-hoc promotion of Mrt. Sarbani Deb Barma, U.I. Clerk to the post of Head Clerk will not confer on her any claim for regular appointment to the post of Head Clerk. The period of service rendered by her to the post of Head Clerk on ad-hoc basis will not count for the purpose of seniority in the grade of Head Clerk or for the purpose of promotion to the next higher grade. Mrt. Sarbani Deb Barma may be reverted at any time at the discretion of the competent authority without assigning any reason therefor.
3. Mrt. Deb Barma is entertained against the post of Head Clerk created vide Registrar General, India's order No.2/5/B9-RG(Ad.II) dated 6.4.1990.

(M.O. Latta) A.3.91
Deputy Director.

Copy to :

1. Persons concerned.
2. The Pay & Accounts Officer (Census), Ministry of Home Affairs, New Delhi.
3. Accounts Section/Personal file.

Attested
77.95
Advocate

(M.O. Latta) A.3.91
Deputy Director.

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— 15 —

HANDED C

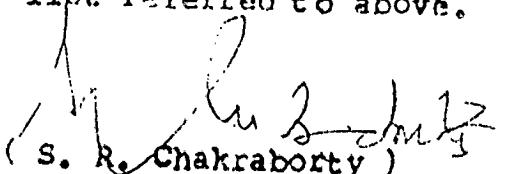
32

No.A.23018/1/74-Estt (Vol.II) (Part)
Government of India
Ministry of Home Affairs
Directorate of Census Operations
Tripura

Dated, Agartala, the 7.10.83


MEMORANDUM

In continuation to this Directorate letter of even number dated 3rd August, 1981, the final seniority list of U.D. Clerk as on 31.7.1981 is hereby issued after careful consideration of all representation received in reply to the draft seniority list referred to above.


(S. R. Chakraborty)
Director of Census Operations
Tripura

To
All concerned.

Sd/- Namigopal Deb


77.95
Admeak



Final Seniority List of U.D. Clerk (Group-C) under the
Establishment of the office of the Director of Census
Operations : Tripura as on 31.7.1981.

Sl. No.	Name & date of birth	Educational & Other qualifications.	Date of entry into Govt. Service	Date of appointment to a post in graded scale of pay in Central Govt. service	Date of temporary appointment to the grade in LCO's office	Date of confirmation in the grade	Remarks
1	2	3	4	5	6	7	8
1.	Shri P.K. Brahmachary (1.2.40)	B.A. Part I	19.9.60	19.9.60	1.11.73	4.4.77	Confirmed as Accountant w.e.f. 27.11.76 & appointed as Assistant on ad-hoc basis w.e.f. 1.4.80. Appointed as Accountant w.e.f. 24.7.81 on regular basis.
2.	Shri Haripada Roy (15.2.40)	B.A.	15.1.62	15.1.62	8.1.75	4.4.77	Appointed as Head Clerk on ad-hoc basis w.e.f. 1.3.81
3.	Shri Ajit Baran Das (6.1.49) (SC)	B.A.	24.5.74	24.5.74	5.1.80	-	Confirmed as L.D.C. w.e.f. 18.1.81 Seniority below Shri H.P. Roy and above S/Shri A.G. Deb and A.K. Das has been fixed by the H.C. India's vide their office memorandum no. 1/20/81-Ad.I dated 7.9.83
4.	Shri Nani Gopal Deb, (29.10.42)	B.A. Part I	20.6.70	20.6.70	29.1.79	-	Confirmed as Librarian w.e.f. 4.4.77
5.	Shri Aniya K. Saha (22.10.45)	B.A.	22.6.70	22.6.70	2.1.80	-	Confirmed as L.D.C. w.e.f. 4.4.77.
6.	Shri Sarban Deb Barma (24.7.53) (ST)	B.A.	24.6.74	24.6.74	24.7.81	-	Confirmed as L.D.C. w.e.f. 4.4.77
7.	Shri Jagat Ch. Deb Barma (30.6.47) (S)	B.A.	1.8.74	1.8.74	20.7.81	-	Confirmed as L.D.C. w.e.f. 17.12.79

Director of Census,
Operations, Tripura.

— 17 —

ANNEXURE - D

संख्या : जनसंख्या
Telegram : CENSUS

No. 41015/2/92-Eott.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS GRIH MANTRALAYA
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS, TRIPURA

आचार्य
Agarwal, the

31 DEC

ORDER

Smt. Sarbani DebBarma who is at present officiating against the post of Head Clerk on ad-hoc basis is hereby reverted to her parent post of Upper Division Clerk with effect from the afternoon of 31.12.93 consequent upon expiry of sanction of the 1991 Census post held by her.

Her pay will be fixed as per normal rules.

(Pabu Lal)
Assistant Director of
Census Operations, Tripura.

Copy to :-

1. Registrar General India in compliance of letter No.2/4/90-RG(Ad.II) dated 17.12.1993.
2. Smt. Sarbani DebBarma
3. Appointment file/Accounts Section/personal file/guard file.

Assistant Director of
Census Operations, Tripura.

Ambedkar
7.7.95
Advocate

h

- 18 -

ANNEXURE - E

16

No.A.11013/2/79-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations,
Tripura.

21 JUN 1995

Dated, Agartala, the

O R D E R

Shri Nani Gopal Deb who is at present officiating against the post of Assistant on ad-hoc basis is hereby reverted to his parent post of Uper Division Clerk with effect from the afternoon of 21.6.1995.

His pay will be fixed as per normal rules.

(BABU LAL)
Deputy Director of
Census Operations, Tripura.

Copy to:-

1. Shri Nani Gopal Deb, Assistant.
2. Appointment file/Accounts Section/Personal file/Guard file.

21/6/95
Deputy Director of
Census Operations, Tripura.

CMG

27.9.95
Adm. Secy

[Signature]

— 19 —

ANNEXURE F 38

No.A.11013/1/79-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations,
Tripura.

21 JUN 1995

Dated, Agartala, the _____

O R D E R

Smti. Sarbani Debbarma, ⁸Upper Division Clerk of this Directorate is hereby appointed on promotion on ad-hoc basis for a period of six months from the date of her joining to the post of Assistant in the scale of pay of Rs.1400-40-1800-EB-50-2300/-.

2. Her pay will be fixed as per normal rules.
3. The ad-hoc promotion of Smti. Sarbani Debbarma, U.D. Clerk to the post of Assistant will not confer on her any claim for regular appointment to the post of Assistant. The period of service rendered by her in the post of Assistant on ad-hoc basis will not be counted for the purpose of seniority in the grade of Assistant or for the purpose of promotion to the next higher grade. Smti. Debbarma may be reverted at any time at the discretion of the competent authority without assigning any reason therefor.

(BABU LAL)
Deputy Director of
Census Operations, Tripura.

Copy to:-

1. Smti. Sarbani Debbarma, U.D. Clerk.
2. Accounts Section/Personal file/Guard file.

Advocate
7795

21/6/95
Deputy Director of
Census Operations, Tripura.

ANNEXURE - 6



To
The Registrar General, India.
Kotah House Annexure,
2/A, Mansingh Road,
New Delhi - 110 011.

Subject:- An appeal against the reversion
Order No. A 11013/2/79-Estt.
datgd 21.6.1995 of Shri N. G.
Deb and promotion Order No.
A.11013/2/79-Estt. dated 21.6.95
of Smti. Sarbani Deb Barma,
issued by the Deputy Director of
Census Operations, Tripura,
Agartala. (Annexures 'a' & 'F')

Sir,

With due respect and humble submission I beg
to appeal to your kind honour for favour of your kind
perusal and sympathetic order/considering the following
facts and circumstances :-

1. That, the posts of Head Clerk and Assistant
are the identical having the same scale.
2. That, according to the Recruitment Rules for
both the posts, the feeder post for promotion for
promotion to the post of Head Clerk and Assistant is
Upper Division Clerk.
3. That, according to the Seniority List circu-
lated finally vide Memorandum No. A.23018/1/74-Estt.
(Vol. 11)(Part) dated 7.10.1983 by the Director of Census
Operations, Tripura my position is at sl. No. 4 and
that of Smti. Sarbani Deb Barma at 6 being the dates
of appointment of ourselves are 26.6.1970 and 24.6.1974
respectively. Thus Smti. Sarbani Deb Barma is pretty
junior to me.

A copy of the Seniority List dated 7.10.1983 is annexed
and marked as Annexure 'F'.

Contd. to F/2

h

..2:-

4. That, on 4.3.1991 I have been promoted to the post of Assistant on ad-hoc basis on a purely temporary basis vide order no. 11013/2/79-Estt. dated 4.3.1991 and I have been continuing in the same post till I have been illegally and arbitrarily reverted to the post of Upper Division Clerk with effect from 21.6.1995. (Copy of the Order dated ~~4.3.1991~~ 4.3.1991 is annexed and marked as Annexure 'B').

5. That, Smtl. Sarbani Deb Barma has been promoted to the post of Head Clerk with effect from 4.3.1991 vide Order No. A. 11013/2/79-Estt. dated 4.3.1991 on an ad-hoc basis , purely on a temporary basis, issued by the Deputy Director of Census Operations, Tripura, Agartala. (Copy of Order dated 4.3.1991 is annexed and marked as Annexure 'C').

Subsequently, consequent upon expiry of the sanction of the 1991-Census post, Smtl. Sarbani Deb Barma who was holding the post of Head Clerk from the same date i.e. 4.3.1991 had been reverted to her parent post of Upper Division Clerk with effect from the afternoon of 31.12.1993 being junior to me. (Copy of the Order dated 31.12.1993 is annexed and marked as Annexure 'D').

6. It may be pertinent to mention that I have been continuing to the post of Assistant beyond after the reversion of Smtl. Sarbani Deb Barma being I senior to her.

Contd. to P/3

Attested
7.7.95
Advocate

-:4:-

Copy along with the copies of the Orders mentioned in the aforesaid Appeal to the Deputy Director of Census Operations, Tripura, Agartala for information and necessary action.

Enclosed :- as above.

(Mani Gopal Deb)

(on Leave)

Attested
[Signature]
7.7.95
A. D. D. C.

[Signature]

— 23! —

ANNEXURE - 61

03502

SPEED POST

RECEIPT

IO. DATE 21/12 TIME 11:15 HRS.

Sender Mr. D. D. Desai To Registrar Genl
Speed Post Charge
Rs. 30/- P. 10/- Kotah House Agency
D. D. Desai

4 JUN 1995
OFFICE IN CHARGE

DATE
STAMP

EMS

SPEED POST

27.95
for cost

24-

ANNEXURE - H.

196

TO BE PUBLISHED IN THE GAZETTE OF INDIA
PART II SECTION 3 SUB-SECTION (1)

No. 4/40/82-RG(Ad.II)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE REGISTRAR GENERAL, INDIA

Notified vide G.S.R. N.
378 dt 23/6/90

2/A, Mansingh Road,

New Delhi-11, the

NOTIFICATION

95- G.S.R. 372 dt 23/6/90
In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Office of the Registrar General, India and ex-officio Census Commissioner for India and the offices of the Directors of Census Operations in States and Union Territories Assistant/Head Clerk Recruitment Rules, 1984 except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the said posts of Assistant/Head Clerk in the various Offices of the Registrar General, India as / the offices of the Directors of Census Operations in the States and the Union territories namely:-

1. Short title and commencement:- (1) These rules may be called the office of the Registrar General and ex-officio Census Commissioner for India and the offices of the Directors of Census Operations in States and Union territories (Assistant/Head Clerk) Recruitment Rules, 1990.

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

2. Number of posts, classification and scale of pay-
The number of the said post, its classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

3. Method of recruitment, age limit, educational and other qualifications, etc:- The method of recruitment, age limit, educational and other qualifications, and other matters relating to the said posts shall be as specified in columns 5 to 14 of the Schedule aforesaid:

Provided that the appointing authority concerned may, if it considers necessary or expedient so to do, having regard to the circumstances of the case and for reasons to be recorded in writing, order any vacancy in the said posts in any of the

2/-.....

Attested
by
7.2.95
Approved

by

195

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-2-

offices to which these rules apply and in relation to which he is the appointing authority to be filled by transfer of a person holding the same post in any of the other offices to which these rules apply when the person to be transferred has made a request in writing for such transfer:

Provided further that the persons so transferred shall be placed below all persons already appointed on regular basis to the grade to which he is appointed on such transfer.

4. Disqualification:- No person , -

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

(b) who, having a spouse living, has entered into, or contracted a marriage with any person, shall be eligible for appointment to the said post.

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

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

6. Saving:- Nothing in these rules shall effect reservations, relaxation of age limit and other concessions required to be provided for the candidates belonging to 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.

Attested
by
7.7.85
Advocate

b

THE SCHEDULE

Name of post	Number of posts	Classification	Scale of pay	Whether Selection post or non-selection post	Whether benefit of added years of service admissible under Rule 30 of the CCS (Pension) Rules 1972.	Age limit for direct recruits.
1	2	3	4	5	6	7
Assistant/ Head Clerk	*107	General Central Service Group 'C' Non-Gazetted, Ministerial.	Rs. 1400-40-1800-EB-50-2300	<u>Selection</u>	No	25 years (Relaxable upto 35 years for Government servants in accordance with the instruction or orders issued by the Central Government.

*Subject to variation dependent on work load.

Note:- The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than Andaman & Nicobar Islands, and Lakshadweep). In respect of posts, the appointments to which are made through the Employment Exchanges, the crucial date for determining the age limit shall, in each case, be the last date upto which the Employment Exchange are asked to submit names.

Education and other qualifications required for direct recruits.	Whether age and qualifications prescribed for direct recruits will apply in the case of promotees.	Period of probation, if any.	Method of recruitment whether direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.
--	--	------------------------------	---	--

8	9	10	11	12
<u>Essential</u> 1) Degree of a recognised University or equivalent. 2) 5 years' experience in administrative and establishment matters in a Government Office and possessing a thorough knowledge of rules and regulations governing such matters and office procedure.	No	2 years	Promotion failing which by transfer on deputation/transfer, and failing both by direct recruitment. Note:- The Regularly appointed Accountants in the scale of pay of Rs.425-640 (Pre-revised) shall be deemed to have been appointed by transfer as Assistants in the scale of pay of Rs.1400-2300 (Revised) on regular basis in the respective offices at the initial constitution.	<u>Promotion:-</u> Upper Division Clerk(s) in the respective offices with 5 years' regular service in the grade (Rs.1200-30-1560-EB-40-2040). <u>Transfer on deputation/Transfer:-</u> Officials of the Central Govt./State Governments holding analogous posts or with 5 years regular service in the post in the scale of pay of Rs.1200-30-1560-EB-40-2040 or equivalent, and possessing the educational qualification and experience prescribed for direct recruits in column 8 (Period of deputation shall ordinarily not exceed 3 years)

Alleged
77.95
Adm. cell

13

Group 'C'
Departmental Promotion Committee (for the
Language Division Calcutta)

1. Deputy Registrar General (Languages)
or Assistant Registrar General (Languages) - Chariman
2. Assistant Registrar General (Languages) or Linguist or
Research Officer (Languages) or Assistant Director of
Census Operations (Technical) - Member
3. A Group 'A' Officer of another Central Government
Office preferably belonging to the Scheduled Castes/
Scheduled Tribes - Member

Group 'C' Departmental Promotion Committee (for the respective
offices of the Directors of Census Operations in States
and Union territories)

1. Director of Census Operations or Joint Director of Census
Operations or Deputy Director of Census Operations or Assistant Director
of Census Operations or Assistant Director of Census Operations (Technical) - Chairman
2. Joint Director of Census Operations or Deputy Director of Census Operations or
Assistant Director of Census Operations or Assistant Director of Census
Operations (Technical) - Member
3. A Group 'A' Officer of another Central Government office, preferably belonging
to the Scheduled Castes or the Scheduled Castes

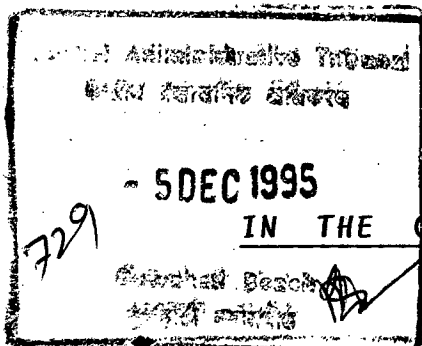
To

The Manager,
Govt. of India Press,
New Delhi.

M. N. Nath
(MAHENDRA NATH)
JOINT REGISTRAR GENERAL, INDIA

Note:- The recruitment rules for the post of Assistant/Head Clerk now superseded were
published in the official Gazette vide GSR No. 1268 dated 22.12.84.

Chen
12/12/84
Approved



29

47

Filed by:-
Anup Ma. Choudhury
6.12.95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

In the matter of :-

O.A.No.127/95/2000

Shri N.G. Deb

- VS -

The Union of India and others

AND

In the matter of written statement/

Show cause submitted by the Respondents

No.1.2.3 written statement/show cause.

The humble respondents submit their
written statements as follows :-

1. That with regard to statements made in Paragraph 1,2 & 3(a)(b) of the application, the respondents have no comments on them.
 2. That with regard to statements made in Paragraph 4(I) of the application, it is true that the applicant was promoted to the post of Assistant on ad-hoc basis w.e.f. 4.3.91 against the post of Assistant created for Regional Tabulation Office set up for short-time for tabulation of 1991 Census figures collected from the field. The applicant was appointed on promotion on ad-hoc basis with the terms and conditions that " the ad-hoc promotion of Shri N.G. Deb, U.D. Clerk to the post of Assistant will not confer on him any claim for regular appointment to the post of Assistant. "
- hnd. C. J. J.
D. J. J.
C. J. J.
E. 1.90

Contd....P/2.

The period of service rendered by him to the post of Assistant on ad-hoc basis will not count for the purpose of promotion to the next higher grade. Shri N.G. Deb may be reverted at any time at the discretion of the competent Authority without assigning any reason therefor." The post of Assistant against to which the applicant was promoted, was abolished on 31.12.92(AN) consequent upon expiry of sanction of the post and Shri Deb would have been reverted on 31.12.92(AN) to the post of U.D. Clerk but he was adjusted as Assistant on ad-hoc basis vide order No.A. 11013/2/79-Estt. dated 1.1.93 against the post of Assistant reserved for S.T. Candidate fallen vacant by promotion of an incumbent to the post of Head Assistant.

Copy of promotion order dated 4.3.91.

(ANNEXURE-I)

Copy of abolition of post of Assistant

(Annexure-II).

Copy of order of adjustment No.A.11013/2/79-Estt. dated 1.1.93(Annexure-III)

and an extract of Roster Register-

(Annexure-IV).

It is further stated that the respondent No.4 Smti. Sarbani Deb Barma(ST), U.D. Clerk was also appointed on promotion on ad-hoc basis to the post of Head Clerk w.e.f. 4.3.91 against the post of Head Clerk created only for work of 1991-Census.

Contd....P/3.

3. That with regard to statements made in Paragraph 4(II) of the application the respondent No.4 Smti. Deb Barma was reverted from the single post of Head Clerk meant for 1991 Census to the post of U.D. Clerk on 31.12.93(AN) after expiry of the sanction of 1991-Census post of Head Clerk (ANNEXURE-V).
4. That with regard to statements made in Paragraph 4(III) of the application, the respondents beg to state that the applicant Shri Deb would have been reverted to the post of U.D. Clerk on 31.12.92 when the post of Assistant created for short-term against which Shri Deb was promoted was abolished but he was given benefit by adjusting on ad-hoc basis against the regular post fallen vacant which was reserved for S.T. candidate.

At the time of extension of ad-hoc period of promotion of Shri N.G. Deb it was noticed that respondent No.4 Smti. Deb Barma, U.D. Clerk being a S.T. candidate was fully eligible for promotion to the post of Assistant which was occupied by Shri N.G. Deb, U.D. Clerk (General). In view of implementation of the instructions of the Govt. of India issued from time to time for filling up of the reserved vacancies the incumbent S.T. candidate was replaced although Smti. Deb Barma was junior to the applicant but was entitled to get the benefit of reservation quota. Hence, the applicant has no claim for promotion to the post of Assistant which is reserved for S.T. candidate and the application is liable to be dismissed.

Contd....P/4.

5. That with regard to statements made in Paragraph 5, 6 & 7(I) of the application, the respondents have no comments on them.
6. That with regard to statement made in Paragraph 7(II) of the application, the respondents have already furnished the comments in para 2, 3 & 4 above.
7. That with regard to statements made in Paragraph 7(III) & (IV) of the application, the respondents have no comments on them.
8. That with regard to statements made in Paragraph 7(V) of the application, the respondents were impartial to implement the reservation policy and promotion of Smti. Sarbani Deb Barma to the post of Assistant as the post was reserved for S.T. candidate.

So, the facts stated in the said para by the applicant is not tenable. There was no need of assigning any reason in the reversion order as per terms and conditions of the promotion order on ad-hoc basis of applicant to the post of Assistant. The applicant had already got the benefit from 1.1.93 to 21.6.95 (AN) against the post of Assistant reserved for S.T. candidate (ANNEXURE-VI).

9. That with regard to statements made in Paragraph 7(VI) of the application, the respondents beg to state that content of this para is distorted facts. There are three posts of Assistants in existence in this Directorate and the last post of Assistant which is reserved for S.T. candidate was held by the applicant on ad-hoc basis.

Contd....P/9

The applicant has no claim for the reserved post as he belongs to a Un-reserved category. The respondent No.4 was promoted on ad-hoc basis as Assistant against the post reserved for S.T. as she was eligible for promotion and belongs to a S.T. category.

10. That with regard to statements made in Paragraph 7(VII) & (VIII) of the application, respondents beg to state that the term of ad-hoc promotion of the applicant was not extended further and applicant was reverted w.e.f. 21.6.95 from the post of Assistant to the parent post of U.D. Clerk as the post was reserved for S.T. candidate. In view of the above facts the application is liable to be dismissed.
11. That with regard to statements made in Paragraph 7(IX), 8 & 9 of the application, the respondents have no comments on them.
12. That with regard to statements made in Paragraph 10(I), (II), (III) & (IV) of the application regarding reliefs sought for, the applicant is not entitled to get any of relief sought for.
13. That with regard to statements made in Paragraph 10(V), of the application the respondents submit that the application has no merit and the same is liable to be dismissed with costs.

34 52
6

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

I, Shri Babu Lal, Deputy Director, Ministry of Home Affairs, Office of the Director of Census Operations, Tripura being competent do hereby solemnly declare that the statements made above in written statements are true to my knowledge, belief and information on the basis of the official records.

And I sign the verification of this 27th day of November, 1995 at Agartala.

27/11/95

Declarant.

(BABU LAL)
Deputy Director of Census,
Operations, Tripura,

38 ANNEXURE-I
22/3
7

No.A.11013/2/79-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations
Tripura.

Dated, Agartala the 4 MAR 1991

ORDER

On the recommendation of the Departmental Promotion Committee, Shri Nani Gopal Deb, U.D. Clerk in the Directorate of Census Operations, Tripura, is hereby appointed by promotion on ad-hoc basis on a purely temporary basis as Assistant in the pay scale of Rs.1400-40-1800-EB-50-2300/- for a period of 6 (six) months with effect from 4.3.1991.

2. His pay will be fixed as per normal rules.
3. The ad-hoc promotion of Shri Nani Gopal Deb, U.D. Clerk to the post of Assistant will not confer on him any claim for regular appointment to the post of Assistant. The period of service rendered by him to the post of Assistant on ad - hoc basis will not count for the purpose of promotion to the next higher grade. Shri Nani Gopal Deb may be reverted at any time at the discretion of the competent authority without assigning any reason therefor.
4. Shri Deb is entertained against the post of Assistant created for Regional Tabulation Office of the Directorate of Census Operations, Tripura in connection with 1991-Census vide Registrar General, India's sanction No.2/2/89-RG(Ad.II) dated 6.11.1990.

(M.O. Datta)
Deputy Director.

Copy to :

1. Persons concerned.
2. The Pay & Accounts Officer(Census), Ministry of Home Affairs, New Delhi.
3. Accounts Section/Personal file.

Deputy Director.

27/11/95

(BABU LAL)
Deputy Director of Census
Operations, Tripura

Estimated for recovery order
22/12/92

ANNEXURE - Tri pura 7
- II -
By SPEED POST

No.2/2/89-RG(Ad.II)
Government of India
Ministry of Home Affairs
Office of the Registrar General, India

2/A, Mansingh Road,
New Delhi - 110011,
Dated 8th Dec., 1992.

14 DEC 1992

To

The Pay & Accounts Officer(Census),
Ministry of Home Affairs,
AGCM&M Building,
NEW DELHI.

Sub:-

Abolition of temporary Group 'A', 'B', 'C' &
'D' posts created in connection with the 1991
Census work to man the Regional Office/Regional
Tabulation Offices in the Directorates of Census
Operations in States/UTs.

.....

Sir,

I am directed to convey the sanction of the
President to the abolition of the under-mentioned
temporary Group 'A', 'B', 'C' and 'D' posts which were
created to man the Regional Offices/Regional Tabulation
Offices set in the Directorate of Census Operations.

Tri pura, in connection with the 1991 Census
work w.e.f. the date (s) indicated below :-

Contd2/-

A. H. S. D.

(BABU LAL)
Deputy Director of Census
Operations, Trinura.

ANNEXURE-II . 6

S1. No.	Name of post	No. of post	No. & date of Order of creation	Date upto which continued	No. & date of continuation Order	Date from which abolished
1	2	3	4	5	6	7
1.	DEPUTY DIRECTOR	1	No.2/2/89-RG(Ad.II) dt. 1.2.90	upto 31.12.92	No.5/3/92-RG(Ad.II) dt. 30.6.92	31.12.92(A.N.)
2.	INVESTIGATOR	1+1*	-do-	-do-	-do-	-do-
3.	S.A.	2	-do-	-do-	-do-	-do-
4.	ASSISTANT	1	No.2/2/89-RG(Ad.II) dt. 6.11.90	-do-	-do-	-do-
5.	U.D.C.	1	-do-	upto 30.6.92	No.5/3/92-RG(Ad.II) dt. 28.4.92	30.6.92(A.N.)
6.	L.D.C.	3	2 posts No.2/2/89-RG (Ad.II) dt. 6.11.90 1 post No.2/2/89-RG (Ad.II) dt. 1.2.90	2 posts upto 30.6.92 1 post upto 31.12.92	No.5/3/92-RG(Ad.II) dt. 28.4.92 No.5/3/92-RG(Ad.II) dt. 30.6.92	-do- 31.12.92(A.N.)
7.	JR. STENO	1	No.2/2/89-RG(Ad.II) dt. 1.2.90	upto 30.6.92	No.5/3/92-RG(Ad.II) dt. 28.4.92	30.6.92(A.N.)
8.	PEON/CHOWKIDAR	1	-do-	upto 31.12.92	No.5/3/92-RG(Ad.II) dt. 30.6.92	31.12.92(A.N.)
9.	CHOWKIDAR	1	No.2/2/89-RG(Ad.II) dt. 16.7.90	-do-	-do-	-do-
10.	SUPERVISORS	6	No.2/2/89-RG(Ad.II) dt. 6.11.90	-do-	-do-	-do-
11.	CHECKERS	17	-do-	-do-	-do-	-do-
12.	COMPILE	104	-do-	-do-	-do-	-do-

* One post of Investigator transfer from the Office of U.T. Chandigarh to DCO Tripura vide Order No.27/1/90-RG(Ad.II) dt.18/21-1-91.

(BABU LAL)
Deputy Director of Census
Operations, Tripura

Yours faithfully,

(I.S. THAKUR)
DEPUTY DIRECTOR

98 ANNEXURE-II 5
50
10

No. 2/2/82-RG(Ad.II)

New Delhi-11, Dated 8th Dec., 1992.

Copy to :-

1. The Director of Census Operations Tripura
2. Finance-III Section, Ministry of Home Affairs,
North Block, New Delhi.
3. Accounts Officer, RG's Office.
4. DD(B)/DD(SB)/DD(Ht.)/AD(I).
5. SO(Ad.II)/SO(Ad.IV)/SO(Ad.III)/SO(General Section).
6. PS to RGI/PS to JRG(I).
7. Hindi Officer for Hindi version.
8. Order file.

Atish

[Signature]

(I.S. THAKUR)
DEPUTY DIRECTOR

[Signature] 27/11/92
(DABU LAE)
Deputy Director of Census
Operations, Tripura.

ANNEXURE-III
39 29

No.A.11013/2/79-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations
Tripura.

1st Jomny, 93
- 1 DEC 1992

Dated, Agartala the

O R D E R

Consequent upon abolition of the post of Assistant created for Regional Tabulation Office of the Directorate of Census Operations, Tripura as communicated by the Registrar General, India, Ministry of Home Affairs, Government of India, New Delhi vide his No.2/2/89-RG(Ad.II) dated 14.12.92 and in reference to our order of even number dated 8.7.92 extending the term of ad-hoc appointment to the grade of Assistant upto 31.12.92, Shri Nani Gopal Deb, Assistant is appointed on transfer by adjustment for the period upto 28.2.93 on ad-hoc basis in the identical scale of pay of Rs.1400-40-1800-EB-50-2300/- for which he will not be entitled to get any monetary benefit. His pay, seniority and increment will not be disturbed. The order will be effective from 1.1.93 (FN).

Shri Deb, Assistant has been entertained against the vacancy caused due to reversion of Shri Amiya Kumar Saha, Assistant to the post of U.D.Clerk.

New 4
1.1.93
(M.C.Datta)
Deputy Director.

Copy to :-

1. Shri Nani Gopal Deb, Assistant, Directorate of Census Operations, Tripura.
2. Personal file.
3. Accounts Section.
4. Guard file.

New 3
1.1.93
Deputy Director.

22/11/95

(BABU LAB)
Deputy Director of Census
Operations, Tripura.

VACANCIES RESERVED FOR SCHEDULED CASTES & SCHEDULED TRIBES IN RESPECT OF THE DIRECTORATE OF CENSUS OPERATIONS, TRIPURA

Reservation B.F. from previous year		Particulars of recruitment made				Date of appointment
Scheduled Castes	Scheduled Tribes	Recruitment year	Cycle No. and point No.	Unreserved or reserved for Scheduled Castes/Scheduled Tribes according to the roster applicable	Name of person appointed.	
1	2	3	4	5	6(a)	6(b)

6

ASSISTANT/HEAD CLERK

1	-	1979	1/1	SC	H. R. Pohodnick	27.11.79
-	-	1981	1/2	UR	P. R. Borahmachon	24.7.81
18/1979	-	-	1/3	UR	H. R. P. Roy	2.5.90
18/1979	-	1990	1/4	ST	A. M. Das	23.6.90
-	18/1990	-	1/5	UR		
			1/6	UR		
			1/7	UR		
			1/8	ST		

[Signature]

[Signature]

(BABU LAL)
Deputy Director of Census
Operations, Tripura.

Whether he/She is SC/ST if not say Neither	Reservation carried forward	Schedule Castes	Scheduled Tribes	Signature of appointing authority or other authorised officer	REMARKS
7	8	9	10	11	

Nei The	1	-	Sd/- S. R. Chaksabarty Director of Census Operations, Tripura, Agartala.	Reservation approved vide Rys letter No. 18/39/81- Ad-1 dated 5.4.82 Subject to the condition that the reservation will be carried forward to the next recruitment year(s).
Nei The	1	-		
Nei The	1	-	Seen Sd/- Sham Joshi 25.3.88	
SC	-	1	Sd/- P. D. Joshi 25.3.88	
		1 of 1990		Sd/- S. R. Chaksabarty Director of Census Operations, Tripura.

Moan C
15-12-92

(M. C. DATTA)
Deputy Director of Census
Operations, Tripura, Agartala

Alfredo

(BABU LAL)
Deputy Director of Census
Operations, Tripura.

By Speed Post

No.2/4, 90-RG(Ad.II)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
OFFICE OF THE REGISTRAR GENERAL, INDIA

ANNEXURE-V

2, A, Hansingh Road,

New Delhi-11, the

dated 30, November, 1993

To

All Directors of Census Operations
(including DRG((Language), Calcutta,

Subject:- Abolition of posts created in connection with
1991 Census-Regarding

Sir,

I am directed to say that all the posts which were created in connection with the 1991 Census, are at present sanctioned upto 31.12.1993 only. Therefore, they will stand abolished on that date. In this connection, I am directed to request you to take consequential advance action in the matter. The proposals for extension etc. of these posts need not be sent.

Yours faithfully,

(Chandra Prakash)
Assistant Director

Copy to:-

1. All Heads of Divisions
2. Cash Section
3. Ad.III.
4. Ad.IV.
5. Ad.II

(BABU LAL)
Deputy Director of Census
Operations, Tripura.

15 43 47
No.A.11013/2/79-Estt.
Government of India
Ministry of Home Affairs
Directorate of Census Operations,
Tripura.

ANNEXURE-4

20 JUN 1995

Dated, Agartala, the _____

O R D E R

Shri Hari Gopal Deb who is at present officiating against the post of Assistant on ad-hoc basis is hereby reverted to his parent post of Upper Division Clerk with effect from the afternoon of 21.6.1995.

His pay will be fixed as per normal rules.

[Signature] 21/6/95
(BABU LAL)
Deputy Director of
Census Operations, Tripura.

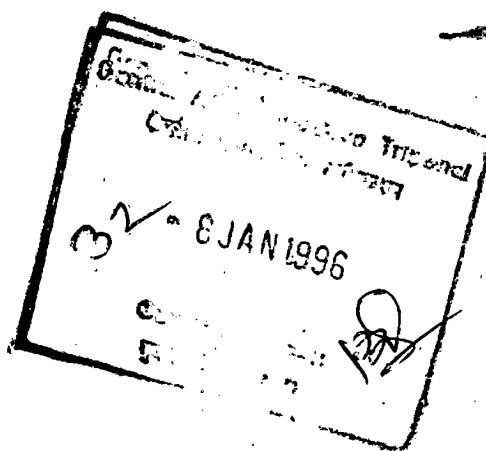
Copy to:-

1. Shri Hari Gopal Deb, Assistant.
2. Appointment file/Accounts Section/Personal file/Guard file.

[Signature] 21/6/95
Deputy Director of
Census Operations, Tripura.

[Signature] 21/6/95

[Signature]
(BABU LAL)
Deputy Director of Census
Operations, Tripura.



By
Sarbanī DebBarma
Respondent No. 4

62

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI.

C.A.NO.127 OF 1995.

Shri Nani Gopal Deb.

. . . Applicant.

Versus

Union of India & 3 ors.

. . . Respondents.

Written statement on behalf of

Smt. Sarbani Deb Barma, Respondent No. 4

The respondent No.4 states as hereunder :-

1. That the applicant has no cause of action to file the present petition in as much as the answering respondent No.4 has been entertained against a post reserved for the members belonging to Scheduled Tribe cannot have any cause of action to question the appointment of the respondent No.4 to the post of Assistant as contained in the order No.A 11013/1/79-Estt issued by the Government of India, Ministry of Home Affairs, Directorate of Census Operations, Tripura on 21st June, 1995.

Contd....P/2.

Sarbanu DelBarna.

2. The statements made in paragraphs 1 to 3 of the petition are all ~~extraneous~~ materials of record and as such are not denied and disputed by the answering respondents.

3. With regard to the averments made in paragraph 4(I) of the application it is admitted that the petitioner was appointed on promotion to the post of Assistant on ad-hoc basis by an order as contained in No.A 11013/2/79-Estt dated 4.3.1991 for the post created for Regional Tabulation Office set up for short time for tabulation of 1991 Census figures collected from fields. The order dated 4.3.1991 itself shows that the post was created for the purpose stated in the order and it further stipulated that the said ad-hoc appointment did not confer any right upon the petitioner nor would the service rendered by him to the post of Assistant on ad-hoc basis count for the purpose of promotion to the next higher grade and further that the applicant could be reverted at any ~~time~~ time at the discretion of the competent authority without any reason. The said post of Assistant against which the applicant was promoted was abolished on 31.12.1992 (afternoon) consequent whereupon though the applicant was liable to be reverted, he was

Sarbari DebBong.

adjusted as Assistant on ad-hoc basis. The respondent No.4 who was also promoted on recommendation of the Department of Promotion Committee was appointed on promotion on ad-hoc basis on a purely & temporary basis as Head Clerk by an order as contained in No.11013/2/79-Estt dated 4th March, 1991. The respondent No.4 was however reverted by an order as contained in No.41015/2/92 -Estt dated 31st December, 1993.

4. As regards the averments made in paragraph 4(II) it is stated that the respondent No.4 satisfied the eligibility criterio at the time when she was appointed on promotion to the post of Head Clerk and a post falling to the quota for members belonging to Scheduled Tribe was available but unfortunately the respondent No.4 was not appointed to the post which fell to ~~her~~ her quota and further that she had the eligibility for promotion to the said post. Unfortunately due to inadvertence the respondent No.4 was not appointed as Assistant while she was appointed as Head Clerk.

5. With reference to the averments made in paragraph 4(III) it is stated that the petitioner

Sasthani DeloGang.

was wrongly given the benefit of extension even after the abolition of the post of Assistant to which he was promoted on 4th March, 1991 and even after the abolition of the said post on 31.12.1992, though the petitioner was liable to be reverted to the post of U.D.Clerk, he was given the benefit by adjusting him on ad-hoc basis against the regular post which fell vacant reserved for S.T. candidate, the post to which the petitioner was adjusted on ad-hoc basis fell to the quota reserved for S.T.candidate and your petitioner being a member belonging to Scheduled Tribe community and was eligible for promotion, the petitioner, who was holding the post beyond the quota for the Scheduled Tribe members, was reverted and the respondent No.4 was appointed against the post reserved for S.T.candidate.

It is submitted that the respondent No.4 had been adjusted against a post falling to the quota of Scheduled Tribe members and as such inter se seniority does not have any play. The petitioner is not a member belonging to Scheduled Tribe cannot have any claim for promotion to the post of Assistant which is reserved for S.T. candidate. On that ground itself the petition is liable to be dismissed. The applicant has no locus.

6. The averments made in paragraphs 5 and 6 of the petition are all materials of law and submissions to the averments relating to those paragraphs shall be made at the time of hearing.

7. The respondent No.4 submits the reply to the averments made in paragraph 7 as follows in seriatim :

- a) The averments made in paragraph 7(I) and 7(II) of the petition are substantially true and are admitted. It is however stated that the sub-paragraph (II) of paragraph 7 has no relevance in as much as the appointment to the post of Assistant to which the respondent No.4 has been appointed against a post reserved for Schedule Tribe candidates and the inter se seniority to the post of U.D.Clerk has no manner of application in the present case. The respondent No.4 however repeats and reiterates what have been stated with reference to the appointment of the respondent No.4 to post of Head Clerk. It is stated though at that relevant time the

69
Sarbanu DeleBarna

respondent No.4 was ~~is~~ eligible for promotion to the post of Assistant, and a post was also available falling to the quota for Scheduled Tribe, the respondent No.4 was inadvertently appointed to the post of Head Clerk by an order dated 4.3.1991.

- b) The averments made in paragraph 7(III) are made due to mis-understanding of the applicant to the facts and the law. The inter se seniority of the petitioner quo the respondent No.4 has no manner of application, the respondent No.4 being a member belonging to Scheduled Tribe and the post which the respondent No.4 has been appointed on promotion falls to the quota for Scheduled Tribe.
- c) The averments made in paragraph 7(IV) are ~~not~~ true. ~~The~~exp
- d) The averments made in paragraph 7(V) are not true. The petitioner had no right to be appointed to the post of

Saibani Selbama.

Assistant, he not being a member belonging to Scheduled Tribe. The petitioner was entertained to the post of Assistant illegally. The reversion of the petitioner was not arbitrary rather the induction of the petitioner was arbitrary and against the constitutional mandate.

- e) With reference to the averments made in paragraph 7(VI) of the petition that the respondent No.4 was appointed on promotion to the post of Assistant by an order passed on 21.6.1995 is admitted. It is however denied and disputed that there is only one post of Assistant in the Directorate of Census Operations, Tripura. In fact, there are 3(three) posts of Assistant in existence in the Directorate of Census Operations, Tripura. The post which was reserved for members belonging to Scheduled Tribe was held by the application on ad-hoc basis. He had no right to hold the post and as such he has been duly and legally reverted

Sar-bani Saha

from the said post and the respondent No.4 has been appointed to the said post falling to the quota for members belonging to Scheduled Tribe.

f) The averments made in paragraph 7(VII) are all materials of record. It is however denied and disputed that the respondent No.4 has been most illegally appointed on promotion to the post of Assistant and or there is any bias.

g) The averments made in paragraph 7(VIII) are all materials of record and the respondent No.4 is not related to the same.

8. The averments made in paragraph 8 relate to what have been stated in paragraph 7(g) above.

9. With reference to the averments made in paragraph 9 of the petition are substantially true. The answering respondent is not aware if the applicant filed any application earlier or not.

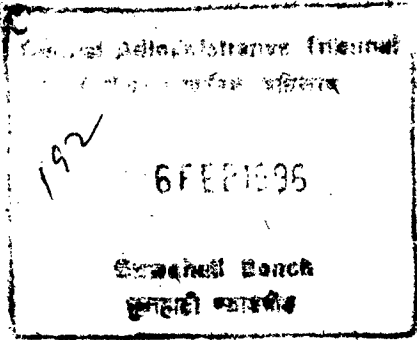
✓ Sarbani Deb Barma.

In the premises the application is liable to be dismissed.

VERIFICATION

I, Smt. Sarbani Deb Barma, the respondent No. 4 do hereby verify that the ~~xx~~ statements made hereinabove are true to my knowledge and the rest are my humble submissions before the Learned Court.

✓ Sarbani Deb Barma.



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Nani Gopal Deb

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by [Signature]

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

O.A. No.127 of 1995.

Nani Gopal Deb Applicant

-Vs-

Union of India & 3 Others..... Respondents.

In the matter of :-

Re-joinder submitted by the applicant
against the written statement submitted
by the Respondents 1 to 3 and also the
written statement submitted by the
Respondent No.4.

The humble petition of the applicant above named,
most respectfully sheweth :-

1. That the contention of the Respondents 1 to 3 in paragraph 4 and 10 of their written statement and the contention of the Respondent 4 in paragraphs 5 and 7 of her written statement that the post of Assistant from which the applicant was reverted is a post reserved for S.T.Candidate is wrong and motivated.

Contd....P/2.

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Nani Gopal Deb
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-: 2 :-

The real facts are as follows :-

2(two) posts of Assistant were created for 1981 Census Operation and the said two posts were occupied by (1) Shri H.R.Bhowmik and (2) Shri P.R. Brahmachari, by promotion. In 1983, Shri H.R.Bhowmik was promoted to the Post of Head Assistant and the resultant vacancy was filled up by Shri H.P.Roy on promotion. In 1986, Shri H.R.Bhowmik was further promoted to the Post of Office Superintendent and in his place, Shri P.R.Bramachari -Assistant was promoted to the Post of Head Assistant. The resultant Vacancy of the Post of Assistant was filled up by Shri Ajit Baran Das (S.C.) who was holding the post of Accountant, by promotion.

(11) For the 1991 Census Operation, 1(one) Post of Assistant and 1(one) Post of Head Clerk were created. For Regional Tabulation Office. These two posts were filled up in the manner as follows :-

Assistant - Shri Nani Gopal Deb (Petitioner)

Head Clerk - Smti. Sarbani Deb Barma (S.1) -

the Respondent No.4.

-: 3 :-

The pay scales of Assistant and Head Clerk are the same. In the mean time, on the recommendation 4th pay Commission, the post of Accountant which was held by Shri Ajit Baran Das was re-designated to the post of Assistant with the pay scale of Assistant and to that Post, Shri Amiya Kumar Saha, Junior to the applicant, was promoted.

(iii) Upto 31-12-92, there were 4(four) posts of Assistant and 1(one) post of Head Clerk in the same pay scale and those posts were occupied in the following manner in accordance with the seniority position :-

Assistant - Shri H.P. Roy

,, - Shri Ajit Baran Das (S.C.).

,, - Shri Nani Gopal Deb (Petitioner)

,, - Shri Amiya Kumar Saha

Head Clerk- Smt. Sarbani Deb Barma (S.T.)

.... Respdt.No.4.

(iv) With effect from 31.12.92 the post of Assistant and the post of Head Clerk Created for 1991 Census Operation and occupied by the Petitioner and the Respondent No.4 respectively were abolished and consequently, the Respondent No.4 was reverted. For such abolition, Amiya Kumar Saha, who is junior to the Petitioner, was reverted and the Petitioner occupied the post held by the said Amiya Kumar Saha by adjustment (Annexure -III to the Written statement submitted by Respondents 1 to 3).

Contd....P/4.

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V Nani Gopal Deb.

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[Signature]

-: 4 :-

v) After 31.12.93, there remains only 3(three) post of Assistant and on 21.6.95, immediately before the reversion of the applicant, the posts were occupied in the following manner :-

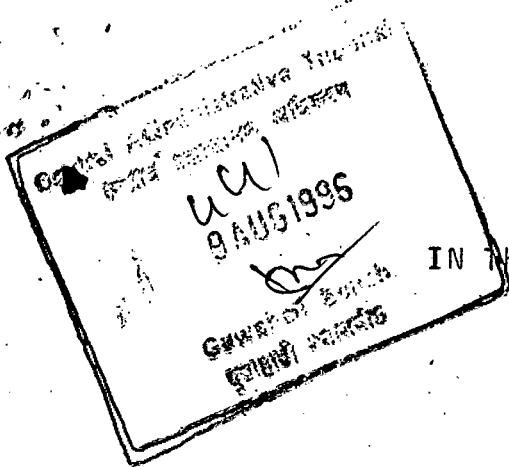
1. Shri H.P.Roy - Assistant.
2. Shri Ajit Baran Das (S.C.) Assistant.
3. Shri Nani Gopal Deb (Applicant) --- Assistant.

So, on 21.6.95, 40 Point roster with regard to reservation quota was complete and no post for S.T. candidate was available to accommodate the respondent. Replacing the applicant by Respondent No.4 in the guise of filling up the reserved quota is highly illegal and against the settled law as pronounced by the Hon'ble Supreme Court that ad-hoc appointmantee should not be replaced by another Ad-hoc appointee.

Verification

I, Shri Nani Gopal Deb, the applicant in the above case, do hereby solemnly declare that the statements made in the above re-joinder are true to my knowledge and belief ; and I sign this verification this 31st day of January, 1996 at Agartala.

V Nani Gopal Deb



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

Filed by:-
A.K. Pandey
Adv. Central Govt.
Standing Counsel.
9/8/95

In the matter of :-

O.A. No.127/95/3046

Shri N.G. Deb

- Versus -

The Union of India & others

AND

In the matter of additional
written statement on behalf of
Respondents No.1,2 & 3.

The humble respondents submit
their additional written
statements as follows :-

- 1) That with regard to the statements made in the rejoinder by the applicant which is mentioned in the order passed by the Hon'ble Tribunal in para-1, the respondents beg to state that there were three posts of Assistant in the Directorate of Census Operations, Tripura prior to creation of short term posts for 1991 Census. The first two posts were filled up by Shri H.R. Bhowmik and Shri P.R. Brahmachary General candidates by promotion and the first point reserved for SC was carried forward to the subsequent recruitment year. The third point was also filled up by Shri H.P. Roy a General candidate and the SC point was further carried forward to the next recruitment year. Shri H.R. Bhowmik, Assistant was promoted to the next higher post of Head Assistant on 1-3-85 and a post of Assistant fallen vacant. The fourth point which was fallen vacant due to promotion of Shri H.R. Bhowmik was reserved for ST candidate as per Roster point. Shri A.B. Das, SC candidate was appointed to the post of Assistant and SC point was filled up and the fourth point reserved for ST candidate was carried-forward to the subsequent recruitment year due to non-availability of ST candidate. Meantime two posts i.e. one Assistant and One Head Clerk were created for 1991 Census work and Shri N.G. Deb was promoted on ad-hoc basis to the post of Assistant and Smti S. Debbarma was promoted as Head Clerk on ad-hoc basis on 4-3-91 against the 1991 Census posts.

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Bannur

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// 2 //

Shri P.R. Brahmachary, Assistant was promoted to the post of Head Assistant on 28-2-92 against resultant vacancy due to promotion of Shri H.R. Bhowmik to the post of Office Superintendent and one post of Assistant fell vacant. The vacant post of Assistant was to be filled up by carried forward reserved point for ST candidate but Shri A.K. Saha General candidate next in seniority was promoted on ad-hoc basis to the post of Assistant on 2-3-92. Shri N.G. Deb and Smti S. Debbarma were also officiating the post of Assistant and Head Clerk on ad-hoc basis at that time against the purely temporary posts created for 1991 Census work. The post of Assistant created for 1991 Census was abolished on 31-12-92 which was occupied by Shri N.G. Deb, Shri A.K. Saha was reverted being a junior most and Shri N.G. Deb was adjusted against reserved post of Assistant for ST candidate on ad-hoc basis. The Head Clerk post created for Census work of 1991 was also abolished on 31-12-93 and Smti Debbarma was reverted to the post of U.D. Clerk. At the time of extension of ad-hoc period of Shri N.G. Deb it was found that appointment of Shri N.G. Deb to the post of Assistant on ad-hoc basis was extended up to 28-2-94 only and he was holding the reserved post of Assistant for ST candidate and the ST candidate was eligible for promotion to the post of Assistant. Keeping in view of pending D.P.C. the ad-hoc period of Shri N.G. Deb was not extended further and he was reverted to the post of U.D. Clerk and Smti S. Debbarma the eligible ST candidate was promoted on ad-hoc basis to the reserved post of Assistant for ST with the view that she will be promoted on regular basis in the pending D.P.C. However, as per instruction of the Registrar General, India Smti S. Deb Barma, Assistant has been reverted to her parent post of U.D. Clerk with effect from 2-4-1996 (A.N) and action for regular appointment to the post of Assistant will be initiated in accordance with the rules in the D.P.C. Now the post of Assistant is vacant with effect from 03-04-1996.

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

I, Shri J. P. Baranwal Ministry of Home Affairs,
Office of the Director of Census Operations, Tripura being competent do hereby solemnly declare that the statements made above in written statements are true to my knowledge, belief and information on the basis of the official records.

And I sign the Verification of this 31st day of July, 1996
at Agartala.

DEPONENT

Baranwal
Assistant Director,
Census Operations, Tripura